

**WORKERS' COMPENSATION (FURTHER  
AMENDMENT) ACT.**

**Act No. 25, 1951.**

An Act to increase, in certain cases, the amounts payable by way of compensation under the Workers' Compensation Act, 1926, and the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts; for this purpose to amend the said Acts; and for purposes connected therewith. [Assented to, 29th October, 1951.] George VI.  
No. 25, 1951.

**B**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:—

**1.** (1) This Act may be cited as the "Workers' Compensation (Further Amendment) Act, 1951." Short title,  
citation  
and com-  
mencement.

(2) The Workers' Compensation Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation Acts, 1926-1951.

(3) This Act shall be deemed to have commenced upon the twenty-seventh day of June, one thousand nine hundred and fifty-one.

**2.** (1) The Workers' Compensation Act, 1926-1951, is amended— Amendment  
of Act No.  
15, 1926.

(a) by inserting next after subsection one of section nine the following new subsection:— Sec. 9.  
(Total or  
partial  
incapacity.)

(1A) (a) For the purposes of determining the compensation payable under this section to an adult worker in receipt of compensation at the

**Workers' Compensation (Further Amendment)  
Act.**

No. 25, 1951.

the commencement of the Workers' Compensation (Amendment) Act, 1951, or who after such commencement receives compensation in respect of an injury which occurred before such commencement, the average weekly earnings referred to in paragraph (a) of subsection one of this section shall be deemed to be increased as from such commencement by the difference between the living wage, the needs basic wage or the basic wage, as the case may be, applicable at the time of the injury and the basic wage applicable at such commencement.

(b) A reference in this section to the average weekly earnings of a worker referred to in paragraph (a) of this subsection shall be deemed to be a reference to his average weekly earnings as so increased.

(c) In this subsection—

“basic wage” means the basic wage for adult males or adult females, as the case may require, referred to in section fourteen of this Act;

“living wage” means the living wage for adult males or adult females, as the case may require, declared or adjusted under the Industrial Arbitration Act, 1912, as amended by subsequent Acts, and applicable to the area in which the worker was employed;

“needs basic wage” means the needs basic wage referred to in subparagraph (i) or subparagraph (ii), as the case may require, of paragraph (c) of section fourteen of this Act as enacted immediately before the commencement of the Workers' Compensation (Amendment) Act, 1951, together with the fixed loading referred to therein.

(b)

**Workers' Compensation (Further Amendment)  
Act.**

181

(b) (i) by inserting in paragraph (b) of subsection one of section eleven after the words "difference between" the words "the living wage";

No. 25, 1951.  
Sec. 11.  
(Partial incapacity.)

(ii) by inserting in paragraph (d) of the same subsection after the definition of "basic wage" the following new definition:—

"living wage" means the living wage for adult males or adult females, as the case may require, declared or adjusted under the Industrial Arbitration Act, 1912, as amended by subsequent Acts, and applicable to the area in which the worker was employed.

(2) 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 any additional liability to which he may become liable during the currency of the policy under any amendment of the Workers' Compensation Act, 1926, as amended by subsequent Acts, made by this Act. 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 Act.

Subsisting policies.  
Act No. 20, 1951, s. 6.

(3) The amendment made by paragraph (a) of subsection one of this section shall apply to and in respect of persons who at the commencement of the Workers' Compensation (Amendment) Act, 1951, were in receipt of compensation under the Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts, or who after such commencement receive compensation under the said Act, as so amended, in respect of an injury which occurred before such commencement, as well as to persons to whom such amendment applies.

Application to Workers' Compensation (Silicosis) Act, 1942-1946.

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