

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

Act No. 28, 1953.

An Act to extend in certain respects the provisions of the Workers' Compensation (Silicosis) Act, 1942-1946; for that purpose to amend that Act; and for purposes connected therewith. [Assented to, 11th December, 1953.]

Elizabeth II,
No. 28, 1953.

BE it enacted by the Queen'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 (Silicosis) Amendment Act, 1953".

Short title,
citation and
commence-
ment.

(2) The Workers' Compensation (Silicosis) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Workers' Compensation (Silicosis) Act, 1942-1953.

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

2. The Workers' Compensation (Silicosis) Act, 1942-1946, is amended—

Amendment
of Act No. 14,
1942.

(a) by inserting in subsection two of section six after the words "defined by this Act" the words "or payable under subsection (1A) of section eight of this Act";

Sec. 6.
(Constitu-
tion of
Fund.)

(b) (i) by inserting next after subsection one of section eight the following new subsection:—

Sec. 8.
(Certificate of
medical
authority and
awards.)

(1A) Where a worker who immediately before his death was receiving, or was entitled under an award of the committee to

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to receive, or was entitled under a certificate issued pursuant to paragraph (a) of subsection one of this section to an award from the committee and to receive, compensation at the prescribed rates from the Fund in respect of his disablement from the disease died or dies after the commencement of the Workers' Compensation (Silicosis) Amendment Act, 1953, and the medical authority has certified or certifies that his death was not reasonably attributable to his exposure to the inhalation of silica dust in New South Wales in an employment to the nature of which the disease was due, the dependants of the worker shall be entitled to an award from the committee, and to receive compensation at the prescribed rates from the Fund.

(ii) by inserting next after paragraph (i) of subsection two of the same section the following new paragraphs:—

(ia) where an award is made by the committee under subsection (1A) of this section and the disablement for work from the disease was total—the compensation payments prescribed by section eight of the Principal Act;

(ib) where an award is made by the committee under subsection (1A) of this section and the disablement for work from the disease was partial—such percentage of the compensation payments that would have been payable under paragraph (ia) had the disablement been total as is equal to the percentage of the worker's disablement for work from the disease as certified

certified by the medical authority at the last examination of the worker made by the medical authority before the worker's death.

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- (c) by inserting next after section eight the following new section:—

8A. Where a person and his spouse (if any) or a person or his spouse (if any) would, but for the weekly payments of compensation payable to such person under any award made before or after the commencement of the Workers' Compensation (Silicosis) Amendment Act, 1953, by the committee under this Act or any amendment thereof or under any award mentioned in paragraph (b) of subsection two of section eight of this Act, be qualified to receive an age, invalid or widow's pension under the Social Services Consolidation Act, 1947-1953, of the Parliament of the Commonwealth of Australia, the committee may, in order that such person and his spouse (if any) or such person or his spouse (if any) may become so qualified, make an order directing that the weekly payments of compensation payable to such person under that award shall be such amount, less than that prescribed under this Act or any amendment thereof, as the committee may specify in the order. While such order remains in force the compensation payable from the Fund to such person under the award shall, notwithstanding anything elsewhere contained in this Act or any amendment thereof, be the amount specified in the order.

Power to vary awards for certain purposes.