

**WORKERS' COMPENSATION (DUST DISEASES)
AMENDMENT ACT, 1981, No. 74**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 74, 1981.

An Act to amend the Workers' Compensation (Dust Diseases) Act, 1942, to increase, with effect from 17th December, 1980, certain amounts payable under that Act on the death of a worker; and for certain other purposes. [Assented to, 28th May, 1981.]

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 the 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 (Dust Diseases) Amendment Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Section 5 shall, in its application to a provision of Schedule 2, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(4) Schedule 1 (2) and clauses 1 and 2 of Schedule 2 shall be deemed to have commenced on 17th December, 1980.

Schedules.

3. This Act contains the following Schedules:—

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

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Workers' Compensation (Dust Diseases) Amendment.

Amendment of Act No. 14, 1942.

4. The Workers' Compensation (Dust Diseases) Act, 1942, is amended in the manner set forth in Schedule 1.

Savings and transitional provisions.

5. Schedule 2 has effect.

SCHEDULE 1.

(Sec. 4.)

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

(1) Section 6 (11), (12)—

After section 6 (10), insert:—

(11) The accounts relating to the Workers' Compensation (Dust Diseases) Fund, the Dust Diseases Contribution Account and the Dust Diseases Outstanding Liability Reserve Fund shall be inspected, examined, audited and reported upon by the Auditor-General, who shall have, in respect of those accounts, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts.

(12) Towards defraying the costs and expenses incurred by the Auditor-General under subsection (11), the board or committee administering the fund or account concerned shall pay to the Consolidated Revenue Fund out of the fund or account, as the case may be, such amounts, at such times, as the Treasurer decides.

(2) (a) Section 8 (2B) (b) (i)—

Omit "\$10,300", insert instead "\$16,500".

Workers' Compensation (Dust Diseases) Amendment.

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

(b) Section 8 (2B) (b) (iii)—

Omit "\$14", insert instead "\$20".

(c) Section 8 (3)—

Omit "includes a reference to each of the amounts of \$46.50 and \$14 referred to in subsection (2B) (b) (ii) or (iii); and", insert instead "(other than such a reference in the definition of 'base rate' in section 9A (1)) includes a reference to each of the amounts of \$16,500, \$46.50 and \$20 referred to in subsection (2B) (b) (i), (ii) or (iii)".

(d) Section 8 (3)—

Omit:—

- (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.

insert instead:—

- (b) the definition of "base rate" in section 9A (1) shall be deemed to have been omitted and the following definition inserted instead thereof:—

"base rate" means—

- (a) in relation to an adjustable amount of \$16,500 or \$20—\$178.22; or
- (b) in relation to an adjustable amount of \$46.50—\$144.57;

Workers' Compensation (Dust Diseases) Amendment.

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

- (c) section 9A (2A) shall be read and construed as requiring the references in this section to the amount of \$16,500 to be read and construed in accordance with section 9A (2A) as applied by this subsection; and
- (d) section 9A (3) shall be read and construed as requiring the references in this section to the amounts of \$46.50 and \$20 to be read and construed in accordance with section 9A (3) as applied by this subsection.

SCHEDULE 2.

(Sec. 5.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Compensation payable on death of worker.

1. The compensation prescribed by the provisions of section 8 (2B) (b) (i) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act and as construed in accordance with section 8 (3) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, is payable in accordance with those provisions, as so amended and construed, in respect of the death of a worker which, on or after 17th December, 1980, results from an injury whether received before, on or after that date.

Weekly payments.

2. The weekly payments prescribed by section 8 (2B) (b) (iii) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act and as construed in accordance with section 8 (3) of the Workers' Compensation (Dust Diseases) Act, 1942, as amended by this Act, are payable on and from 17th December, 1980, in respect of all persons who, immediately before that date, were in receipt of or entitled to weekly payments under the provisions of section 8 (2B) (b) (iii) of the Workers' Compensation (Dust Diseases) Act, 1942, as well as to all persons becoming entitled to weekly payments under those provisions on or after that date.

Workers' Compensation (Dust Diseases) Amendment.

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Adjustable amounts.**

3. The declaration made by the Registrar of the Workers' Compensation Commission pursuant to section 8 (3) of the Workers' Compensation (Dust Diseases) Act, 1942, and published on page 1597 of the Gazette of 13th March, 1981, shall be deemed to have been made as if—

- (a) the words "the adjustable amounts of \$46.50 and \$14.00 referred to in section 8 (2B) (b) (ii) or (iii)" were omitted therefrom and the words "the adjustable amounts of \$16,500, \$46.50 and \$20 referred to in section 8 (2B) (b) (i), (ii) or (iii)" were inserted instead thereof; and
 - (b) the words "be construed as \$60.20 and \$18.10 respectively" were omitted therefrom and the words "be construed as \$17,350, \$60.20 and \$21 respectively" were inserted instead thereof.
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