

## COMMONWEALTH EMPLOYEES' COMPENSATION.

### No. 8 of 1944.

### An Act to amend the *Commonwealth Employees' Compensation Act 1930*.

[Assented to 3rd April, 1944.]

[Date of commencement, 1st May, 1944.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

**1.**—(1.) This Act may be cited as the *Commonwealth Employees' Compensation Act 1944*. Short title  
and citation.

(2.) The *Commonwealth Employees' Compensation Act 1930*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Employees' Compensation Act 1930–1944*.

**2.** Section four of the Principal Act is amended—

Definitions.

(a) by inserting, before the definition of “Commissioner”, the following definition :—

“ ‘Australia’ includes the Territories of the Commonwealth ; ” ;

(b) by omitting the definition of “Commonwealth” ;

(c) by inserting in the definition of “Dependants”, after the word “dependent” (second occurring), the words “, and includes a person so dependent to whom the employee stands *in loco parentis* or a person so dependent who stands *in loco parentis* to the employee” ;

(d) by omitting from paragraph (a) of the definition of “Employee” the word “or” ;

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\* Act No. 24, 1930.

(e) by adding at the end of that definition the following paragraph :—

“ or (c) any officer or employee of the Public Service of a Territory of the Commonwealth ; ” ; and

(f) by inserting, after the definition of “ Employee ”, the following definition :—

“ ‘ Medical, surgical and hospital treatment ’ includes—

(a) treatment by a duly qualified medical practitioner, a registered dentist or a masseur ;

(b) the provision of skiagrams, crutches, artificial members and artificial replacements ;

(c) treatment and maintenance as a patient at a hospital ; and

(d) nursing attendance, medicines, medical and surgical supplies and curative apparatus supplied or provided in a hospital or otherwise ; ”.

3. After section four of the Principal Act, the following section is inserted :—

Application  
of Act.

“ 4A. This Act shall apply to and in relation to any employee in any part of Australia.”.

Compensation  
for personal  
injuries to  
employees.

4. Section nine of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word “ employment ”, the words “ by the Commonwealth ” ;

(b) by omitting from paragraph (c) of the proviso to that sub-section the words “ medical attendance ” and inserting in their stead the words “ medical, surgical and hospital treatment ” ; and

(c) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“ (2.) Any payment to an injured employee made under an insurance policy privately effected by the employee or made by a friendly society, by way of compensation or medical or disablement benefits, shall not be deemed to be compensation or payment in respect of the injury within the meaning of sub-section (1.) of this section.”.

5. After section nine of the Principal Act, the following section is inserted :—

Injury while  
travelling to or  
from work.

“ 9A.—(1.) Where personal injury by accident is caused to an employee while he is travelling to or from work, or while he is attending any trade, technical or other training school which he is required by the terms of his employment by the Commonwealth, or is expected by

the Commonwealth to attend, the Commonwealth shall, subject to this Act, be liable to pay to the employee or his dependants compensation in accordance with this Act as if the accident were an accident arising out of and in the course of his employment.

“(2.) In this section, ‘travelling to or from work’ means travelling between the employee’s place of abode and place of employment by the Commonwealth and between either of those places and any trade, technical or other training school which he is required by the terms of his employment by the Commonwealth, or is expected by the Commonwealth, to attend, but does not include travelling during or after any substantial interruption of, or substantial deviation from the shortest convenient route for, any such journey, made for a reason unconnected with his employment or unconnected with his attendance at the trade, technical or other school, as the case may be.”.

6. Section ten of the Principal Act is amended by adding at the end of sub-section (1.) the following proviso:—

“Provided that that liability shall extend in relation to any employee who has contracted epithelioma of the skin or pneumoconiosis, if the Commissioner, after full inquiry, is satisfied that the disease was caused by employment by the Commonwealth within any period not exceeding fifteen years prior to the date of the incapacity.”.

*Compensation to employee affected by or dying from certain industrial diseases.*

7. Section eleven of the Principal Act is repealed and the following section inserted in its stead:—

“11.—(1.) Where any compensation is payable by the Commonwealth under this Act to, or in respect of, an employee, or where, but for the fact that the employee is not incapacitated for work, compensation would be so payable, the Commonwealth shall, subject to the next succeeding sub-section, pay the cost of such medical, surgical and hospital treatment in relation to the injury as is, in the opinion of the Commissioner, reasonably necessary.

*Medical, &c., benefits.*

“(2.) The sum for which the Commonwealth shall be liable in respect of the medical, surgical and hospital treatment of an employee shall be such sum as the Commissioner considers reasonably appropriate to the treatment afforded, having regard to the customary charge made in the community for such treatment, but shall not in any case exceed One hundred pounds.

“(3.) Where any compensation is payable by the Commonwealth under this Act to, or in respect of, an employee, any payment in pursuance of this section shall be in addition to that compensation.”.

8. Section twelve of the Principal Act is amended—

(a) by inserting, before the word “Where”, the words “Subject to this Act,”; and

*Compensation for certain injuries.*

(b) by adding at the end thereof the following sub-sections :—

“(2.) Where an employee habitually uses his left hand and arm to perform work usually performed by an employee with his right hand and arm, the compensation payable to the first-mentioned employee under this section shall be—

(a) for the loss of his left arm or any part thereof—  
the amount which would have been payable to an employee for a similar loss in respect of his right arm or the corresponding part thereof ;  
and

(b) for the loss of his right arm or any part thereof—  
the amount which would have been payable to an employee for a similar loss in respect of his left arm or the corresponding part thereof.

“(3.) Where an employee sustains an injury which causes the loss of the sight of both eyes or of an only useful eye, any compensation previously paid under this Act in respect of the loss of the sight of one eye shall be deducted from the compensation payable under this section.

“(4.) Where an employee sustains an injury which causes partial and permanent loss of the sight of one eye, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of the sight of one eye as is equal to the percentage of the diminution of sight.

“(5.) Where an employee sustains an injury which causes partial and permanent loss of the efficient use of a part of the body specified in the Third Schedule to this Act in and for the purposes of his employment at the date of the injury, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of that part as is equal to the percentage of the diminution of the efficient use of that part.

“(6.) For the purposes of this section and of the Third Schedule to this Act, the loss of a specified part of the body shall be deemed to include—

- (a) the permanent loss of the use of that part ; and  
(b) the permanent loss of the efficient use of that part in and for the purposes of his employment at the date of the injury.”.

Maximum  
compensation.

9. Section thirteen of the Principal Act is amended by omitting the words “Seven hundred and fifty” and inserting in their stead the words “One thousand”.

**10.** Section nineteen of the Principal Act is amended by inserting after sub-section (4.) the following sub-section :—

Medical  
examinations.

“(4A.) Where a medical board consists of more than two medical referees, a certificate given by the majority of the board shall be deemed to be the certificate of the board.”.

**11.** Section twenty-three of the Principal Act is amended by omitting the words “ medical treatment ” and inserting in their stead the words “ medical, surgical and hospital treatment ”.

Regulations.

**12.** The First Schedule to the Act is amended—

Amendment of  
the First  
Schedule.

(a) by omitting from clause (i) of sub-paragraph (a) of paragraph (1.) the words “ one hundred and fifty-six ” and inserting in their stead the words “ two hundred and eight ” ;

(b) by omitting from that clause the words “ Seven hundred and fifty ” and inserting in their stead the words “ Eight hundred ” ;

(c) by inserting after that clause the following clause :—

“(iA) in addition to any amount payable under the preceding clause, an amount of Twenty-five pounds in respect of each child who is under the age of sixteen years and who was totally or mainly dependent upon the employee at the date of the injury ; ” ;

(d) by omitting sub-paragraphs (b) and (c) of that paragraph and inserting in their stead the following sub-paragraphs :—

“(b) where total or partial incapacity for work results from the injury a weekly payment during the incapacity not exceeding two-thirds of the employee's weekly pay at the date of the injury, but not exceeding in any case Three pounds :

Provided that, with respect to the weekly payments during total incapacity of an employee who is under the age of twenty-one years at the date of the injury and whose weekly pay is less than Thirty shillings, one hundred per centum shall be substituted for two-thirds of his weekly pay, but the weekly payment shall not in any case exceed One pound ; and

(c) where total incapacity for work results from the injury, there shall be added to any amount payable under sub-paragraph (b) of this Schedule—

(i) an amount of One pound per week in respect of—

(1) the wife of the employee ; or

(2) if he has no wife, or if compensation is not payable in respect of his wife, one female who has attained the age of twenty-one

years and is caring for any child of the employee under the age of sixteen years, or who is a member of the employee's family and is over the age of sixteen years,

if she was totally or mainly dependent on the employee at the date of the injury ; and

- (ii) an amount of Eight shillings and sixpence per week in respect of each child who, at the date of the injury, was under the age of sixteen years and totally or mainly dependent upon the employee and who, being under the age of sixteen years, remains so dependent.” ;

- (e) by inserting after paragraph (1.) the following paragraphs :—

“(1A.) Notwithstanding anything contained in subparagraphs (b) and (c) of paragraph (1.) of this Schedule, no payment shall be made thereunder which will be in excess of the amount of the weekly pay of the employee at the date of the injury.

“(1B.) The amount of any endowment under the *Child Endowment Act* 1941–1942 received by an employee or a dependant shall not be taken into account in determining, for the purposes of this Schedule, whether or not any child in respect of whom the endowment is received is or was totally or mainly dependent on the employee.” ;

- (f) by omitting paragraph (2.) and inserting in its stead the following paragraphs :—

“(2.) For the purposes of this Schedule, ‘ pay ’ means the salary or wages of the employee, and includes—

- (a) where the employee was engaged in part-time work for the Commonwealth, his earnings from any other employment ; and

(b) unless otherwise prescribed, any allowance payable to the employee in respect of his employment, but, subject to the regulations, does not include any allowance which is intermittent or which is payable in respect of special expenses incurred or likely to be incurred by the employee in respect of his employment.” ;

- (g) by inserting in paragraph (3.), after the word “ benefit ”, the symbols and words “ (except any endowment under the *Child Endowment Act* 1941–1942 and any pension or allowance in respect of any child dependent on the employee) ” ;

- (h) by omitting from the proviso to paragraph (5.) the words “ expenses of medical attendance and ” and inserting in their stead the words “ cost of medical, surgical and hospital treatment and the expenses of ” ; and

(i) by omitting paragraph (7.) and inserting in its stead the following paragraph :—

“(7.) Where any person under any legal disability is entitled to any amount of compensation under this Act in the form of a lump sum, that amount may be paid to such trustee or trustees as the Commissioner appoints and the amount so paid shall be held for the benefit of the person entitled thereto upon such trusts as the Commissioner approves.”.

13. The Principal Act is amended by omitting the Second and Third Schedules thereto and inserting in their stead the following Schedules :—

Second and  
Third Schedules.

“THE SECOND SCHEDULE.

Section 10.

INDUSTRIAL DISEASES.

Description of Disease.	Description of Process.
Arsenic, phosphorus, lead, mercury or other mineral poisoning	Any employment involving the use or handling of arsenic, phosphorus, lead, mercury or other mineral, or their preparations or compounds
Anthrax .. .. .	Woolcombing or woolsorting ; handling of hides, skins, wool, hair, bristles or carcasses
Any infectious disease .. .. .	Any employment in a hospital or quarantine station or in an ambulance brigade or any employment involving contact with the infectious sources of the disease
Poisoning by benzol or its homologues, or their derivatives, preparations or compounds	Any process involving the use of benzol or its homologues, or their derivatives, preparations or compounds
Poisoning by hydrogen sulphide or carbon bisulphide	Any process involving the use of hydrogen sulphide or carbon bisulphide or their preparations or compounds
Poisoning by nitrous or other acid fumes	Any process in which nitrous or other acid fumes are evolved
Poisoning by cyanogen compounds ..	Any process in which cyanogen compounds are used
Poisoning by carbon monoxide or carbon dioxide	Any process in which carbon monoxide or carbon dioxide is used or evolved
Poisoning by other toxic gas .. ..	Any process in which the toxic gas is used or evolved
Chrome ulceration .. .. .	Any process involving the use of chromic acid, or bichromate of ammonium, potassium or sodium, or their preparations
Dermatitis produced by oil, grease, acids, alkalies, turpentine, tar, industrial solvents, radioactive radiations, cold, heat, photosensitization or dust ; or ulceration of the mucous membranes of the nose or mouth produced by dust	Any industrial process
Epithelioma of the skin .. .. .	Any process involving the handling of mineral oils, petrol, tar, tarry compounds or soot
Pneumoconiosis .. .. .	Quarrying or stone crushing or cutting or any process involving the inhalation of dust

“THE SECOND SCHEDULE—continued.  
INDUSTRIAL DISEASES—continued.

Description of Disease.	Description of Process.
Nystagmus .. .. .	Mining, quarrying or stone crushing or cutting
Subcutaneous cellulitis of the hand (beat hand)	
Subcutaneous cellulitis over the patella (miner's beat knee)	
Acute bursitis over the elbow (miner's beat elbow)	
Inflammation of the synovial lining of the wrist joint and tendon sheath	
Telegraphist's cramp. . . . .	Telegraphy
Compressed air illness .. . . .	Employment as divers or caisson workers
Inflammation of the synovial lining of tendon sheaths	Any industrial process involving the excessive use of the affected tendons

THE THIRD SCHEDULE. Section 12.  
COMPENSATION FOR SPECIFIED INJURIES.

Nature of Injury.	Amount Payable.
	£ s. d.
Loss of both eyes .. .. .	800 0 0
Loss of both hands .. .. .	
Loss of both feet .. .. .	
Loss of hand and foot .. .. .	
Total and incurable loss of mental powers, involving inability to work .. .. .	
Total and incurable paralysis of limbs or mental powers.. .. .	400 0 0
Loss of sight of one eye .. .. .	800 0 0
Loss of sight of an only useful eye, the other being blind or absent	675 0 0
Loss of one eye, with serious diminution of the sight of the other	640 0 0
Loss of hearing .. .. .	200 0 0
Complete deafness of one ear .. .. .	720 0 0
Loss of right arm or greater part thereof .. .. .	675 0 0
Loss of left arm or greater part thereof .. .. .	640 0 0
Loss of lower part of right arm, right hand or five fingers of right hand .. .. .	600 0 0
Loss of lower part of left arm, left hand or five fingers of left hand	640 0 0
Loss of leg above knee .. .. .	600 0 0
Loss of leg below knee .. .. .	560 0 0
Loss of foot .. .. .	240 0 0
Loss of right thumb .. .. .	225 0 0
Loss of left thumb .. .. .	160 0 0
Loss of right forefinger .. .. .	150 0 0
Loss of left forefinger .. .. .	120 0 0
Loss of right little finger, middle finger or ring finger .. .. .	112 10 0
Loss of left little finger, middle finger or ring finger .. .. .	160 0 0
Loss of phalanx of right thumb .. .. .	120 0 0
Loss of phalanx of left thumb .. .. .	120 0 0
Loss of portion of terminal segment of right thumb, involving one third of its flexor surface without loss of phalanx .. .. .	120 0 0
Loss of portion of terminal segment of left thumb, involving one third of its flexor surface without loss of phalanx .. .. .	112 10 0
Loss of total movement of joint of right thumb.. .. .	120 0 0
Loss of total movement of joint of left thumb .. .. .	112 10 0
Loss of two phalanges or joints of finger of right hand .. .. .	100 0 0
Loss of two phalanges or joints of finger of left hand .. .. .	95 0 0
Loss of phalanx or joint of finger of right hand .. .. .	95 0 0
Loss of phalanx or joint of finger of left hand .. .. .	90 0 0
Loss of great toe .. .. .	100 0 0
Loss of phalanx or joint of great toe .. .. .	90 0 0
Loss of any other toe .. .. .	90 0 0
Loss of two phalanges or joints of any other toes .. .. .	80 0 0
Loss of phalanx or joint of any other toe .. .. .	75 0 0



## SUPPLY AND DEVELOPMENT.

### No. 9 of 1944.

An Act relating to the duration of the *Supply and Development Acts 1939*.

[Assented to 3rd April, 1944.]

[Date of commencement, 1st May, 1944.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Supply and Development Act 1944*. Short title and citation.

(2.) The *Supply and Development Acts 1939\**, as amended by this Act, may be cited as the *Supply and Development Act 1939–1944*.

2. Section twenty-eight of the *Supply and Development Acts 1939* is repealed and the following section inserted in its stead :—

“ 28. This Act shall continue in operation until a date to be fixed by Proclamation as the date upon which the Act shall cease to be in operation, and no longer.”. Duration of Act.

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\* Act No. 6, 1939, as amended by Nos. 40 and 71, 1939.

## UNEMPLOYMENT AND SICKNESS BENEFITS.

### No. 10 of 1944.

An Act to provide for the Payment of Unemployment, Sickness and Special Benefits.

[Assented to 5th April, 1944.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Unemployment and Sickness Benefits Act 1944*. Short title.