

WORKERS' COMPENSATION (SILICOSIS) AMENDMENT ACT.

Act No. 31, 1942.

George VI.
No. 31, 1942.

An Act to provide for compensation for certain persons under the Workers' Compensation (Silicosis) Act, 1942; to amend that Act in certain respects; and for purposes connected therewith. [Assented to, 23rd December, 1942.]

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:—

Short title,
construction,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Workers' Compensation (Silicosis) Amendment Act, 1942."

(2) This Act shall be read and construed with the Workers' Compensation (Silicosis) Act, 1942.

(3) The Workers' Compensation (Silicosis) Act, 1942, as amended by this Act may be cited as the "Workers' Compensation (Silicosis) Acts, 1942."

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Certain
persons
entitled to
compensa-
tion.

2. (1) The persons named in the list of sixty-one cases filed by the committee with the Minister shall respectively be deemed to be entitled to receive compensation in accordance with any award or variation thereof that may be made by the committee (which award or variation the committee is hereby authorised to make as if the person concerned were a worker) until such time as the payments are terminated by the committee in accordance with the provisions of the Workers' Compensation (Silicosis) Acts, 1942.

(2) All such compensation payments shall be made from the Fund.

(3)

(3) Any award made by the committee in pursuance of subsection one of this section shall be operative as from the date of the commencement of this Act. No. 31, 1942.

3. The Workers' Compensation (Silicosis) Act, 1942, is amended— Amendment of Act No. 14, 1942.

(a) by inserting in section three after the definition of "Disease" the following new definition:— Sec. 3. (Definitions.)
 "Employer" means an employer of workers in any industry or process, employment in which exposes the worker to the possibility of contracting the disease.

(b) (i) by omitting from subsection three of section six the words "(in this section hereinafter referred to as 'determined class or classes of employment')"; Sec. 6. (Constitution of fund.)

(ii) by omitting from the same subsection the words "and shall from time to time notify insurers of their determination";

(iii) by omitting from subsection four of the same section the word "insurers" and by inserting in lieu thereof the word "employers";

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

(5) The part of the amount so estimated which is to be provided by the employers shall be paid by them by way of levy.

The levy shall be at such rates as the committee may determine upon the wages paid to workers while employed by employers in any industry or process, employment in which exposes the worker to the possibility of contracting the disease.

Different rates may be so determined in respect of different industries or processes.

(v) by omitting from subsection six of the same section the word "proportion" wherever occurring and by inserting in lieu thereof the word "sum";

(vi) by omitting from the same subsection the word "insurer" where firstly occurring and by inserting in lieu thereof the words "employer by way of levy"; (vii)

Workers' Compensation (Silicosis) Amendment Act.

No. 31, 1942.

(vii) by omitting from the same subsection the word "insurer" where secondly and thirdly occurring and by inserting in lieu thereof the word "employer";

(viii) by omitting from subsection seven of the same section the word "insurer" and by inserting in lieu thereof the word "employer";

(ix) by omitting from the same subsection the word "apportionment" and by inserting in lieu thereof the words "estimate or determination";

Sec. 7.
(Medical
authority.)

(c) by omitting from subsection four of section seven the word "insurer" and by inserting in lieu thereof the word "employer";

Sec. 8.
(Awards.)

(d) (i) by omitting from paragraph (a) of subsection two of section eight the words "happening after the commencement of this Act";

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

cf. Act
No. 36,
1920, s. 6.

(6) Any person claiming or receiving compensation under this Act shall not be entitled to claim or receive compensation under the Workers' Compensation Act, 1926-1942, or under any other Act in force in New South Wales for the time being relating to compensation to workmen or workers in respect of injuries received, disablement or industrial diseases.

Sec. 9.
("Hard
luck" cases.)

(e) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection:—

(2) As from the date of the commencement of the Workers' Compensation (Silicosis) Amendment Act, 1942, the persons mentioned in subsection one of this section, and their dependants, shall be deemed to be entitled to receive compensation payments in accordance with the provisions of this Act.