

**WORKERS' COMPENSATION (DUST DISEASES)
AMENDMENT ACT 1987 No. 84**

NEW SOUTH WALES



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**WORKERS' COMPENSATION (DUST DISEASES) AMENDMENT
ACT 1987 No. 84**

NEW SOUTH WALES



Act No. 84, 1987

An Act to amend the Workers' Compensation (Dust Diseases) Act 1942 as a consequence of and in connection with the enactment of the Workers Compensation Act 1987. [Assented to 10 June 1987]

Workers' Compensation (Dust Diseases) Amendment 1987

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 (Dust Diseases) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

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

Amendment of Act No. 14, 1942

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

SCHEDULE 1

(Sec. 3)

**AMENDMENTS TO THE WORKERS' COMPENSATION (DUST
DISEASES) ACT 1942**
(1) Section 1 (Short title)—

Omit "Workers' Compensation Act, 1926", insert instead "Workers Compensation Act 1987".

(2) Section 6 (Constitution of Fund)—

Section 6 (7E)—

Omit "Registrar of the Insurance Premiums Committee", insert instead "Chairperson of the Insurance Premiums Committee".

Workers' Compensation (Dust Diseases) Amendment 1987

SCHEDULE 1—*continued*

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

(3) Section 8 (Certificate of medical authority and rates of compensation)—

(a) Section 8 (2) (a)—

Omit “section 9 of the Principal Act”, insert instead “Division 2 of Part 3 of, and Schedule 6 to, the Principal Act in respect of workers employed in or about a mine to which the Coal Mines Regulation Act 1982 applies”.

(b) Section 8 (2) (b), (c)—

Omit “section 8 of the Principal Act” wherever occurring, insert instead “Division 1 of Part 3 of, and Schedule 6 to, the Principal Act in respect of workers who die before the commencement of that Division”.

(c) Section 8 (2) (b), (c)—

Omit “that section” wherever occurring, insert instead “those provisions”.

(d) Section 8 (2) (d)—

After “medical”, insert “or related treatment”.

(e) Section 8 (2) (d)—

Omit “section 10 of the Principal Act”, insert instead “Division 3 of Part 3 of the Principal Act”.

(f) Section 8 (2A)—

Omit “section 8 (4) of the Principal Act”, insert instead “section 27 of the Principal Act”.

(g) Section 8 (2B) (b) (i)—

Omit “\$16,500”, insert instead “\$25,650”.

(h) Section 8 (2B) (b) (ii)—

Omit “\$46.50”, insert instead “\$89.10”.

(i) Section 8 (2B) (b) (iii)—

Omit “\$20”, insert instead “\$31.10”.

Workers' Compensation (Dust Diseases) Amendment 1987

SCHEDULE 1—*continued*

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

(j) Section 8 (2D) (a)—

Omit “section 57 of the Principal Act”, insert instead “section 85 of the Principal Act”.

(k) Section 8 (2E) (b)—

Omit “section 8 of the Principal Act”, insert instead “Division 1 of Part 3 of the Principal Act”.

(l) Section 8 (3)—

Omit the subsection, insert instead:

(3) Except as otherwise provided under this Act, the following provisions of the Principal Act (with such modifications as may be necessary or as may be prescribed by the regulations) apply to awards referred to in subsection (2) or (2B):

(a) Division 1 of Part 3, as applied under Schedule 6 to that Act in the case of deaths occurring before the commencement of that Division;

(b) Division 2 of Part 3 (except sections 51 and 52), as applied under Schedule 6 to that Act in the case of weekly payments to coal miners (in the application of section 55 the review of weekly payments shall be made by the board and may be made on its own motion in addition to being made on request);

(c) Division 3 of Part 3;

(d) Division 6 of Part 3 (in the application of that Division the amounts referred to in subsection (2B) (b) shall be adjustable amounts and the amount of \$25,650 shall be deemed to be included in section 81 (1));

(e) any other provision prescribed by the regulations.

(m) Section 8 (3A)—

Omit “sections 8, 9, 9A, 11, 14 and 15 (1) of the Principal Act”, insert instead “the Principal Act”.

*Workers' Compensation (Dust Diseases) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE WORKERS' COMPENSATION (DUST DISEASES) ACT 1942—*continued*

(n) Section 8 (4)—

Omit the subsection, insert instead:

(4) The requirements of the Principal Act as to the giving of notice of or relating to injury and as to the making of claims for compensation apply (subject to the regulations) to the giving of any such notice and the making of any such claims under this Act, except that notices are to be given to, and claims made on, the board instead of to or on the employer.

(o) Section 8 (5A)—

Before section 8 (6), insert:

(5A) The regulations under the Principal Act may require a policy of insurance under that Act to contain provisions in respect of the employer's liability independently of that Act for an injury (being a dust disease) to a worker under this Act.

(4) Section 8D (**Power to resume weekly payments ended under Principal Act**)—

Omit "section 60 of the Principal Act as applied by section 8 (3)", insert instead "section 60 of the Workers' Compensation Act 1926 or section 55 of the Workers Compensation Act 1987, as applied by this Act,".

(5) Section 8H (**Inspectors**)—

(a) Section 8H (4) (b)—

Omit "section 18 (8) of".

(b) Section 8H (4) (d)—

Omit "or indemnity under section 18 of", insert instead "under".

(c) Section 8H (4) (e)—

Omit "section 18A of the Principal Act", insert instead "section 274 of the Principal Act".

Workers' Compensation (Dust Diseases) Amendment 1987

SCHEDULE 1—*continued*

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

(6) Section 81 (**Appeals**)—

(a) Section 81 (1) (c)—

Omit “to the Court in accordance with rules made under the Principal Act”, insert instead “to a workers compensation commissioner in accordance with the regulations under the Principal Act”.

(b) Section 81 (1) (d), (2)—

Omit “the Court” wherever occurring, insert instead “a workers compensation commissioner”.

(c) Section 81 (2A)—

After section 8 (2), insert:

(2A) The provisions of the Principal Act with respect to—

- (a) the reference of matters before commissioners to the Compensation Court;
- (b) appeals from decisions of a commissioner to the Compensation Court; and
- (c) the reference by a commissioner to the Compensation Court of questions of law,

apply to proceedings before commissioners under this Act.

(d) Section 81 (3) (a)—

Omit “subsection (1)”, insert instead “this section”.

Workers' Compensation (Dust Diseases) Amendment 1987

SCHEDULE 1—*continued*

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

(7) Section 10 (**Regulations**)—

Section 10 (2) (a) (iva)—

Omit “section 11 or 13 of the Principal Act”, insert instead “the
Principal Act”.