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[CONFIDENTIAL]

(Bough Draft for Consideration Only.)

No. , 1932.

A BILL

To provide for the discontinuance of the contribution of the Government to the scheme of compensation provided for in the Workmen's Compensation (Broken Hill) Act, 1920-1929; to extend the operation of such scheme; to provide for the reconstitution of the medical authority appointed under that Act; and for these and other purposes to amend the Workmen's Compensation (Broken Hill) Act, 1920-1929, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King'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. (1) This Act may be cited as the "Workmen's Compensation (Broken Hill) (Amendment) Act, 1932," and shall be read and construed with the Workmen's Compensation (Broken Hill) Act, 1920-1929, in this Act referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the Workmen's Compensation (Broken Hill) Act, 1920-1932.

2. (1) The Principal Act is amended—

Amendment of Act No. 36, 1920.

(a) by omitting section three ;

Sec. 3.
(Compensation fund.)

(b) by omitting from section four the words "the contribution by the Government to the fund or."

Sec. 4.
(Variation or amendment of scheme.)

(2) The Schedule to the Principal Act is amended—

Schedule.

(a) by omitting in paragraph twelve of Part III all the words after the words "established and maintained" and by inserting in lieu thereof the words "by contributions from the mine owners";

Par. 12.
(Compensation fund.)

(b) by omitting from paragraph fourteen of the same Part the words "and the Government";

Par. 14.
(Levy of contributions.)

(c) by omitting from paragraph fifteen of the same Part the word "half" wherever occurring ;

Par. 15.
(Payments by mine owners.)

(d) (i) by omitting from paragraph sixteen of the same Part the words "on the Minister as representing the Government, and";

Par. 16.
(Statement of estimated expenses.)

(ii) by omitting from the same paragraph the words "and the Minister";

(e) by omitting from paragraph eighteen of the same Part the words "one-half of."

Par. 18.
(Liability of mine owners.)

3.

3. (1) The Principal Act is further amended—

Further amendment of Act No. 36, 1920.

(a) by omitting subsection one of section 7A ;

Sec. 7A.
(Beneficiaries residing abroad.)

(b) (i) by omitting from subsection one of section nine the words "reasonably attributable to his employment in any such mine so situated";

Sec. 9.
(Extension-scheme.)

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection :—

(3) Subject to this section the provisions of the scheme contained in the Schedule to this Act shall, mutatis mutandis, apply to mine employees.

(iii) by omitting from subsection four of the same section the words "by the mine-employee" and by inserting in lieu thereof the words "by the joint committee";

(iv) by inserting next after subsection seven of the same section the following new subsection :—

(7A) Any compensation awarded to a mine employee shall be paid to and disbursed by the joint committee in accordance with provisions of the scheme contained in the Schedule to this Act.

(c) by omitting from paragraph (b) of subsection one of section ten the words "which is reasonably attributable to his employment in a Broken Hill mine";

Sec. 10.
(Hard-luck-cases.)

(d) (i) by omitting from section eleven the words "the pneumoconiosis and/or tuberculosis in respect of which he claims to be entitled to compensation is certified by the medical authority to be reasonably attributable to his employment in a Broken Hill mine and";

Sec. 11.
(Provisions as to compensation.)

(ii) by omitting from paragraph (a) of the same section the word "six" and by inserting in lieu thereof the word "twelve";

(iii)

Workmen's Compensation (Broken Hill) (Amendment).

- (iii) by omitting from the same paragraph the word "five" and by inserting in lieu thereof the word "eight";
- (iv) by inserting at the end of the same section the following new subsection :—

(2) Any mine worker, "hard-luck case," or mine employee who failed to submit himself for examination by the medical authority within six months of ceasing employment in a Broken Hill mine, or within twelve months after the commencement of the Workers' Compensation (Amendment) Act, 1929, as the case may be, may, within six months after the commencement of the Workmen's Compensation (Broken Hill) (Amendment) Act, 1932, apply to the joint committee for permission to submit himself for examination by the medical authority.

The joint committee may grant such permission if satisfied that the failure of such mine worker, "hard-luck case," or mine employee to submit himself for such examination within such time was due to mistake as to his right to claim compensation under this Act, or to other reasonable cause.

If the medical authority certifies any mine worker, "hard-luck case," or mine employee to whom the joint committee has granted permission to submit himself for examination under this subsection to be suffering from pneumoconiosis and/or tuberculosis, he shall be entitled to compensation under this Act, in like manner as if he had submitted himself for examination by the medical authority within six months of ceasing employment in a Broken Hill mine, or within twelve months after the

the commencement of the Workers' Compensation (Amendment) Act, 1929, as the case may be.

- (e) by omitting from subsection two of section fifteen the words "reasonably attributable to employment in or about a Broken Hill mine"; Sec. 15.
(Review.)
- (f) by inserting next after section sixteen the following new section:— New s. 17.

17. The liability of any mine-owner under this Act or the scheme contained in the Schedule thereto shall attach to any person or company to whom the leases held or used in connection with any mine are transferred after the commencement of the Workmen's Compensation (Broken Hill) (Amendment) Act, 1932, for the purpose of conducting any mining operations. Liability under Act or scheme of any mine-owner to attach to transferee of mine.

(2) The Schedule to the Principal Act is further amended— Schedule.

- (a) (i) by inserting in the definition of "Beneficiary" in paragraph two of Part I after the words "mine worker" wherever occurring the words "mine employee or 'hard luck' case"; Par. 2.
(Definitions.)
- (ii) by omitting from the same definition the word "fourteen" wherever occurring and by inserting in lieu thereof the word "sixteen";
- (iii) by omitting from the definition of "Compensation" in the same paragraph all the words after the word "means" and by inserting in lieu thereof the words "the consideration for which a mine worker undertakes after medical examination made before or after the adoption of the scheme to give up his work and position as a mine worker if such examination has proved or proves that he is disqualified by pneumoconiosis or tuberculosis from association with other persons as a mine worker; or that having

having contracted pneumoconiosis or tuberculosis he is thereby incapacitated from further work in the mines ”;

- (iv) by inserting in the definition of “ Mine worker ” in the same paragraph after the word “ Act ” the words “ or who had registered for employment with the Broken Hill mines between the 11th November, 1920, and the 31st December, 1920 ”;
- (b) (i) by omitting from subparagraph (a) of paragraph six the figures “ 14 ” wherever occurring and by inserting in lieu thereof the figures “ 16 ”;
- (ii) by omitting from subparagraph (b) of the same paragraph the figures “ 14 ” and by inserting in lieu thereof the figures “ 16 ”;
- (iii) by omitting from subparagraph (d) of the same paragraph the figures “ 14 ” and by inserting in lieu thereof the figures “ 16 ”;
- (iv) by omitting from subparagraph (g) of the same paragraph the word “ may ” and by inserting in lieu thereof the word “ shall ”;
- (v) by inserting next after the same subparagraph the following new subparagraph which shall be read as subparagraph (i) :—
 - (i) Any mine worker shall be entitled to compensation in respect of his dependent wife and children under 16 years of age notwithstanding that his marriage to such wife, or the birth of such child or children, has taken place after he has secured an award of compensation from the joint committee.
- (vi) by omitting the proviso to the same paragraph inserted by subparagraph (iv) of paragraph (c) of subsection one of section thirteen of the Workers' Compensation (Amendment) Act, 1929;
- (vii) by omitting subparagraph (j) of the same paragraph;

Par. 6.
(Rates of compensation.)

(c)

Workmen's Compensation (Broken Hill) (Amendment).

- (c) by omitting paragraph seven of Part II ; Par. 7.
(Lump sum payments.)
 - (d) by omitting from paragraph thirty-four of Part IV the words "the committee, subject to the approval of" ; Par. 34.
(Appointment of secretary.)
 - (e) by inserting in subparagraph (d) of paragraph forty-nine of Part VI after the words "proffered to him" the words "through the joint committee." Par. 49.
(Acceptance of employment.)
4. (1) The Principal Act is further amended— Further amendment of Act No. 38, 1920.

- (a) by omitting subsection one of section eight and by inserting in lieu thereof the following subsections:— Sec. 8.
(Medical authority.)

(1) The medical authority for the purposes of this Act and the schemes under this Act shall be a board of three legally qualified medical practitioners appointed by the Governor.

One member of such board shall be appointed as chairman, and shall hold office until removed by the Governor.

One other member of such board shall be appointed upon the nomination of the mine-owners.

The third member of such board shall be appointed upon the nomination of the mine workers as defined in the scheme in the Schedule to this Act, and the mine employees.

All such nominations shall be made as prescribed.

The members appointed on such nominations shall hold office for a period of one year from the date of appointment and shall be eligible for reappointment if again nominated.

(1A) The first nominations of members for appointment to the board after the commencement of the Workmen's Compensation (Broken Hill) (Amendment) Act, 1932, shall be made not later than one month after such commencement, and the first appointments of members of the board shall be made not later than one month after such nominations have been made.

(b)

(b) by inserting next after section seventeen as ^{New s. 18.} inserted by paragraph (f) of subsection one of section three of this Act, the following new section:—

18. (1) The Governor may make regulations ^{Regulations.} not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act, and in particular and without limiting the generality of the foregoing power make regulations in relation to—

- (a) the manner in which nominations of legally qualified medical practitioners for appointment as members of the medical authority shall be made;
- (b) the form of such nominations;
- (c) the time within which such nominations shall be made; and
- (d) the persons with whom such nominations shall be lodged.

(2) Any regulations so made shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from such later date as may be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulation has been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The medical practitioner appointed under the Principal Act as chairman of the medical authority, and holding office as such immediately before the commencement of this Act, shall be deemed to have been appointed under the Principal Act as amended by this Act, as chairman of the medical authority.

Chairman deemed to be reappointed.

(3) The medical practitioners appointed under the Principal Act as members of the medical authority on the nominations of the mine-owners and of the mine workers and mine employees shall cease to hold office as from the date upon which the first appointments of members of the medical authority are made under the Principal Act, as amended by this Act, but shall be eligible for nomination for such appointment.

Members cease to hold office.

5. A mine worker, mine employee, or "hard-luck case" who immediately before the commencement of the Workers' Compensation (Amendment) Act, 1929, was in receipt of compensation under the Workmen's Compensation (Broken Hill) Act, 1920, as amended by subsequent Acts, and whose compensation has been discontinued by the joint committee after such commencement, may present himself for medical examination within a period of three months after the commencement of this Act, and if the medical authority certifies that he is suffering from pneumoconiosis and/or tuberculosis he shall be entitled to receive compensation in accordance with the provisions of the Principal Act, as amended by this Act, unless suitable employment is found for him through the joint committee.

Mine workers, &c., who were deprived of compensation in consequence of Act No. 36, 1929.

6. (1) The Workmen's Compensation (Broken Hill) (Amendment) Act, 1927, is amended by omitting subparagraph (v) of paragraph (b) of subsection one of section three.

Amendment of Act No. 22, 1927, s. 3 (1) (b) (v).
(Revision.)

(2) The Workmen's Compensation (Amendment) Act, 1929, is amended by omitting subparagraph (ii), subparagraph (iv), and subparagraph (v) of paragraph (c) of subsection one of section thirteen, which amended the Schedule to the Workmen's Compensation (Broken Hill) Act, 1920, as amended by the Workmen's Compensation (Broken Hill) Amendment Act, 1927.

Amendment of Act No. 36, 1929.
(Revision.)