

WORKERS' COMPENSATION (AMENDMENT) ACT.

Act No. 30, 1960.

An Act to amend the definition of "injury" contained in the Workers' Compensation Act, 1926-1958; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1960.]

Elizabeth II,
No. 30, 1960.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1960".

Short title and citation.

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1960.

2. (1) The Workers' Compensation Act, 1926-1958, is amended—

Amendment of Act No. 15, 1926.

(a) by omitting from subsection one of section six the definition of "Injury" and by inserting in lieu thereof the following definition:—

"Injury" means personal injury arising out of or in the course of employment, and includes—

(a) a disease which is contracted by the worker in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor; and

(b)

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J.R. 311.

(b) the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was a contributing factor to such aggravation, acceleration, exacerbation, or deterioration;

but does not, save in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, applies, include a disease caused by silica dust, or the aggravation, acceleration, exacerbation or deterioration of a disease caused by silica dust;

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(Liability
of employers
to
workers for
injuries.)

(b) by omitting from subsection (4A) of section seven the words "is a disease which has been aggravated or accelerated by the worker's employment with two or more employers" and by inserting in lieu thereof the words "consists in the aggravation, acceleration, exacerbation or deterioration of a disease to which aggravation, acceleration, exacerbation or deterioration the worker's employment with two or more employers has been a contributing factor,";

Sec. 17B.
(Interpre-
tation.)

(c) by inserting at the end of the definition of "Injury" in subsection one of section 17B the words "and also includes the aggravation, acceleration, exacerbation or deterioration of any disease where such fighting or the carrying out of such preventive operations or preparatory work or such journeying was a contributing factor".

(2) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and forty-two.

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced on the twentieth day of November, one thousand nine hundred and fifty-three.

(c)

(c) The amendment made by paragraph (c) of No. 30, 1960, subsection one of this section shall be deemed to have commenced on the thirteenth day of December, one thousand nine hundred and forty-four.

(3) (a) The Workers' Compensation (Amendment) Amendment of Act Act, 1929, is amended by omitting subparagraph (i) of No. 36, 1929; s. 2 (1) paragraph (a) of subsection one of section two. (a) (i).

(Repeal—Consequential.)

(b) The Workers' Compensation Act and Workmen's Compensation (Broken Hill) Act (Amendment) Amendment of Act Act, 1942, is amended by omitting subparagraph (ii) of paragraph No. 13, 1942, s. 2 (a) (ii). (Repeal—Consequential.)

(4) Nothing in this Act shall affect the rights of any Savings. parties to any claim, action, suit or proceeding which has before the date on which the assent of Her Majesty to this Act is signified been determined where the time within which an appeal, including an application to Her Majesty in Council, from any such determination, might have been made has expired before such date.