

WORKMEN'S COMPENSATION (BROKEN HILL) AMENDMENT ACT.

Act No. 43, 1940.

George VI.
No. 43, 1940.

An Act to make further provision in relation to the payment of compensation under the Workmen's Compensation (Broken Hill) Act, 1920-1934; to amend the said Act and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1940.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,
construction
and com-
mencement.

1. (1) This Act may be cited as the "Workmen's Compensation (Broken Hill) Amendment Act, 1940," and shall be read and construed with the Workmen's Compensation (Broken Hill) Act, 1920-1934, as amended by subsequent Acts.

(2) The Workmen's Compensation (Broken Hill) Act, 1920-1934, as amended by subsequent Acts and by this Act, may be cited as the "Workmen's Compensation (Broken Hill) Act, 1920-1940."

(3) The Workmen's Compensation (Broken Hill) Act, 1920-1934, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No. 36,
1920.

Sec. 8 (1).
(Medical
authority.)

2. (1) The Principal Act is amended—

- (a) (i) by omitting from subsection one of section eight the words "one of whom shall be appointed chairman, another of whom shall be

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be nominated by the mine owners, and another by their mine workers as defined in the scheme in the Schedule to this Act and mine employees," and by inserting in lieu thereof the following words:—

“as follows:—

- (a) one member who shall be the chairman and who shall be the medical officer in charge of the Bureau of Medical Inspection at Broken Hill, or, if there be no such officer, a legally qualified medical practitioner nominated by the Minister;
- (b) one member who shall be nominated by the mine owners;
- (c) one member who shall be nominated by the mine workers as defined in the scheme in the Schedule to this Act and mine employees.

The Governor may appoint a legally qualified medical practitioner nominated by the persons referred to in paragraph (b) of this subsection to be the deputy of the member referred to in that paragraph, and may also appoint a legally qualified medical practitioner nominated by the persons referred to in paragraph (c) of this subsection to be the deputy of the member referred to in that paragraph.

In the event of the absence from a meeting of the medical authority of the member referred to in paragraph (b) of this subsection or the member referred to in paragraph (c) of this subsection his deputy shall be entitled to act in his place at such meeting, and, while so acting, shall, for all purposes, be deemed to be a member of the medical authority.”

(ii)

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Sec. 8 (2)
(Examina-
tions by
chairman.,

(ii) by inserting after the word "nominations" in the same subsection the words "by the mine owners and by mine workers and mine employees";

(b) (i) by omitting from subsection two of section eight the words "re-examinations under the schemes under this Act" and by inserting in lieu thereof the following paragraphs:—

(a) medical examinations under subsection four of this section;

(b) medical examinations under paragraph (a) of section eleven of this Act;

(c) re-examinations under paragraph forty-three of the scheme of compensation set out in the Schedule to this Act.

New sub-
sec. 2A.
(Re-exami-
nations.)

(ii) by inserting after the same subsection the following new subsection:—

(2A) The chairman of the medical authority may with the consent of the mine worker or mine employee concerned exercise the power of the authority in respect of a re-examination referred to in paragraph forty-two of the scheme of compensation set out in the Schedule to this Act.

(2) The members of the medical authority (including the chairman) holding office immediately before the commencement of this Act shall continue to hold office in all respects as if the amendments made by paragraph (a) of subsection one of this section had been in operation at the date of their appointments to the medical authority.

Further
amendment
of Act No. 36,
1920.

(3) The Principal Act is further amended—

Sec. 9.
(Extension
of scheme.)

(a) by omitting from subsection one of section nine the word "section" and by inserting in lieu thereof the word "Act";

(b) by omitting from the same subsection all words after the words "at any time after that date" and by inserting in lieu thereof the words
"employed"

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“employed in a Broken Hill mine or who at any time after the said commencement is on any such pay-sheet or is so employed.”

(4) The amendment made by paragraph (b) of subsection three of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-eight.

(5) The Principal Act is further amended—

Further
amendment
of Act No. 36,
1920.

(a) (i) by omitting subsection four of section nine and by inserting in lieu thereof the following subsection:—

Sec. 9.
(Extension
of scheme.)

(4) (a) Any compensation awarded by the joint committee to a mine employee and the cost of his medical, surgical and hospital treatment—

(i) shall be paid to the joint committee by the owner of the mine at which the mine employee was last employed prior to the issue of the certificate by the medical authority under the provisions of Part II of the scheme;

(ii) shall after receipt thereof by the joint committee be paid by it to such mine employee.

(b) The joint committee may sue for and recover, as a debt against and from such mine owner, any sum which he is required to pay to the joint committee under paragraph (a) of this subsection and if such sum is not recovered from such mine owner or cannot be recovered from him within a reasonable time, the joint committee may recover from any other mine owner the amount of any contribution to which such first mentioned mine owner would be entitled under subsection five of this section if the said sum had been recovered from him.

(ii)

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- (ii) by omitting from subsection eight of the same section the words "metalliferous mine situated within the county of Yancowinna" and by inserting in lieu thereof the words "Broken Hill mine";

Sec. 15.
(Review.)

- (b) by omitting from subsection two of section fifteen the words "and for that reason has ceased to be so employed."

Further
amendment
of Act No.
36, 1920.
Schedule.

3. The Broken Hill Mines (Pneumoconiosis-Tuberculosis) Compensation Scheme, as set out in the Schedule to the Principal Act, is amended—

- (a) by inserting at the end of the definition of "Broken Hill Mines" in paragraph two the words "or included in such Schedule by the Minister at the request of the joint committee pursuant to section four of this Act";
- (b) by inserting in paragraph forty-two, after the words "mine worker accordingly" the words "The medical authority, at the request of the joint committee, may, where a 'mine worker' resides outside the county of Yancowinna and is unable to travel to Broken Hill by reason of disability as certified by a legally qualified medical practitioner nominated by the medical authority, arrange for the chairman of the medical authority or appoint a medical expert in pulmonary diseases to examine such 'mine worker' in such manner as it may direct.

The report of such examination, which shall include pulmonary radiographs, shall be considered by the medical authority which may, if it thinks fit, issue a certificate under paragraph three of the scheme."

ATTACHMENT