# WORKERS' COMPENSATION ACT AND WORKMEN'S COMPENSATION (BROKEN HILL) ACT (AMENDMENT) ACT.

Act No. 13, 1942.

George VI. An Act to extend in certain respects the provisions of the Workers' Compensation Act, 1926-1941, and for that purpose to amend that Act; to make provision for the appointment of a deputy chairman of the medical authority under the Workmen's Compensation (Broken Hill) Act, 1920-1940, and for that and certain other purposes to amend that Act; and for purposes connected therewith. [Assented to, 24th June, 1942.]

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E 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:—

### PART I.

#### PRELIMINARY.

1. (1) This Act may be cited as the "Workers' Short title, Compensation Act and Workmen's Compensation and division (Broken Hill) Act (Amendment) Act, 1942."

into Parts.

- (2) The Workers' Compensation Act, 1926-1941, as amended by this Act, may be cited as the Workers' Compensation Act, 1926-1942.
- (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
  - (4) This Act is divided into Parts as follows:— PART I.—PRELIMINARY.

PART II.—Workers' Compensation.

PART III.—AMENDMENTS TO THE WORKMEN'S COM-PENSATION (BROKEN HILL) ACT, 1920-1940.

#### PART II.

WORKERS' COMPENSATION.

2. The Workers' Compensation Act, 1926-1941, is Amendment amended-15, 1926.

(a) (i) by inserting in subsection one of section six Sec. 6 (1). after the definition of "Dependants" the (Definifollowing new definition:

- "Disease caused by silica dust" means disease caused by the inhalation of free silica, SiO<sub>2</sub>;
- (ii) by omitting from the same subsection 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 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 but does not, save in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act, 1912-1941, applies, include a disease caused by silica dust.

- (iii) (a) by omitting from the definition of "Worker" in the same subsection the words "five hundred and fifty pounds per year" and by inserting in lieu thereof the words "seven hundred and fifty pounds per year, exclusive of payments for overtime, bonuses and special allowances";
  - (b) by inserting in paragraph (d) of the same definition after the word "casual" the brackets and words "(that is for one period only of not more than five working days)";

New subsec. (3A).

(b) by inserting after subsection three of section six the following new subsection:—

Contracts for labour. (3A) Where a contract to perform any work exceeding five pounds in value (not being work incidental to a trade or business regularly carried on by the contractor in his own name, or under a business or firm name) is made with the contractor, who neither sublets the contract, nor employs workers, the contractor shall, for the purposes of this Act, be deemed to be a worker employed by the person who made such contract with the contractor.

Subst. subsec. (5).

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

Rural work.

(5) (a) Where any person (in this paragraph referred to as "the principal") in the course of, or for the purposes of, his trade or business, enters into a contract, agreement, or arrangement, with any other person or persons (in this paragraph

paragraph referred to as "the contractor") under which the contractor agrees-

- (i) to supply timber, and such timber is obtained, or to be obtained, from trees felled, or to be felled, by the contractor (whether such trees are the property of the principal or the contractor or any other person); or
- (ii) to fell or ringbark trees, or cut scrub, or haul or load timber, or haul and load timber; or
- (iii) to clear land of stumps or logs; or
- (iv) to cut sugar-cane; or
- (v) to perform any other work or class of work specified by proclamation of the Governor published in the Gazette:

and the contractor does not either sublet any part of the work to be carried out, or employ a worker, the contractor shall, for the purposes of this Act, be deemed to be a worker employed by the principal.

Where the principal has given or offered the contractor the option to or the opportunity to so supply timber if he so desires then for the purposes of this paragraph the contractor shall be deemed to have agreed to supply timber.

(b) Where any person (in this paragraph Timberreferred to as "the principal") advertises or getters. otherwise notifies that he will accept timber delivered or supplied to him or his agent or other person in accordance with such advertisement or notification, or advertises or otherwise notifies to the abovementioned effect, any person who gives notice to such principal that he will deliver or supply such timber or any part thereof and receives injury while engaged in or about the work of cutting, delivering or supplying the said timber or any part thereof shall be deemed to be a worker employed by the principal. Notice of intention to deliver or supply timber as aforesaid shall indicate the nature of the actual work

Definitions.

Subst. subsec. (6) and new subsec. (6A).

Salesman, etc.

Tributer.

Subst. subsec. (11).

Contract of bailment.

cf. 13 and 14
Geo. V,
Ch. 42, s. 9
(2); 1 and 2
Geo. VI,
Ch. 27, s. 1;
N.S.W. Act
No. 15,
1926, s. 6
(11).

to be undertaken. The notice shall be given prior to injury and may be given personally or by letter posted to the principal at his place of business or usual address.

"Timber" includes sleepers, piles, poles, girders, logs, or pit timber.

- "Cutting" includes felling, sawing, obtaining, preparing, or doing any work in connection with timber, and "cut" has a corresponding meaning.
- (d) by omitting subsection six of the same section and by inserting in lieu thereof the following new subsections:—
  - (6) A salesman, canvasser, collector, or person paid wholly or partly by commission shall for the purposes of this Act, be deemed to be a worker in the employment of the person by whom such commission is payable, unless such commission is received by the salesman, canvasser, collector, or person for or in connection with work incidental to a trade or business regularly carried on by him or by a firm whereof he is a member.
  - (6a) Every tributer working in connection with any "mine" as defined by the Mining Act, 1906, as amended by subsequent Acts, and also any workers employed by any such tributer shall, for the purposes of this Act, be deemed to be workers employed by the person with whom the tribute agreement was made by the tributer.
- (e) by omitting subsection eleven of the same section and by inserting in lieu thereof the following new subsection:—
  - (11) A person engaged in plying for hire with any vehicle or vessel, the use of which is obtained by that person under a contract of bailment (other than a hire purchase agreement), in consideration of the payment of a fixed sum, or a share in the earnings or otherwise, shall for the purposes of this Act be deemed to be a worker employed by the person from whom the use of the vehicle or vessel is so obtained.

(f)

(f) by inserting at the end of the same section the New subsec. following new subsection:-

(15) A reference in this Act to the "school School leaving age" shall be construed in accordance with subsection four of section 2A of the Public Instruction (Amendment) Act, 1916, as amended by subsequent Acts.

3. The Workers' Compensation Act, 1926-1941, is Further further amended—

- (a) by inserting at the end of subsection one of section seven the following new paragraphs:-
  - (b) Where a worker has received injury without his own default or wilful act on any of the daily or other periodic journeys referred to in paragraph (c) of this subsection, and the injury be not received—
    - (i) during or after any substantial interruption of, or substantial deviation from, any such journey, made for a reason unconnected with the worker's employment or unconnected with his attendance at the trade, technical or other school, as the case may be; or
    - (ii) during or after any other break in any such journey, which the Commission, having regard to all the circumstances, deems not to have been reasonably incidental to any such journey;

the worker (and in the case of the death of the worker, his dependants), shall receive compensation from the employer in accordance with this Act.

- (c) The daily or other periodic journeys referred to in paragraph (b) of this subsection shall be
  - (i) between the worker's place of abode and place of employment;

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- (ii) between the worker's place of abode, or place of employment, and any trade, technical or other training school, which he is required by the terms of his employment or is expected by his employer, to attend.
- (d) The provisions of paragraphs (b) and (c) of this subsection shall not apply to or in respect of an injury received after the expiration of six months after the termination of the war which commenced on the third day of September, one thousand nine hundred and thirty-nine.

Subst. subsec. (2).

- (b) (i) by omitting subsection two of the same section and by inserting in lieu thereof the following new subsection:—
  - (2) Compensation shall be payable in respect of any injury resulting in the death or serious and permanent disablement of a worker, notwithstanding that the worker was, at the time when the injury was received, in a place not directly concerned with his employment, but forming part of the employer's premises, or acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer. 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 business.

Subsec. (3).

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

New subsec. (5A).

(iii) by inserting next after subsection five of the same section the following new subsection:—

ef. N.S.W. Act No. 15, 1926, s. 7 (6). (5a) Where a salesman or other person referred to in subsection six of section six is

oubsect (b)

is entitled to compensation under this Act, all the employers by whom he was engaged at the time of the injury shall be liable to contribute to the compensation payable in such proportion as, in default of agreement, may be determined by the Commission.

The worker or his dependants shall furnish to any employer from whom compensation is claimed, such information as to the names and addresses of all the other employers by whom he was engaged at the time of the injury, as he or they may possess.

(c) by omitting from paragraph (b) of subsection Sec. 8 (1) (b). one of section eight the word "wholly";

(d) (i) by inserting at the end of paragraph (a) sec. 9 (1) (a). of subsection one of section nine the follow- Total or partial ing words "and in the case of an adult male incapacity.) worker shall not be less than two pounds per week in the case of total incapacity";

- (ii) by omitting from subparagraph (ii) of paragraph (b) of the same subsection the words "age of fourteen years," and by inserting in lieu thereof the words "school leaving age";
- (iii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "age of fourteen years" and by inserting in lieu thereof the words "school leaving age";
- (iv) by inserting at the end of the same subsection the following new paragraph:
  - (d) Any payment made under the Child Child Endowment Act 1941 of the Parlia-endowment. ment of the Commonwealth of Australia, shall not preclude the child from being totally or mainly dependent on the earnings of the worker for the purposes of this Act:

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Permanent and total disablement. N.S.W. Act No. 15, 1926, s. 9 (3).

Permanent and partial

disablement.

Discretion.

(v) by inserting in subsection three of the same section after the words "shall not exceed one thousand pounds in any one case" the following words:—

"except in the case of a worker whose injury results in his—

- (a) permanent and total disablement for work; or
- (b) permanent and partial disablement for work and such partial disablement is established by the worker to be of a major degree. In such a case the Commission may in its discretion, having regard to the provisions of sections eleven and twelve of this Act, and, if the case is not one in which the worker's disablement should be deemed to be total incapacity for work, make such order as under the circumstances of the case may appear proper."
- (vi) by omitting from subsection six of the same section the words "age of fourteen years" wherever occurring, and by inserting in lieu thereof the words "school leaving age";

Sec. 10.
(Medical and hospital treatment.)

- (e) (i) by inserting at the end of paragraph (c) of subsection three of section ten the words "unless the Commission upon application made from time to time by or on behalf of the worker directs that the employer shall be liable for a further sum to be specified in the order":
  - (ii) by inserting at the end of paragraph (b) of subsection four of the same section the words "unless the Commission upon application made from time to time by or on behalf of the worker directs that the employer shall be liable for a further sum to be specified in the order";

(iii)

- (iii) (a) by omitting from paragraph (a) of subsection six of the same section the words "in the manner prescribed";
  - (b) by inserting at the end of the same paragraph the following words:-

The provisions of section fifty-three as to notice of injury shall, mutatis mutandis, apply to notice under this subsection, and to proceedings for the recovery of the cost of any treatment or service under this section.

- (iv) by inserting at the end of the same section the following new subsection:
  - (8) Any application made to the Commission under this section shall be made in the manner prescribed by rules of the Commission and until a rule in that behalf is made the application may be made at a sitting in chambers.
- (f) by inserting at the end of section eleven the Sec. 11. following new subsections:-
  - (2) Where the Commission in exercise of its Re-employdiscretion thinks it proper so to do, the ment of Commission may order that an employer shall incapaciprovide suitable employment for his injured tated workers. worker during the worker's partial incapacity for his pre-injury employment for such period and subject to such conditions as may be provided by its order.

Upon any failure by such employer to comply with any order so made, the worker's incapacity for work shall be deemed to be total, and he shall be compensated accordingly. Any order made under this section shall be without prejudice to the right of review conferred by this Act.

(3) The onus of proving that an employer is Onus of unable to provide suitable employment for his proof. partially incapacitated worker shall be on the employer.

incapacity.)

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### Workers' Compensation Act and Workmen's Compensation (Broken Hill) Act (Amendment) Act.

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Sec. 14. (Average weekly earnings of casual worker.)

- (g) (i) by omitting from paragraph (e) of section fourteen the words "who has worked under successive contracts of service with two or more employers" and by inserting in lieu thereof the words "that is to say a worker whose contracts of service are mainly contracts for separate periods each of which is of not more than five working days";
  - (ii) by omitting from the same paragraph the words "such contracts" and by inserting in lieu thereof the words "his contracts of service":

Sec. 16. (Compensation for certain injuries.)

(h) by omitting from subsection two of section sixteen all words after the words "resulting from that injury" and by inserting in lieu thereof the following words:--

Where such an election has been made, the weekly compensation payments which the worker has received from his employer in respect of the period of incapacity shall be deducted from the amount payable in accordance with the table.

Turther amendment of Act, No. 15, 1926. Sec. 18. (Compulsory insurance.)

- 4. The Workers' Compensation Act, 1926-1941, is further amended-
  - (a) by inserting in subsection four of section eighteen after the words "one hundred pounds" the words "or imprisonment for a term not exceeding six months";

(b) by inserting after section 18B the following new

section:

- 18c. (1) There shall be constituted a Scheme called the Uninsured Liability Scheme, which shall be administered by the Commission.
- (2) A claim may be made under the Liability Scheme, Uninsured hereinafter referred to as "the Scheme," by any person who has obtained or obtains an award of compensation from the Commission against employer and—
  - (a) the employer had not obtained, or was not maintaining in force, a policy of insurance

New sec.

18o.

Uninsured liability scheme.

Claimants.

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- insurance or indemnity under this Act for the full amount of his liability to the injured worker at the time of the happening of the worker's injury; and
- (b) the person who has obtained or obtains the said award satisfies the Commission that he has proceeded under subsection five of section thirty-six of this Act, and that execution upon the judgment entered has not been fully satisfied, or has taken other reasonable steps, but for good and sufficient reason has been unable to obtain the compensation awarded.
- (3) From the fund constituted in Payments. pursuance of section forty-one of this Act the Commission may pay such amounts as it deems reasonable in or towards satisfaction of claims made under the Uninsured Liability Scheme:

Provided that—

(a) the aggregate of the amounts so paid Limit per shall not exceed five thousand pounds year. in any one year, which year shall commence on the first day of each July;

(b) subject to paragraph (c) of this Weekly proviso weekly allowances only shall be amounts. paid during the calendar year after the claim is approved by the Commission;

(c) as at the thirtieth day of June in each Lump sums. year the Commission shall, after due provision is made for weekly payments to such claimants whose claims have already been approved, determine whether any awards of lump sums can be satisfied either wholly or partly from the moneys then available in the fund for the purposes of the Scheme and may make from the fund payments on account of awards of lump sums on such equitable bases as the Commission may determine; and

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Application.

- (d) the Commission may make such order as it thinks fit in regard to the application of any amount paid under the Scheme:
- (e) notwithstanding anything to the contrary in the foregoing provisions of this subsection the Commission shall have jurisdiction and power to—
  - (i) satisfy any claim made under the Scheme at any time in such manner as in the circumstances of the case it may, in the exercise of its discretion, deem reasonable;
  - (ii) increase, decrease, suspend, or terminate any allowance or lump sum payable, or order or award made under, or connected with, the Scheme.

Exclusions.

(4) No amount shall be payable under the Scheme where the award was obtained prior to the tenth day of May in the year one thousand nine hundred and forty-one.

Proceedings.

obtained from the Commission in default of appearance by the employer, or by consent of the worker and the employer, or otherwise, and a claim is made in respect thereof under the Scheme, the Commission may cause to be made such inquiries as may be deemed necessary to determine the genuineness of the grounds on which the award was originally based. It may reopen the award, and order its Registrar, or some other fit person, to take and defend the proceedings in substitution for the employer, and to such person for such purposes all the rights of the employer shall be subrogated.

Corrobora-

(b) No claim under the Scheme shall be approved unless the relevant award is based on testimony given and corroborated before the Commission on all matters which the Commission deems material. (6)

(6) Any employer who is a party to an Recovery award upon which a claim under the Scheme is from based shall be liable—

- (a) to reimburse the Commission such amount as it has paid out in respect of the claim under subsection three of this section and any costs incurred in connection therewith;
- (b) to pay to the claimant under the Scheme any outstanding balance remaining due under the award, after crediting the payments made to him under subsection three of this section and any costs incurred in connection therewith.
- (7) (a) Public notice of the claim shall be Publication. given by advertisement in such manner as is prescribed by rules made by the Commission.

Such notice shall be published at least seven days before the hearing of the claim under the Scheme.

(b) Any insurer who, without reason- Duty of able cause, fails to notify the Commission within insurer. the time prescribed in the said public notice that it is the insurer of the liability under this Act of an employer whose worker is making a claim under the Scheme, or who fails to furnish the Commission with any information it has which may be material to the matter, shall be liable—

- (i) to have the license issued to it by the Commission suspended or terminated: and
- (ii) to reimburse the Commission such amount as it has paid out in respect of the claim under subsection three of this section and any costs incurred in connection therewith; and
- (iii) to a penalty not exceeding five hundred pounds.

(8)

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- (8) Claims under the Scheme shall be made in the manner prescribed by rules made by the Commission and shall be heard and determined—
  - (a) in chambers at meetings of the Commission convened by the Chairman; or
  - (b) at public sittings of the Commission arranged by the Chairman.
- (9) This section shall come into operation on the first day of July, one thousand nine hundred and forty-two;

Sec. 41. (The Fund.)

Sec. 44 (1).

(Reports of injuries to be furnished to

the Commission.)

(c) by inserting in subsection one of section fortyone after the word "staff" the words "an amount of five thousand pounds for the purposes of the Uninsured Liability Scheme";

(d) by omitting from subsection one of section fortyfour the word "seven" and by inserting in lieu thereof the word "three";

Sec. 63. (Common law actions.) (e) (i) by omitting from paragraph (a) of subsection three of section sixty-three the words "six months" wherever occurring and by inserting in lieu thereof the words "twelve months";

(ii) by inserting at the end of the same paragraph the following words:—

Any person who is dissatisfied with the decision of the judge on any such application may appeal to the Supreme Court and that court may on the appeal make any order which ought to have been made in the first instance. Every such appeal shall be made in accordance with rules of court.

Sec. 63A. (Notice of election.) (f) (i) by inserting at the end of paragraph (a) of subsection three of section 63A the following words:—

The solicitor, agent, clerk of petty sessions or officer—

 (i) shall read over and explain the notice of election or cause the same to be read over and explained in his presence to the applicant; and

(ii)

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- (ii) shall examine the applicant touching his knowledge of the election and the effect of the notice of election; and
- (iii) if he thinks fit may so examine him separately and apart from any other person; and
- (iv) if he is satisfied that the applicant understands the true purport and effect of the notice of election and freely and voluntarily signs the same, shall certify in writing upon the notice of election that the notice of election has been read over and explained, and that he has examined the applicant and is satisfied as hereinbefore required, and that the applicant has executed the notice of election in his presence.
- (ii) by inserting at the end of subsection five of the same section the following words and new paragraph:—
  - "where the notice of election was signed by the injured worker himself;
  - (c) be a valid defence to any legal proceedings by the person who signed the notice of election against the employer in respect of the injury other than proceedings under this Act, where the notice of election was signed by a dependant of the worker."
- (g) (i) by omitting from paragraph (a) of section Sec. 64. sixty-four the word "recover" where (Remedies secondly occurring and by inserting in lieu against both thereof the word "retain"; against both employer and

stranger.)

(ii) by omitting from the same paragraph the word "and" after the words "both damages

and

and compensation" and by inserting in lieu thereof the following words:—

If the worker recovers firstly compensation and secondly such damages he shall be liable to repay to his employer out of such damages the amount of compensation which the employer has paid in respect of the worker's injury under this Act, and the worker shall not be entitled to any further compensation.

If the worker firstly recovers such damages he shall not be entitled to recover compensation under this Act.

- (iii) by omitting from paragraph (b) of the same section all words after the word "aforesaid" and by inserting in lieu thereof the following new paragraphs:—
  - (c) if the worker subsequently obtains judgment for damages against the person who has paid under such indemnity, such payment under the indemnity shall be, to the extent of the amount of such payment, a satisfaction of the judgment for damages;
  - (d) all questions relating to matters arising under this section shall, in default of agreement, be settled by action, or, with the consent of the parties, by the Commission.

(h) by inserting next after section sixty-four the following new section:—

64A. (1) In the course of a jury action to recover damages for injury to a worker, no reference express or implied to any benefit under this Act shall be made by or on behalf of the defendant in the presence of the jury.

- (2) Should any such reference be made—
  - (a) the plaintiff shall be entitled to his costs in the action up to the time such reference is made; and

Employer's indemnity.

Third party indemnity.

New sec. 64A.

In actions for damages no reference to be made to compensation.

(b)

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- (b) the action shall, if the plaintiff so requires, be heard before another jury.
- 5. Any policy of insurance against liability under the Subsisting Workers' Compensation Act, 1926-1941, being maintained in force at the commencement of this Act shall be deemed to insure the employer against any additional liability to which he may become liable during the currency of the policy under any amendment to the Workers' Compensation Act, 1926-1941, made by this Act.

The employer shall be liable to pay to the insurer additional premium in respect of any such additional liability at rates fixed by the Governor upon the recommendation of the Commission and published in the Gazette.

Any investigation or inquiry which the Commission may deem desirable for the purpose of collecting data upon which to found such recommendation shall be deemed to be an investigation or inquiry under the Workers' Compensation Act, 1926-1941.

#### PART III.

AMENDMENTS TO THE WORKMEN'S COMPENSATION (Broken Hill) Act, 1920-1940.

6. (1) The Workmen's Compensation (Broken Hill) Amendment Act, 1920-1940, is amended—

(a) by inserting after paragraph (c) of subsection Sec. 8 (1). one of section eight the following words:-

"The Governor may appoint a legally qualified medical practitioner to be the deputychairman of the medical authority, who shall receive such fees as the Governor may fix.

The chairman of the medical authority may, from time to time, by writing under his hand delegate to the deputy-chairman such powers, authorities, duties and functions, conferred and imposed on the chairman of the medical authority by this Act, and the scheme of compensation set out in the Schedule hereto as

of Act No. 36, 1920, (Medical authority.)

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the chairman of the medical authority may in and by such writing specify.

The deputy-chairman when acting within the scope of such delegation shall be deemed to be the chairman of the medical authority.

The chairman of the medical authority may, by writing under his hand, revoke any delegation made under this section.

During the temporary absence from Broken Hill of the chairman of the medical authority, or during any vacancy in the position of Medical Officer-in-Charge of the Bureau of Medical Inspection at Broken Hill, the deputy-chairman shall have and may exercise and perform all the powers, authorities, duties and functions of the chairman of the medical authority."

- (b) by inserting at the end of paragraph (a) of subsection two of the same section the following words: "Provided that in any case where in the opinion of the chairman of the medical authority, a certificate affecting the compensation of any person medically examined under the said subsection might be issued, the Minister may direct that such person shall again present himself for medical examination under the said subsection and that such further medical examination shall be made by the board of three legally qualified medical practitioners who constitute the medical authority."
- (c) by inserting at the end of subsection three of the same section the following words: "At any meeting of the medical authority at which all members are present the decision of the majority on any question shall be the decision of the medical authority."

Schedule Part I, para. (2). (d) (i) by omitting from the definition of "Beneficiary" in paragraph two of Part I of the Schedule the words "fourteen years" wherever occurring and by inserting in lieu thereof the words "the school leaving age";

- (ii) by inserting after paragraph two of the No. 13, 1942. same Part the following new subpara-
  - (b) A reference in this Act to the "school leaving age" shall be construed in accordance with subsection four of section 2x of the Public Instruction (Amendment) Act, 1916, as amended by subsequent Acts.
- (e) by omitting from paragraph six of Part II of Schedule. the Schedule the words and figures "under 14 Part II, para. (6). years" wherever occurring and by inserting in lieu thereof the words "under the school leaving age."

(2) The Workmen's Compensation (Broken Hill) Citation of Act, 1920-1940, as amended by this Act, may be cited as Act No. 39, 1920, as the Workmen's Compensation (Broken Hill) Act, amended by 1920-1942.