

**WORKERS' COMPENSATION (AMENDMENT) ACT,  
1978, No. 27**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 27, 1978.**

An Act to amend the Workers' Compensation Act, 1926, and  
the Workers' Compensation (Rates) Amendment Act, 1977.  
[Assented to, 22nd March, 1978.]

*Workers' Compensation (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 :—

Short title.      **1.** This Act may be cited as the "Workers' Compensation (Amendment) Act, 1978".

Commence-      **2.** (1) Except as provided in subsections (2) and (3), this  
ment.            Act shall commence on the date of assent to this Act.

(2) Section 3 (a) shall be deemed to have commenced on 28th February, 1978.

(3) Section 3 (b) and (d) and section 4 shall be deemed to have commenced on 9th December, 1977.

Amendment      **3.** The Workers' Compensation Act, 1926, is amended—  
of Act No.  
15, 1926.

Sec. 6.            (a) by omitting from paragraph (g) of the definition of  
(Defini-            "Worker" in section 6 (1) the matter "1st March" and  
tions.)            by inserting instead the matter "31st December";

Sec. 9.            (b) by inserting in section 9 (13) (a) after the word  
(Total or            "award" where secondly occurring the words "or  
partial in-            industrial agreement";  
capacity.)

Sec. 9A.          (c) by omitting section 9A (2) and (3) and by inserting  
(Indexation        instead the following subsections :—  
of amounts.)

(2) On and from each adjustment date until immediately before the next succeeding adjustment date, a reference in section 8 (1) (b) or 9 (1) (a), (b) or (c) or (4) to an amount that is an adjustable amount shall be construed as a reference to an amount that bears to that adjustable amount the same proportion as the latest weekly rate for the firstmentioned adjustment date bears to the base rate.

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(3) Where a reference to an adjustable amount as construed in accordance with subsection (2) would, but for this subsection, be expressed as including an amount in cents that is not a whole number of cents divisible by 10 without remainder, that amount—

- (a) shall be disregarded if it is less than 5 cents;
- (b) shall, if it is a whole number of cents divisible by 5 without remainder, be reckoned as the next higher whole number of cents that is divisible by 10 without remainder; or
- (c) shall, if it is not referred to in paragraph (a) or (b), be reckoned as the nearest whole number of cents that is divisible by 10 without remainder.

(4) On or before each adjustment date the Registrar of the Commission shall, by notice published in the Gazette, declare the amount at which each adjustable amount is to be construed in accordance with subsections (2) and (3) on and from that adjustment date until immediately before the next succeeding adjustment date.

- (d) (i) by omitting from section 30K (1A) (b) the words "amount in respect" and by inserting instead the word "proportion";
- (ii) by omitting section 30K (2A) and by inserting instead the following subsection :—
- Sec. 30K.  
(Payments  
from the  
Contribution  
Fund.)

(2A) The prescribed proportion referred to in subsection (1A) (b) is—

- (a) except as provided in paragraph (b)—the proportion agreed upon between the insurer referred to in that subsection and the Government Insurance Office; or

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(b) in the absence of agreement, or where that insurer is the Government Insurance Office—the proportion that the difference between—

(i) the rate of weekly compensation that was payable, immediately before the redemption, in respect of the injury; and

(ii) the rate of weekly compensation that would then have been so payable if the Workers' Compensation (Amendment) Act, 1975, and the Workers' Compensation (Rates) Amendment Act, 1977, had not been enacted,

bears to the rate of weekly compensation referred to in subparagraph (i).

Amendment  
of Act No.  
124, 1977,  
Schedule 2.

4. Schedule 2 to the Workers' Compensation (Rates) Amendment Act, 1977, is amended—

(a) by inserting in clause 7 (1) after the word "indemnity" the words "whether or not";

(b) by omitting from clause 7 (1) the matter "clause 7" and by inserting instead the matter "clause 6";

(c) by omitting clause 7 (2) and by inserting instead :—

(2) Where, immediately before the date of assent to this Act, a policy of insurance or indemnity against liability under the Principal Act was in force for a period that expires after that date and the amount of the premium attributable to the unexpired portion of the period of the policy was less than the prescribed amount for the policy, the insurer may increase the amount of the premium so attributable to an amount that does not exceed the lesser of—

(a) that prescribed amount; and

(b) the premium so attributable, increased by 15 per centum.

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*Workers' Compensation (Amendment).*

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In this subclause "prescribed amount" in relation to a policy of insurance or indemnity means an amount equal to the amount of premium attributable to the unexpired portion of the period of the policy calculated by reference to the rate of premium that is recommended for the policy by The New South Wales Workers' Compensation Rates of Premium Scheme, 1976, as amended by The New South Wales Workers' Compensation Rates of Premium (Amendment) Scheme, 1976, increased by 10 per centum.

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