

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

**New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 44, 1975.**

An Act to increase workers' compensation; to extend the powers of the Insurance Premiums Committee appointed under the Workers' Compensation Act, 1926; to make further provisions in relation to occupational diseases and the statements of wages required to be supplied by employers applying to insurers for policies of insurance or indemnity under that Act; for these and other purposes to amend the Workers' Compensation Act, 1926, the Workers' Compensation (Dust Diseases) Act, 1942, and the Workmen's Compensation (Broken Hill) Act, 1920; and for purposes connected therewith. [Assented to, 18th April, 1975.]

**BE**

*Workers' Compensation (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by No. 44, 1975  
 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. This Act may be cited as the "Workers' Compensation Short title.  
 (Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the Commence-  
 date of assent to this Act. ment.

(2) Section 9 shall commence on such day as may be  
 appointed by the Governor in respect thereof and as may be  
 notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2),  
 this Act shall commence on such day as may be appointed by  
 the Governor in respect thereof and as may be notified by  
 proclamation published in the Gazette.

3. In this Act—

Interpre-  
tation.

"appointed day" means the day appointed and notified  
 under section 2 (3);

"Principal Act" means the Workers' Compensation Act,  
 1926.

4. The Principal Act is amended by inserting after section Amendment  
 7 (4c) the following subsection :— of Act No.  
15, 1926.

(4D) Where a worker, during a time when he is Sec. 7.  
 engaged in employment of a kind prescribed by regula- (Liability of  
 tions under this Act as an employment to which this employers  
 subsection applies, contracts a disease prescribed by to workers  
for  
injuries.)

those

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those regulations as a disease that is related to employment of that kind, then for the purposes of this Act, unless the contrary is established—

- (a) the disease shall be deemed to have been contracted by the worker in the course of the employment in which he was so engaged; and
- (b) that employment shall be deemed to have been a contributing factor to the disease.

Further amendment of Act No. 15, 1926.

## 5. (1) The Principal Act is further amended—

Sec. 8.  
(Compensation payments (Death).)

- (a) (i) by omitting from section 8 (1) (a) the words “thirteen thousand two hundred and fifty dollars” and by inserting instead the matter “\$20,000”;
- (ii) by omitting from section 8 (1) (b) the words “seven dollars fifty cents” and by inserting instead the matter “\$11”;
- (iii) by omitting from section 8 (3) the words “three thousand seven hundred and fifty dollars” and by inserting instead the matter “\$5,600”;

Sec. 9.  
(Total or partial incapacity.)

- (b) (i) by omitting from section 9 (1) (a) the words “forty-three dollars” and by inserting instead the matter “\$64”;
- (ii) by omitting from section 9 (1) (a) the word “male”;
- (iii) by omitting from section 9 (1) (a) the words “twenty-eight dollars” and by inserting instead the matter “\$42”;

(iv)

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- (iv) by omitting from section 9 (1) (b) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
  - (v) by omitting from section 9 (1) (b) (ii) the words "five dollars" and by inserting instead the matter "\$8";
  - (vi) by omitting from section 9 (1) (c) (i) the words "eleven dollars" and by inserting instead the matter "\$16";
  - (vii) by omitting from section 9 (1) (c) (ii) the words "five dollars" and by inserting instead the matter "\$8";
  - (viii) by omitting from section 9 (1A) (a) the figures "1971" and by inserting instead the figures "1975";
  - (ix) by omitting from section 9 (4) the words "twenty-five dollars" and by inserting instead the matter "\$38";
  - (x) by omitting from section 9 (4) the words "twenty-one dollars" and by inserting instead the matter "\$32";
  - (xi) by omitting section 9 (5);
- (c) (i) by omitting from section 16 (1B) (a) the words "seven hundred dollars" and by inserting instead the matter "\$1,050";
  - (ii) by omitting from section 16 (1B) (a1) the words "one thousand five hundred dollars" wherever occurring and by inserting instead the matter "\$2,250";
  - (iii) by omitting from section 16 (1B) (a1) the words "one thousand dollars" and by inserting instead the matter "\$1,500";
  - (iv)

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(iv) by omitting from section 16 (1BA) (b) the words "two thousand dollars" wherever occurring and by inserting instead the matter "\$3,000";

(v) by omitting the table set forth at the end of section 16 and by inserting instead the following table :—

TABLE.

Nature of Injury.	Amount payable.
	\$
Loss of either arm, or of the greater part thereof.. ..	10,500
Loss of lower part of either arm, either hand, or five fingers of either hand .. .. .	9,000
Loss of a leg or of the greater part thereof.. .. .	9,600
Loss of the lower part of a leg .. .. .	8,250
Loss of a foot .. .. .	8,000
Loss of sight of one eye, with serious diminution of the sight of the other .. .. .	9,600
Loss of the sight of both eyes .. .. .	13,500
*Loss of sight of one eye .. .. .	5,600
Loss of hearing of both ears .. .. .	8,250
†Loss of hearing of one ear .. .. .	3,900
‡Loss of power of speech .. .. .	8,250
Loss of a thumb .. .. .	3,900
Loss of a forefinger .. .. .	2,600
Loss of a joint of a thumb .. .. .	2,400
Loss of a little finger, middle finger or ring finger.. ..	1,350
Loss of a toe or the joint of a finger.. .. .	1,200
Loss of a joint of a toe .. .. .	750
Loss of a great toe .. .. .	2,600
Loss of joint of forefinger or of joint of great toe.. ..	1,350

\* 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.

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

‡ For the partial loss of the power of speech there shall be payable such percentage of the amount that would be payable for the total loss of that power as is equal to the percentage of the diminution of that power.

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(2) The amendments made by subsection (1) (a) (ii) **No. 44, 1975** and subsection 1 (b) extend to and, on and from the appointed day, apply in respect of all persons and institutions who or which immediately before that day were in receipt of or entitled to weekly payments under the provisions of section 8 or 9 of the Principal Act or under those provisions of the Workers' Compensation (Dust Diseases) Act, 1942, which prescribe weekly payments by reference to the Principal Act, as well as to all persons and institutions becoming entitled to weekly payments under any of those provisions on or after that day.

(3) The compensation prescribed by section 8 of the Principal Act, as amended by subsection (1) (a), shall be payable in accordance with that section in respect of the death of any worker which on or after the appointed day results from an injury whether received before, on or after that day.

(4) The compensation prescribed by section 16 of the Principal Act, as amended by subsection (1) (c), for an injury of a particular kind shall be payable for—

- (i) any injury of that kind received on or after the appointed day; and
- (ii) any injury of that kind received before that day by a worker who has not before that day been awarded, or has not received or agreed to receive, for that injury the compensation prescribed by section 16 of the Principal Act, as enacted immediately before that day.

**6. The Principal Act is further amended—**

**Further  
amendment  
of Act No.  
15, 1926.**

- (a) by omitting from section 18 (1) the words "fifty thousand dollars" and by inserting instead the matter "\$100,000";

**Sec. 18.  
(Compul-  
sory  
insurance.)**

**(b)**

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(b) by inserting after section 18 (7) the following subsection :—

(7A) A statement is not supplied in compliance with subsection (7) if—

(a) the regulations prescribe a form in or to the effect of which the statement shall be supplied ; or

(b) the regulations require the statement to be verified in the manner specified in the regulations,

and the statement is not so supplied or verified.

Subsisting policies.

7. (1) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall be deemed to have insured 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 made by this Act.

(2) Where a person is in receipt of compensation on the appointed day 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.

(3) A policy of insurance or indemnity against liability under the Principal Act being maintained in force on the appointed day shall, where the policy does not insure the employer against his liability independently of that Act for an amount of at least \$100,000 for any injury to a worker employed by him, be deemed to insure the employer against his liability independently of that Act to the extent of \$100,000 in respect of any injury to any worker employed by him.

(4)

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(4) Subsection (3) applies only to and in respect of No. 44, 1975 injuries received on or after the appointed day.

8. The Principal Act is further amended—

Further  
amendment  
of Act No.  
15, 1926.

(a) by omitting from section 30A (21) (a) the words "the rates" and by inserting instead the words "the highest rates";

Sec. 30A.  
(Insurance  
Premiums  
Commit-  
tee.)

(b) by inserting after section 30A (21) (b) (i) the following subparagraphs :—

(ia) fix the lowest rates of premium which insurers may accept for the issue or renewal of policies of insurance referred to in section 18;

(ib) fix the highest amounts which insurance brokers may accept by way of commission or other remuneration for their services in relation to such policies;

(c) by inserting in section 30A (21) (b) (iii) after the word "insurers" the words "or any insurance broker or class of insurance brokers";

(d) by inserting after section 30A (21) (b) the following paragraphs :—

(b1) The rates and amounts referred to in paragraph (b) (ia) and paragraph (b) (ib) may be fixed by reference to a percentage of premiums or in any other manner.

(b2) Any scheme referred to in paragraph (a) may make provisions that apply differently according to such factors as are specified in the scheme.

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No. 44, 1975  
Amendment  
of Act No.  
36, 1920.  
Schedule.

9. (1) Part II of the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, is amended—

- (a) by omitting from paragraph 6 (a) the figures "12.00" and by inserting instead the figures "20.00";
- (b) by omitting from paragraph 6 (a) the figures "5.00" wherever occurring and by inserting instead the figures "8.00";
- (c) by omitting from paragraph 6 (b) the figures "12.00" and by inserting instead the figures "20.00";
- (d) by omitting from paragraph 6 (b) the figures "5.00" where firstly occurring and by inserting instead the figures "14.50";
- (e) by omitting from paragraph 6 (b) the figures "5.00" where secondly occurring and by inserting instead the figures "8.00";
- (f) by omitting from paragraph 6 (c) the figures "10.00" and by inserting instead the figures "20.00";
- (g) by omitting from paragraph 6A (b) the figures "31.00" wherever occurring and by inserting instead the figures "44.00";
- (h) by omitting from paragraph 6A (b) the figures "6.00" and by inserting instead the figures "1.50";
- (i) by omitting from paragraph 6A (b) the figures "15.00" and by inserting instead the figures "17.50".

(2)

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(2) The amendments made by subsection (1) extend No. 44, 1975 to and, on and from the commencement of this section, apply in respect of all persons who were immediately before that commencement in receipt of or entitled to compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as well as to all persons becoming entitled to compensation under that Act after that commencement.

10. (1) The Workers' Compensation (Dust Diseases) Act, 1942, is amended— Amendment of Act No. 14, 1942.

- (a) by omitting from section 8 (2B) (b) (i) the words "five thousand five hundred dollars" and by inserting instead the matter "\$8,250"; Sec. 8. (Certificate of medical authority.)
- (b) by omitting from section 8 (2B) (b) (ii) the words "twenty-five dollars" and by inserting instead the matter "\$37.50";
- (c) by omitting from section 8 (2B) (b) (iii) the words "seven dollars fifty cents" and by inserting instead the matter "\$11".

(2) The amendments made by subsection (1) (b) and subsection (1) (c), in so far as those amendments increase weekly payments, extend to and, on and from the appointed day, apply in respect of all persons who, immediately before that day, were in receipt of or entitled to weekly payments under the Workers' Compensation (Dust Diseases) Act, 1942, in respect of the death of any person, as well as to all persons becoming entitled to weekly payments under any of those provisions on or after that day.

(3)

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(3) The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by subsection (1) (a), shall be payable in accordance with section 8 (2B) (b) (i) of that Act in respect of the death of a person on or after the appointed day, whether or not anything on which entitlement to compensation under section 8 (2B) (b) (i) of that Act depends happened, or was done or suffered, before that day.

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