

WORKMEN'S COMPENSATION  
(SILICOSIS) ACT.

---

Act No. 13, 1920.

George V, No. 13. An Act to provide for the payment of compensation in the case of workmen who suffer death or disablement or are suspended from employment owing to the disease known as fibroid phthisis or silicosis of the lungs, or owing to other diseases of the pulmonary or respiratory organs caused by exposure to silica or other dust; to amend the Workmen's Compensation Act, 1916; and for purposes consequent thereon or incidental thereto. [Assented to, 19th November, 1920.]

BE

**B**E it enacted by the King's Most Excellent Majesty, **George V,**  
by and with the advice and consent of the Legis- **No. 13.**  
lative 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 Com- Short title.  
pensation (Silicosis) Act, 1920," and shall be construed  
with the Workmen's Compensation Act, 1916, herein-  
after called the Principal Act.

**2.** (1) The Minister may, by scheme, provide for the Scheme for  
payment of compensation by the employers of workmen  
in any specified industry or process or group of industries  
or processes involving exposure to silica or other dust—  
Act, 8 & 9  
Geo. V, c. 14.

- (a) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this Act referred to as silicosis) or from that disease accompanied by tuberculosis, or from any other disease of the pulmonary or respiratory organs caused by exposure to silica or other dust; or
- (b) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, or from any other disease of the pulmonary or respiratory organs caused by such exposure, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment:

Provided that—

- (i) in the case of silicosis accompanied by tuberculosis, provision shall not be made by the scheme for the payment of compensation unless the silicosis was so far advanced as to make such workman specially liable to tuberculosis infection, or, though not so far advanced, was likely to accelerate materially the progress of the disease;

(ii)

**Workmen's Compensation (Silicosis) Act.**

**George V,  
No. 13.**

cf. Queens-  
land Act.

6 Geo. V, No.  
35, s. 14B.

7 Geo. V, No.  
26, s. 14B.

- (ii) any such workman at the date of death or incapacity—
- (a) has been continuously resident in New South Wales during the five years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than three hundred days during such period of five years; or
  - (b) has been resident in New South Wales for not less than five years out of the seven years immediately preceding the date of death or incapacity, and has been employed in any employment specified as aforesaid for not less than five hundred days during such period of seven years;
- (iii) any workman who has been absent from New South Wales upon any kind of service or duty in connection with the late war shall be deemed to have been continuously resident in New South Wales during the period of such absence; and
- (iv) any beneficiary under this Act who leaves New South Wales shall not on that account forfeit his rights.

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis unaccompanied by tuberculosis shall be that prescribed by the Principal Act as amended by any subsequent enactment, and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

- (a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme;
- (b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme,  
and

and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

George V,  
No. 13.

- (c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;
- (d) for the appointment and remuneration of medical officers and advisory medical bodies, and for their duties and powers in connection with the scheme;
- (e) for requiring workmen to whom the scheme applies—
  - (i) to submit themselves to such periodical medical examination, and
  - (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workman to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found to be suffering from silicosis, or from silicosis accompanied by tuberculosis; and
- (f) for the application with the necessary modifications of any of the provisions of the Principal Act, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this Act may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act.

**Workmen's Compensation (Silicosis) Act.****George V,  
No. 13.**Publication  
and com-  
mencement  
of scheme.**3.** Any scheme made under this Act shall—

- (i) be published in the Gazette;
  - (ii) take effect from the date of publication, or from a later date to be specified in such scheme; and
  - (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such scheme has been laid before such House disallowing the scheme or any part thereof, such scheme or part shall thereupon cease to have effect.
-