

**WORKERS' COMPENSATION (DUST DISEASES)
AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 123, 1977.

An Act to amend the Workers' Compensation (Dust Diseases) Act, 1942, so as to increase workers' compensation payable under that Act and to provide for the indexation of certain weekly payments of compensation under that Act. [Assented to, 9th December, 1977.]

BE

Workers' Compensation (Dust Diseases) Amendment.

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. This Act may be cited as the "Workers' Compensation (Dust Diseases) Amendment Act, 1977". Short title.

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.

SCHEDULE 2.—TRANSITIONAL AND SAVINGS PROVISIONS.

3. The Workers' Compensation (Dust Diseases) Act, 1942, is amended in the manner set forth in Schedule 1. Amendment of Act No. 14, 1942.

4. Schedule 2 has effect. Transitional and savings provisions.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942.

(1) Section 8 (2B) (b) (i)—

Omit "\$8,250", insert instead "\$10,300".

(2) Section 8 (2B) (b) (ii)—

Omit "\$37.50", insert instead "\$46.50".

Workers' Compensation (Dust Diseases) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT, 1942—*continued.*

(3) Section 8 (2B) (b) (iii)—

Omit "\$11", insert instead "\$14".

(4) Section 8 (3), (3A)—

After "9" wherever occurring, insert ", 9A".

(5) Section 8 (3)—

At the end of the subsection, insert :—

For the purposes of the application of section 9A of the Principal Act in accordance with the foregoing provisions of this subsection—

- (a) a reference in that section to an adjustable amount includes a reference to each of the amounts of \$46.50 and \$14 referred to in subsection (2B) (b) (ii) or (iii); and
- (b) subsection (3) of that section shall be read and construed as requiring the references in this section to those amounts to be read and construed in accordance with that subsection as applied by this subsection.

Sec. 4.

SCHEDULE 2.

TRANSITIONAL AND SAVINGS PROVISIONS.

1. Where, at the date of assent to this Act, a worker is disabled, his weekly entitlement shall on and from that date and until he first ceases to be disabled after that date, be—

- (a) notwithstanding any other provision of this Act, his weekly entitlement immediately before that date; or

Workers' Compensation (Dust Diseases) Amendment.

SCHEDULE 2—*continued.*

TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

(b) his weekly entitlement under the Workers' Compensation (Dust Diseases) Act, 1942, after that date, whichever is the greater.

2. The weekly payments prescribed by the Workers' Compensation (Dust Diseases) Act, 1942, by reference to the Principal Act, as amended by the Workers' Compensation (Rates) Amendment Act, 1977, are payable, on and from the date of assent to this Act, in respect of all persons who immediately before that date were in receipt of or entitled to weekly payments under the 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 becoming entitled to weekly payments under any of those provisions on or after that date.

3. The weekly payments prescribed by section 8 (2B) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, are payable, on and from the date of assent to this Act, in respect of all persons who, immediately before that date, 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 that Act, as so amended, on or after that date.

4. The compensation prescribed by section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, shall be payable in accordance with section 8 (2B) (b) (i) of that Act, as so amended, in respect of the death of a person on or after the date of assent to this Act, 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 date.