

WORKERS' COMPENSATION (AMENDMENT) ACT.

Act No. 40, 1948.

George VI.
No. 40, 1948.

An Act to increase the amounts payable by way of compensation under the Workers' Compensation Act, 1926-1947, and the Workers' Compensation (Silicosis) Act, 1942-1946; for this and other purposes to amend the said Acts; and for purposes connected therewith. [Assented to, 16th December, 1948.]

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,
citation and
commence-
ment.

1. (1) This Act may be cited as the "Workers' Compensation (Amendment) Act, 1948."

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Act, 1926-1948.

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

Amendment
of Act
No. 15, 1926.
Sec. 6.
(Defini-
tions.)

2. (1) The Workers' Compensation Act, 1926-1947, is amended—

(a) by omitting from paragraph (a) of the definition of "Worker" in subsection one of section six the words "seven hundred and fifty pounds" and by inserting in lieu thereof the words "one thousand two hundred and fifty pounds";

(b)

(b) by omitting paragraph (a) of subsection three of section seven; No. 40, 1948.

Sec. 7.
(Liability of employers to workers for injuries—waiting period.)

(c) (i) by omitting from paragraph (a) of subsection one of section eight the words “four hundred pounds” and by inserting in lieu thereof the words “five hundred pounds”; Sec. 8.
(Compensation payments (Death).)

(ii) by omitting from the same paragraph the words “eight hundred pounds” and by inserting in lieu thereof the words “one thousand pounds”;

(iii) by omitting from the same paragraph the words “two hundred pounds” and by inserting in lieu thereof the words “three hundred pounds”;

(iv) by omitting from paragraph (b) of the same subsection the words “twenty-five pounds” and by inserting in lieu thereof the words “fifty pounds”;

(v) by omitting from subsection three of the same section the words “four hundred pounds” and by inserting in lieu thereof the words “five hundred pounds”;

(d) (i) by omitting from paragraph (a) of subsection one of section nine the words “sixty-six and two-thirds per centum” and by inserting in lieu thereof the words “seventy-five per centum”; Sec. 9.
(Total or partial incapacity.)

(ii) by omitting from the same paragraph the words “three pounds ten shillings” and by inserting in lieu thereof the words “four pounds”;

(iii) by omitting from the same paragraph the words “two pounds” and by inserting in lieu thereof the words “three pounds”;

(iv) by omitting from subparagraph (i) of paragraph (b) of the same subsection the words “one pound five shillings” and by inserting in lieu thereof the words “one pound ten shillings”;

(v)

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- (v) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "one pound five shillings" and by inserting in lieu thereof the words "one pound ten shillings";
 - (vi) by omitting from subsection two of the same section the words "six pounds" and by inserting in lieu thereof the words "seven pounds";
 - (vii) by omitting from subsection three of the same section the words "one thousand pounds" and by inserting in lieu thereof the words "one thousand two hundred and fifty pounds";
 - (viii) by omitting from subsection four of the same section the words "forty-five shillings" and by inserting in lieu thereof the words "fifty-five shillings";
 - (ix) by omitting from the same subsection the words "sixty-six and two-thirds per centum" and by inserting in lieu thereof the words "seventy-five per centum";
 - (x) by omitting from the same subsection the words "thirty shillings" and by inserting in lieu thereof the words "forty shillings";
 - (xi) by omitting from subsection five of the same section the words "three pounds" and by inserting in lieu thereof the words "four pounds";
 - (xii) by omitting from the same subsection the words "sixty-six and two-thirds per centum" and by inserting in lieu thereof the words "seventy-five per centum";
 - (xiii) by omitting from the same subsection the words "two pounds" and by inserting in lieu thereof the words "three pounds";
- (e)

- (e) (i) by omitting from paragraph (a) of subsection three of section ten the words "ten shillings and sixpence" and by inserting in lieu thereof the words "eighteen shillings"; No. 40, 1948.
Sec. 10.
(Medical and hospital treatment, etc.)
- (ii) by omitting from paragraph (b) of the same subsection the words "three shillings and sixpence" and by inserting in lieu thereof the words "five shillings";
- (iii) by omitting from the same paragraph the words "one pound four shillings and sixpence" and by inserting in lieu thereof the words "one pound fifteen shillings";
- (iv) by omitting from paragraph (c) of the same subsection the words "twenty-five pounds" and by inserting in lieu thereof the words "fifty pounds";
- (v) by omitting from paragraph (b) of subsection four of the same section the words "twenty-five pounds" and by inserting in lieu thereof the words "fifty pounds";
- (f) (i) by omitting from subsection two of section sixteen the words "shall be deducted" and by inserting in lieu thereof the words "shall not be deducted"; Sec. 16.
(Compensation for certain injuries.)
- (ii) by omitting from the same subsection the words "But such deduction, to the extent to which it would reduce the sum payable to the worker upon such an election to an amount less than one-half of the amount payable in respect of the injury, as indicated in the second column of the table, shall not be made";
- (iii) by omitting from subsection six of the same section the words "one thousand pounds" and by inserting in lieu thereof the words "one thousand two hundred and fifty pounds";
- (iv) by inserting in the same subsection after the word "compensation" where firstly occurring the words "under this section";
- (v)

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(v) by omitting the table set forth at the end of the same section and by inserting in lieu thereof the following table:—

TABLE.

Nature of Injury.	Amount payable.		
	£	s.	d.
Loss of either arm, or of the greater part thereof	1,000	0	0
Loss of lower part of either arm, either hand, or five fingers of either hand	875	0	0
Loss of a leg	950	0	0
Loss of the lower part of a leg.. ..	800	0	0
Loss of a foot	750	0	0
Loss of sight of one eye, with serious diminution of the sight of the other	950	0	0
*Loss of sight of one eye	500	0	0
Loss of hearing	800	0	0
Complete deafness of one ear	400	0	0
Loss of a thumb	375	0	0
Loss of a forefinger	250	0	0
Loss of joint of a thumb	200	0	0
Loss of little finger, middle finger, or ring finger	150	0	0
Loss of a toe or the joint of a finger ..	120	0	0
Loss of a joint of a toe	90	0	0
Loss of great toe	250	0	0
Loss of joint of forefinger or of joint of great toe	150	0	0

* For the partial loss of sight of one eye there shall be payable such percentage of the amount that would be payable for the total loss of the sight thereof as is equal to the percentage of the diminution of sight.

Increased weekly payments—retroactive. Act No. 20, 1945, s. 2 (6).

(2) (a) The amendments made by paragraph (d) of subsection one of this section shall be deemed to extend to, and from the commencement of this Act, apply in respect of all persons in receipt of weekly payments under the provisions of section nine of the Workers' Compensation Act, 1926-1947, and under the provisions of the Workers' Compensation (Silicosis) Act, 1942-1946, as well as to all persons becoming entitled to weekly payments under any of such provisions after such commencement.

Subsisting policies. *Ibid.*, s. 2 (7).

(b) Any policy of insurance against liability under the Workers' Compensation Act, 1926, or any amendment of that Act, being maintained in force at the commencement of this Act shall be deemed to insure the employer and always to have insured the employer against

against any additional liability to which he may become liable during the currency of the policy under any amendment of the Workers' Compensation Act, 1926-1947, made by this section. Where a person is in receipt of compensation at the commencement of this Act and such compensation is payable by an insurer such insurer shall be liable to pay any additional compensation to which such person becomes entitled by virtue of any amendment made by this section.
