

WORKERS' COMPENSATION
(AMENDMENT) ACT.

Act No. 36, 1929.

An Act to amend the Workers' Compensation Act, 1926-1927, the Workmen's Compensation (Broken Hill) Act, 1920, and the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 29th November, 1929.] George V.
No. 36, 1929.

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:—

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1929." Short title.

(2) The Workers' Compensation Act, 1926-1927, as amended by this Act may be cited as the "Workers' Compensation Act, 1926-1929."

(3) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by the Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, and by this Act may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1929.

2. (1) The Workers' Compensation Act, 1926-1927, is amended— Amendment of
Act No. 15, 1926.

(a) (i) by omitting from subsection one of section six the definition of the word "Injury" and by inserting in lieu thereof the following definition:— Sec. 6 (1).
(Definitions.)

"Injury" means personal injury arising out of and in the course of the employment and includes a disease

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so arising whether of sudden onset or of such a nature as to be contracted by gradual process other than a disease caused by silica dust";

(ii) by omitting paragraph (a) of the definition of the word "Worker" in the same subsection and by inserting in lieu thereof the following paragraph:—

(a) any person whose remuneration exceeds five hundred and fifty pounds per year; or

Sec. 6 (3).

(b) by adding at the end of subsection three of the same section the following paragraph:—

(e) This subsection shall not render the owner of a farm liable to pay compensation as principal in respect of any worker employed by a share farmer.

Substituted subsection 6 (5).

(c) by omitting subsection five of the same section and by inserting in lieu thereof the following new subsection:—

6. (5) Where any person (in this subsection referred to as the principal) in the course of or for the purposes of his trade or business enters into a contract with any other person (in this subsection referred to as the contractor) under which the contractor agrees—

(a) to supply sleepers and such sleepers are obtained or to be obtained from trees felled or to be felled wholly or partly by the contractor; or

(b) to cut sugar cane,

and the contractor either does not sublet the contract or though employing workers actually performs part of the work himself, the contractor shall, for the purposes of this Act, be deemed to be a worker employed by the principal.

(d) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection:—

(6) A salesman paid wholly or partly by commission shall, for the purposes of this Act, be

be deemed to be a worker in the employment of the person by whom such commission is payable.

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In calculating the remuneration of a salesman for the purposes of this Act there shall be deducted from the gross remuneration earned by him any outgoing including travelling expenses actually incurred by him in gaining the remuneration and which outgoing would in the assessment of his income tax under the Income Tax (Management) Act, 1928, be allowed as a deduction from his total assessable income.

- (e) by omitting subsections four, seven, and eight of the same section; Subsecs. (4), (7), (8).
- (f) by omitting in subsection ten of the same section the word "jockey" and by inserting in lieu thereof the word "person," and by inserting after the word "ride" in the same subsection the words "or drive."

(2) The Workers' Compensation (Amendment) Act, 1927, is amended by omitting paragraphs (c) and (d) of section two. Consequential amendment of Act No. 32, 1927, s. 2 (c) (d).

3. The Workers' Compensation Act, 1926-1927, is further amended— Further amendment of Act No. 15, 1926.

- (a) by omitting subsection one of section seven and by inserting in lieu thereof the following subsection:— Sec. 7. (Compensation liability.)

(1) A worker who has received an injury whether at or away from his place of employment (and in the case of the death of the worker, his dependants) shall receive compensation from his employer in accordance with this Act;

- (b) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:— Subsec. (2).

(2) For the purposes of this Act, injury resulting in the death or serious and permanent disablement of a worker shall be deemed to arise out of and in the course of his employment notwithstanding that the worker was, at the time when the injury was received, acting in

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in contravention of a statutory or other regulation applicable to his employment, or that he was acting without instructions from his employer, if such act was done by the worker for the purposes of and in connection with his employer's trade or business.

(c) by omitting from paragraph (a) of subsection three of the same section the word "three" and by inserting in lieu thereof the word "seven";

(d) by inserting in subsection five of the same section after the word "purposes" the words "of subsection four of this section and";

Subsec. (6).

(e) by omitting subsection six of the same section.

Further amendment of Act No. 15, 1926.

4. The Workers' Compensation Act, 1923-1927, is further amended—

Sec. 8 (1).
(Compensation payments.)

(a) (i) by inserting in paragraph (b) of subsection one of section eight, after the word "child" the words "and stepchild of the worker";

(ii) by inserting in the same paragraph immediately before the word "dependent" the word "wholly";

Sec. 9 (1).
(Total or partial incapacity.)

(b) (i) by omitting from subsection one of section nine the words "section ten" and by inserting in lieu thereof the words "sections ten and eleven";

(ii) by inserting in the same paragraph after the words "the same employer" the words "Where compensation is payable for incapacity for part of a week the amount shall bear the same ratio to compensation for a full week that normal working time during such part bears to the worker's full normal working week";

(iii) by omitting from paragraph (a) of the same subsection the words "and, in the case of an adult worker, shall not be less than two pounds per week";

(iv) by inserting in subparagraph (ii) of paragraph (b) of the same subsection after the word "child" the words "and stepchild";

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- (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the word "adult" and by inserting in lieu thereof the word "female"; No. 36, 1929.
- (c) by omitting from subsection three of section nine the words "except in the case of a worker whose injury results in total and permanent disablement"; Sec. 9 (3).
- (d) by inserting at the end of section nine the following new subsections:— Sec. 9, new subsecs. (5), (6).
- (5) Where the weekly payments of an adult worker whose average weekly earnings are less than three pounds are to be determined, paragraph (a) of subsection one of this section shall be read as if the words "one hundred per centum" had been substituted for the words "sixty-six and two-thirds per centum," but the compensation per week awarded under that paragraph shall in no such case exceed two pounds. Adult worker-- weekly earnings less than three pounds.
- (6) No compensation shall be payable in pursuance of subparagraph (i) of paragraph (c) of subsection one of this section unless the female in respect of whom the weekly payment is claimed— Special provision re female dependents.
- (a) is an adult and is caring for any child or stepchild of the worker under the age of fourteen years; or
- (b) is a member of the worker's family and is over the age of fourteen years.

5. (1) The Workers' Compensation Act, 1926-1927, is further amended by omitting section ten, and by inserting in lieu thereof the following section:— Further amendment of Act No. 15 1926, s. 10.

10. (1) Where an injury is received by a worker, and medical or hospital treatment or ambulance service thereby becomes necessary the employer shall, subject to this section, and to the extent therein prescribed, be liable to pay in addition to any compensation otherwise provided the cost of such treatment or service as may be reasonably necessary, having regard to the injury received by the worker. Medical and hospital treatment, &c.

(2) For the purposes of this section—

“Ambulance service” includes any conveyance of an injured worker to a medical practitioner or to a hospital.

“Medical treatment” includes—

- (a) treatment by a legally qualified medical practitioner, a registered dentist, or a masseur; and
- (b) the provision of skiagrams, crutches, and artificial members; and
- (c) any nursing, medicines, medical or surgical supplies or curative apparatus, supplied or provided for him otherwise than as a patient at a hospital;

“Hospital treatment” means treatment at any hospital and includes the maintenance of the worker as a patient at the hospital, and the provision or supply by the hospital of nursing attendance, medicines, medical or surgical supplies or other curative apparatus, and any other ancillary service;

“Hospital” includes infirmary.

(3) (a) The sum for which an employer shall be liable in respect of the hospital treatment of any worker as an in-patient shall be the cost to the hospital of the hospital treatment, calculated at a rate not exceeding three guineas per week.

(b) The sum for which an employer shall be liable in respect of the hospital treatment of any worker as an out-patient shall be calculated at a rate of three shillings per treatment, but not exceeding one guinea per week.

(c) The maximum sum for which an employer shall be liable for hospital treatment afforded to a worker in respect of the same injury (whether such treatment is afforded at different stages of the injury or not) shall be twenty-five pounds.

(d)

(d) The treasurer of a hospital or the officer thereunto authorised in writing by the governing body of the hospital, or, in the case of a private hospital, the manager, may recover from the employer any sum for which the employer becomes liable in respect of hospital treatment under this subsection.

(4) (a) The sum for which an employer shall be liable in respect of the medical treatment of a worker shall be such sum as is reasonably appropriate to the treatment afforded, having regard to the reasonable necessity for such treatment and the customary charge made in the community for such treatment to persons other than workers.

(b) The maximum sum for which an employer shall be liable for medical treatment afforded to a worker in respect of the same injury (whether such treatment is afforded at different stages of the injury or not) shall be twenty-five pounds.

(5) The maximum sum for which an employer shall be liable for ambulance service rendered to a worker shall be two guineas unless the Commission allow a further sum on account of the distance travelled in any particular case.

(6) (a) Where a worker receives medical treatment or hospital treatment or ambulance service in respect of an injury he shall without undue delay notify the employer in the manner prescribed that he has received such treatment and furnish him with reasonable particulars of the treatment or service.

(b) Where a worker receives medical treatment for an injury his employer shall be entitled to cause an examination of the worker to be conducted in consultation with the person who afforded such medical treatment by a legally qualified medical practitioner selected by the employer.

(7) The fact that a worker is a subscriber to a public hospital and is entitled to credit for the amount of his subscription against any charge of the hospital for relief afforded him, or that he is a contributor

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contributor to an industrial contribution scheme for hospital or ambulance transport purposes and is entitled by reason thereof to treatment at a public hospital or to ambulance transport either at some special rate or free, shall not affect the liability of an employer under this section.

(2) The Workers' Compensation (Amendment) Act, 1927, is amended by omitting section three.

6. The Workers' Compensation Act, 1926-27, is further amended—

Consequential amendment of Act No. 32, 1927, s. 3.
Further amendment of Act No. 15, 1926.

Sec. 11.
(Partial incapacity.)

(a) by omitting from section eleven the word "accident" and by inserting in lieu thereof the word "injury";

Sec. 14.
Computation of average weekly earnings.)

(b) i) by omitting from the proviso to paragraph (a) of section fourteen the word "accident" and by inserting in lieu thereof the word "injury";

(ii) by omitting from paragraph (e) of the same section the words "and the compensation shall be computed and assessed accordingly"; and also the words "and assessment of compensation";

Sec. 16 (1).
(Compensation for certain injuries.)

(c) (i) by omitting from subsection one of section sixteen the words "Notwithstanding the foregoing provisions of this Part" and by inserting in lieu thereof the words "Notwithstanding the provisions of sections eight, nine, eleven, twelve, thirteen and fifteen of this Act";

(ii) by omitting from subsection two of the same section the word "total";

(iii) by omitting from the same subsection the words "but any sum so paid shall be deducted from the compensation payable in accordance with the table" and by inserting in lieu thereof the following paragraph:—

Where such an election has been made, any payment, allowance, benefit, salary or wages which the worker has received and may receive from his employer in respect of the period of incapacity shall be deducted from the amount payable in accordance with the table.

(d)

(d) by omitting from subsection six of section eighteen the words " a principal and a contractor, or two or more principals are " and by inserting in lieu thereof the words " several persons may become " ;

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(e) by inserting next after section eighteen the following new sections :—

18A. (1) The Commission or an officer authorised by the Commission in that behalf may by notice in writing require an employer—

New s. 18A.
Inspection of policies.

- (a) to produce for inspection any policy of insurance or indemnity indemnifying him against his liability under this Act; and
- (b) to furnish such particulars in relation thereto as the Commission or officer may deem necessary.

(2) Any employer who fails to comply with any such requirement within the time and in the manner stated in the notice shall be guilty of an offence against this Act.

18B. A worker shall be entitled to inquire of his employer the name and address of the insurer from whom the employer has obtained a policy of insurance or indemnity against his liability under this Act or if the employer is a self insurer to be so informed.

Worker's right to information.

Any employer or person acting for an employer in the management of the business who refuses to supply such particulars or who in reply to an inquiry under this section gives any false or misleading information shall be guilty of an offence against this Act.

7. The Workers' Compensation Act, 1926-1927, is further amended—

Further amendment of Act No. 15, 1926.

(a) by inserting at the end of section thirty-two the following new subsections :—

Sec. 32.

(8) The Governor may, upon a report by the Commission that the chairman is prevented by any cause from attending to any of his judicial duties, or that the Commission is unable to cope promptly and expeditiously

Deputy-chairman.

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with the matters in its list, appoint an additional member of the Commission to be deputy-chairman of the Commission for such time as the Governor may fix.

The person so appointed shall be a barrister-at-law of five years' standing.

The deputy-chairman shall have the same rank, title, status, precedence, and the same salary, rights, and privileges as a judge of the District Court.

In connection with any question, matter, or proceeding arising under this Act, the deputy-chairman shall have the same jurisdiction, powers, authority and immunities as the chairman.

Constitution
of Com-
mission.

(9) The Commission may be constituted by the deputy-chairman and one other member of the Commission other than the chairman. In the case of a difference of opinion, where the deputy-chairman sits with one such member, the determination of the matter shall be postponed until another member, other than the chairman, is present.

Sittings.

(10) There may be two sittings of the Commission held at the same time.

Further
amendment
of Act No. 15,
1926, s. 37 (4).
(Commission
may state
case.)

8. The Workers' Compensation Act, 1926-1927, is further amended by omitting from subsection four of section thirty-seven the words "state a case for the decision of the Supreme Court thereon" and by inserting in lieu thereof the words "and shall, if in the manner and within the time prescribed by rules any party to the proceeding so requests, state a case for the decision of the Supreme Court thereon."

A case may be stated under this section notwithstanding that an award, order, direction or decision has been made or given by the Commission."

Further
amendment of
Act No. 15, 1926.

9. The Workers' Compensation Act, 1926-1927, is further amended—

Sec. 38.
(Proceedings
of Commis-
sion.)

(a) (i) by omitting from paragraph (d) of section thirty-eight the words "an arbitration" and by inserting in lieu thereof the words "a proceeding";

(ii)

(ii) by inserting after paragraph (f) of the same section the following new paragraph :—

(g) make such order as to the payment of costs as it may think just, and may assess the amount of such costs.

(b) by inserting at the end of section forty-one the following new subsection :—

(8) After the commencement of the Workers' Compensation (Amendment) Act, 1929, the Commission shall estimate the amount to be expended out of the fund for each year commencing on the first day of July, one thousand nine hundred and twenty-nine and terminating on the thirtieth day of June then next ensuing, and so on from year to year, and the contribution by each insurer to such fund shall be based on the total amount of premiums received by or due to the insurer during the year ending the thirtieth day of June preceding the year of estimate in respect of insurance of employers against their liability to their workers under this Act or at common law excluding any part of the premiums actually paid by way of reinsurance to any other insurer contributing under this Act.

The contributions to such fund by self-insurers shall be such as the Commission may deem reasonable, having regard to the wages paid to their workers for the year ending the thirtieth day of June as hereinbefore defined and to the premium which such self-insurers would have paid had they insured their liability respecting their workers with the Government Insurance Office of New South Wales.

The provisions of subsection five of this section shall apply to the payment of the annual contributions referred to in this subsection.

(c) (i) by inserting in section forty-two after the word "Commission" where it occurs the second time the words "a certified copy of the balance-sheet for its last financial year together with"; and (ii)

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(ii) by omitting from the same section the words "thirty-first day of December" and substituting therefor the words "thirtieth day of June";

New s. 42A.

(d) by inserting after section forty-two the following new section:—

Audit.

42A. (1) The accounts of the Commission shall be inspected, examined, audited and reported upon by the Auditor-General, who shall have, in respect to the accounts of the Commission, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of the public accounts.

(2) Towards defraying the costs and expenses of the audit the Commission shall pay out of the fund to the Colonial Treasurer such sum as may be prescribed by regulation.

Sec. 43.
(Summary
of Act.)

(e) (i) by inserting in paragraph (c) of subsection four of section forty-three after the word "accidents" the words "or injuries";

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

(e) if the injury has been reported by the employer to the Commission in accordance with the provisions of this Act.

Sec. 44 (1).
(Reports
injuries.)

(f) by omitting from subsection one of section forty-four the words "personal injury in the course of his employment, or on his journey to or from the place of employment, shall, when the injury results in death or incapacity for work for a period of three days" and by inserting in lieu thereof the words "an injury, shall where the injury results in death or incapacity for work for a period of seven days";

Sec. 47 (1).
(Workers of
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(g) (i) by inserting at the end of subsection one of section forty-seven the following words: "but any such worker shall not, save to the extent indicated in subsection two of this

this section, be entitled to receive compensation or benefits under this Act as well as benefits under any other Act";

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(ii) by inserting at the end of the same section the following new subsection :—

(3) Nothing in this section shall affect any right which such worker or his wife or children may have under the Family Endowment Act, 1927, or the Widows' Pensions Act, 1925.

(h) by omitting from subsection two of section fifty the word "workman" and by inserting in lieu thereof the word "worker";

Sec. 50 (2).
(Medical referees.)

(i) by omitting from subsection three of section thirty-three the words "officer of the Commission" and by inserting in lieu thereof the word "person."

Sec. 33 (1).
(Registrar.)

10. The Workers' Compensation Act, 1926-1927, is further amended by omitting section fifty-one and by inserting in lieu thereof the following section :—

Further amendment of Act No. 15, 1926, s. 51.

51. (1) Where a worker has given notice of an injury he shall, if so required by the employer, submit himself to examination by a legally qualified medical practitioner, provided and paid by the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceedings under this Act relating to compensation, shall be suspended until such examination has taken place.

Medical inspection.

(2) Any worker receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself to examination by a legally qualified medical practitioner, provided and paid by the employer. If the worker refuses to submit himself to examination or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(3) A worker shall not be required to submit himself for examination by a medical practitioner

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as herein provided otherwise than in accordance with rules made by the Commission or at more frequent intervals than may be prescribed by such rules.

(4) Where a worker has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the worker, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the worker's condition, then, in the event of no agreement being come to between the employer and the worker as to the worker's condition or fitness for employment, the Registrar, on application being made to the Commission by either party, may on payment by the applicant of such fee, not exceeding one pound, as may be prescribed by rules, refer the matter to a medical referee or board.

(5) The medical referee or board to whom the matter is so referred, shall, in accordance with rules made by the Commission, give a certificate as to the condition of the worker and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit.

The certificate of a medical board shall be conclusive evidence as to the matters so certified.

(6) Where no agreement can be come to between the employer and the worker as to whether or to what extent the incapacity of the worker is due to the injury, the provisions of this section shall, subject to any rules made by the Commission, apply as if the question were one as to the condition of the worker.

(7) If the worker, upon being required so to do, refuses to submit himself for examination by a medical referee or board, to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of
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of a worker in receipt of a weekly payment, his right to that weekly payment shall be suspended until such examination has taken place.

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(8) The Commission may submit for report to a medical referee or a medical board any matter which seems material to any question arising in any proceeding.

(9) In this section, the term "medical board" means a board consisting of two or more medical referees.

(10) Rules may be made by the Commission prescribing the manner in which documents are to be furnished or served or applications made under this section, and the forms to be used for those purposes, and as to the fee to be paid under this section.

11. The Workers' Compensation Act, 1926-1927, is further amended—

Further amendment of Act No. 15, 1926.

(a) (i) by omitting from subsection one of section fifty-three the word "occurrence" and by inserting in lieu thereof the word "happening";

Sec. 53. (Time for taking proceedings.)

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

(7) Where a worker has given notice of injury as prescribed, and he voluntarily or otherwise leaves the employment in which he was at the time of the injury before he became incapacitated as the result of the injury the worker shall, as soon as practicable after the happening of the incapacity resulting from the injury, give notice of incapacity to the employer.

The provisions of this section as to notice of injury shall mutatis mutandis apply to notice of incapacity.

(b) by inserting at the end of subsection three of section 53A the following words: "the Commission may of its own motion cause the employer

Sec. 53A. (Default orders.)

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employer to be served with a copy of such application, and may adjourn the hearing thereof to such date as the Commission may deem suitable";

Sec. 58.
(Payment
into Com-
mission.)

(c) by inserting at the end of section fifty-eight the following new subsection:—

(2) Where a minor elects to accept a lump sum in accordance with the provisions of section sixteen of this Act, such lump sum shall, unless otherwise ordered, be paid into the office of the Commission, and, subject to rules made by the Commission, be invested, applied, or otherwise dealt with by the Commission in such manner as in its discretion the Commission thinks fit for the benefit of the minor. The receipt of the Registrar shall be a sufficient discharge in respect of the amount paid in.

Further amend-
ment of Act No.
15, 1926.

New s. 71.

Transfer of
funds.
cf. 17 & 18
Geo. V, c.
15.

12. The Workers' Compensation Act, 1926-1927, is further amended by inserting after section seventy the following new section:—

71. (1) For the purpose of giving effect to the resolution adopted at an Imperial conference held in London in the year one thousand nine hundred and twenty-six, recommending that arrangements should be made between the different parts of the Empire whereby sums awarded under the law relating to workmen's compensation in one part of the Empire to beneficiaries resident or becoming resident in another part of the Empire may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in that part of the Empire in which such beneficiaries reside, and inviting the several Governments of the Empire to take such steps by way of legislation or otherwise as each may consider necessary and appropriate for the purpose of promoting such arrangements:—

(a) The Premier of the State of New South Wales shall be vested with authority on behalf of the State to enter into arrangements for the purposes indicated above;

(b)

(b) the Governor may make regulations under this or any other Workmen's Compensation Act in force in this State to provide, in the event of any such arrangement as is mentioned in the said resolution being made between Great Britain and any other part of his Majesty's Dominions and this State—

(i) for the transfer, in such manner as may be provided by the arrangement, to Great Britain or the part of His Majesty's Dominion with which the arrangement is made, of any money paid into the Commission, or to any other competent authority under this or any other Workmen's Compensation Act in force in this State, or any rules and regulations made thereunder, to be applied for the benefit of any person resident in or about to reside in Great Britain, or in the part of His Majesty's Dominions with which the arrangement has been made.

(ii) for the receipt and administration by the Commission of any money which under any such arrangement has been transmitted from Great Britain or the part of His Majesty's Dominions with which the arrangement has been made, to be applied for the benefit of any person resident in or about to reside in New South Wales.

(2) Compensation shall be payable to a worker or his dependants only where such worker or his dependants are resident in New South Wales or in any other part of His Majesty's Dominions, or in a foreign country whose laws make reciprocal provisions for the payment of compensation to the dependants resident in New South Wales, of a worker killed or injured in such foreign country.

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(3) For the purposes of this section "His Majesty's Dominions" includes territories under His Majesty's protection and such, if any, of the territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty as His Majesty may by Order in Council direct shall be treated as if they were included in His Majesty's Dominions for the purposes of the Imperial Act entitled the Workmen's Compensation (Transfer of Funds) Act, 1927.

Further
amendment
of Act No.
36, 1920.

13. (1) The Workmen's Compensation (Broken Hill) Act, 1920, as amended by the Workmen's Compensation (Broken Hill) Amendment Act, 1927, is further amended—

(a) by inserting next after section seven the following new section:—

Beneficiaries
residing
abroad.

7A. (1) The provisions of section seventy-one of the Workers' Compensation Act, 1926-1929, relating to the payment of compensation to a worker or his dependents not resident in New South Wales shall, mutatis mutandis, apply in respect of the payment of compensation under this Act in such parts of the Empire or in such foreign countries only in which laws exist for the payment of compensation to persons suffering from pneumoconiosis and/or tuberculosis reasonably attributable to their employment, and their dependents.

(2) No payment shall be made outside the Commonwealth of Australia unless the beneficiary obtains the written permission of the joint committee to reside out of the Commonwealth of Australia.

(3) Such permission may be given subject to such conditions as to proof of identity as to periodical medical examinations and as to method of payment as the joint committee may insert in the permission.

Upon the breach of any such condition, the joint committee may suspend the payment of the compensation until the condition is fulfilled or revoke the permission.

(4)

(4) Where prior to the commencement of the Workers' Compensation (Amendment) Act, 1929, a beneficiary has left Australia with the concurrence of the joint committee, payment shall continue to be made subject to such conditions as to proof of identity and periodical medical examination and method of payment as the joint committee may impose in any particular case.

- (b) (i) by omitting paragraph (a) of subsection three of section ten ;
- (ii) by omitting from paragraph (b) of the same subsection the words "or contribution to the upkeep of his home by members of his family" ;
- (c) by inserting next after section ten the following new sections :—

11. Except in the case of a mine worker or "hard-luck case" who at the commencement of the Workers' Compensation (Amendment) Act, 1929, is in receipt of compensation for and is thereafter certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis no mine worker, "hard-luck case," or mine employee shall receive any compensation unless the pneumoconiosis and/or tuberculosis in respect of which he claims to be entitled to compensation is certified by the medical authority to be reasonably attributable to his employment in a Broken Hill mine and he has submitted himself for examination by the medical authority—

- (a) within six months of ceasing employment in a Broken Hill mine, and has made a claim within five years of ceasing such employment and is certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis ; or
- (b) within twelve months after the commencement of the Workers' Compensation (Amendment) Act, 1929, where he has ceased employment in a Broken Hill mine prior to such commencement and

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and has made a claim before a date five years after ceasing such employment or twelve months after the said commencement, whichever is the later, and is certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis.

Weekly payment to "hard-luck" case.

12. Any amount necessary to provide any weekly payment awarded to a "hard-luck" case shall, subject to the provisions of subsection two of section ten, be levied by the joint committee in pursuance of the said scheme.

Matters to be considered by joint committee.

13. In making an award of compensation under the said scheme, the joint committee shall take into account and have regard to—

- (a) any earnings of the applicant; and
- (b) any profits derived from any trade, business undertaking or calling carried on by the applicant in which he is interested.

And the joint committee may abate the rates of compensation payable under the scheme accordingly.

Appeal from joint committee.

14. (1) From any order, determination, or award of compensation of the joint committee, or upon any refusal of such joint committee to make an order or award of compensation, an appeal shall lie to the Workers' Compensation Commission in manner prescribed by the rules of that Commission.

On any such appeal the Commission may make such order or award of compensation as in its opinion the joint committee should have made.

The pendency of an appeal shall not suspend the operation of an order or award of compensation appealed from unless the Commission so directs.

(2) The provisions of section 37 of the Workers' Compensation Act, 1926-1929, or any amendment thereof, shall extend to any such appeal.

(3)

(3) Save as provided in this section, no award, order, or proceeding of the joint committee shall be vitiated by reason of any informality or want of form or be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever.

15. (1) So soon as practicable after the commencement of the Workers' Compensation (Amendment) Act, 1929, and thereafter at the times prescribed by the medical authority, the joint committee shall, where the medical authority recommends, require by notice in writing any mine worker, mine employee, or any person certified by the Workers' Compensation Commission in accordance with paragraph (a) of subsection one of section ten to have been on the first day of January one thousand nine hundred and twenty-seven included in the list of "hard-luck" cases eligible for payment of the "hard-luck" allowance, to whom this Act applies or is extended and who is in receipt of any compensation to present himself to the medical authority for examination at the place and time specified in the notice. Review.

(2) Subject to section eleven, only such person as is certified by the medical authority to be suffering from pneumoconiosis and/or tuberculosis reasonably attributable to employment in or about a Broken Hill mine, and for that reason has ceased to be so employed, shall continue to be entitled to any compensation under this Act.

16. (1) Any claim of the joint committee for moneys due and owing as contributions or in lieu of contributions under this Act by a mine owner at the date of commencement of the winding up, if the mine owner is a company which is being wound up, shall, notwithstanding anything to the contrary in any other law contained, have priority over all other debts Priority of claims on the winding up.
(including

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(including debts secured by mortgage, debenture, pledge, or lien) of the mine owner excepting only—

- (a) the costs, charges and expenses properly incurred in the winding up including the remuneration of the liquidator or liquidators; and
- (b) wages or salary due to any person employed by the mine owner in so far as such wages or salary are or is given preference in the case of the winding up of a company by any law governing such winding up.

(2) Nothing in this section shall be deemed to deprive any person, to whom a mine owner owed a debt immediately prior to the commencement of the Workers' Compensation (Amendment) Act, 1929, of any right which such person may then have had, to claim payment of such debt in priority to any claim of the joint committee.

- (c) (i) by inserting in paragraph two of Part I of the Schedule the following new definition: "Child" includes stepchild";
- (ii) by omitting from the definition of "Compensation" in the same paragraph all the words after the word "means" and inserting in lieu thereof the words "the benefits prescribed by this Act";
- (iii) by omitting from subparagraph (c) of paragraph six, Part II, of the Schedule, the figure "2" and inserting in lieu thereof the figures "2 10 0";
- (iv) by omitting subparagraph (i) of the same paragraph and by inserting at the end of the same paragraph the following proviso:—

"Provided further that no compensation shall be awarded in respect of a wife or child of a marriage contracted after the commencement of the Workers' Compensation (Amendment) Act, 1929, or the date of the
the

the certificate of the medical authority under paragraph three (whichever is the later) ” ;

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- (v) by inserting after subparagraph (i) of paragraph six of Part II of the Schedule the following new subparagraph :—

(j) The joint committee may, in the case of a beneficiary who undertakes in writing to leave Broken Hill advance to him in one or more sums up to two years' compensation, and at the expiration of the period covered by such advance or advances, the weekly payments ordinarily payable to such beneficiary shall be reverted to :

Provided that the joint committee shall not advance more than one year's compensation in the first instance and shall not make any further advance unless they are satisfied that the special circumstances of the case justify such further advance.

- (vi) by inserting at the end of paragraph eleven, Part II, of the Schedule, the words : “The joint committee may terminate any award of compensation under this scheme upon being furnished by the medical authority with a certificate that a person to whom this scheme applies is no longer suffering from pneumoconiosis and/or tuberculosis ” ;
- (vii) by inserting at the end of paragraph twenty-three, Part III, of the Schedule, the words : “and the joint committee may permit or require a mine owner to pay such capital sum in such instalments and subject to such conditions as the joint committee may direct.

Any such capital sum or instalment thereof may be sued for and recovered by the joint committee as a civil debt.

(viii)

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- (viii) (a) by omitting from paragraph forty-two, Part V, of the Schedule, the word "shall" where first occurring and by inserting in lieu thereof the word "may";
- (b) by inserting at the end of the same paragraph the following words:—
"Save upon the recommendation of the medical authority no warrant for re-examination shall be issued by the joint committee to any mine worker more frequently than once in six months";
- (ix) by inserting at the end of paragraph forty-seven, Part VI, of the Schedule: "It shall be the duty of a mine-owner to furnish to the joint committee from time to time as required full particulars of payments of compensation under this Act to mine employees."

(2) The amendments made by this section shall be deemed to extend to and from the commencement of this Act apply in respect of all mine workers, mine employees, and "hard-luck" cases in receipt of compensation under the Workers' Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts, as well as to persons becoming entitled to compensation after such commencement, but nothing in this section shall affect the right of any of the eighteen persons named in the list filed with the Workers' Compensation Commission to continue to receive weekly payments of compensation so long as he is resident on and in possession of a farm on the Mirrool Irrigation Areas, or until the Workers' Compensation Commission is satisfied that the net profits of the farm are greater than the amount of the compensation in any one year.