

**WORKMEN'S COMPENSATION (BROKEN HILL)
AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 125, 1977.

An Act to amend the Workmen's Compensation (Broken Hill) Act, 1920, so as to increase rates of compensation payable under that Act in respect of workmen and to provide for the indexation of certain weekly payments of compensation under that Act. [Assented to, 9th December, 1977.]

BE

Workmen's Compensation (Broken Hill) Amendment.

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. This Act may be cited as the "Workmen's Compensation (Broken Hill) Amendment Act, 1977".

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE SCHEDULE TO
THE WORKMEN'S COMPENSATION (BROKEN HILL)
ACT, 1920.

SCHEDULE 2.—TRANSITIONAL AND SAVINGS PRO-
VISIONS.

3. The Workmen's Compensation (Broken Hill) Act, 1920, is amended in the manner set forth in Schedule 1. Amend-
ment of
Act No. 36,
1920.

4. Schedule 2 has effect. Transi-
tional and
savings
provisions.

SCHEDULE

Workmen's Compensation (Broken Hill) Amendment.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S
COMPENSATION (BROKEN HILL) ACT, 1920.

(1) Paragraph 5A—

After paragraph 5, insert :—

5A. (a) Notwithstanding any other provisions of this scheme, in respect of any period of disablement of a mine worker, being a period which together with any other such periods (whether occurring before or after the date of assent to the Workmen's Compensation (Broken Hill) Amendment Act, 1977) do not total more than 26 weeks, compensation at a weekly rate shall be payable in respect of the mine worker at the same weekly rate as would have been payable in respect of him under the Workers' Compensation Act, 1926, if—

- (i) the mine worker were a worker as defined in the Workers' Compensation Act, 1926;
- (ii) the disablement in respect of which the compensation is payable were an injury, as so defined, that occurred when his disablement commenced; and
- (iii) the compensation were payable for incapacity for work resulting from such an injury.

(b) For the purposes of subparagraph (a), all of the provisions of the Workers' Compensation Act, 1926, that apply to or in respect of the determination of the current weekly wage rate of a worker under that Act apply to and in respect of the determination of the weekly rate of compensation payable in respect of a mine worker under that subparagraph.

SCHEDULE

Workmen's Compensation (Broken Hill) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S
COMPENSATION (BROKEN HILL) ACT, 1920—*continued.*

(c) Where compensation is payable in respect of a mine worker under subparagraph (a), no compensation at a weekly rate shall be payable in respect of the mine worker under any other provisions of this scheme.

(2) (a) Paragraph 6 (1) (a)—

Omit "8.00" wherever occurring, insert instead "9.50".

(b) Paragraph 6 (1) (b)—

Omit "8.00", insert instead "9.50".

(3) (a) Paragraph 6A (b) (i), (ii)—

Omit "44" wherever occurring, insert instead "63".

(b) Paragraph 6A (b) (ii)—

Omit "1.50", insert instead "4.50".

(c) Paragraph 6A (b) (iii)—

Omit "17.50", insert instead "26.50".

(4) Paragraph 6C—

After paragraph 6B, insert :—

6C. Section 9A of the Workers' Compensation Act, 1926, applies to and in respect of any amount payable under this scheme at a weekly rate, other than an amount payable under paragraph 5A (a) of this scheme, in the same way as it applies to and in respect of an adjustable amount as defined in that

SCHEDULE

Workmen's Compensation (Broken Hill) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE SCHEDULE TO THE WORKMEN'S
COMPENSATION (BROKEN HILL) ACT, 1920—*continued.*

section, and as if a reference in this scheme to any such amount were required to be read and construed in accordance with subsection (3) of that section as applied by this paragraph.

Sec. 4.

SCHEDULE 2.

TRANSITIONAL AND SAVINGS PROVISIONS.

1. Where, at the date of assent to this Act, a worker is disabled, his weekly entitlement shall on and from that date and until he first ceases to be disabled after that date, be—

- (a) notwithstanding any other provision of this Act, his weekly entitlement immediately before that date; or
- (b) his weekly entitlement under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act,

whichever is the greater.

2. The weekly payments prescribed by the Workmen's Compensation (Broken Hill) Act, 1920, as amended by this Act, are payable, on and from the date of assent to this Act, in respect of all persons who, immediately before that date, were in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that date.
