

# MINE WORKERS' RELIEF (WAR SERVICE).

9° and 10° GBO. VI., No. IX.

No. 9 of 1945.

AN ACT to amend the Mine Workers' Relief (War Service) Act, 1940.

[Assented to 13th December, 1945.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Mine Workers' Relief (War Service) Act Amendment Act, 1945*, and shall be read as one with the Mine Workers' Relief (War Service) Act, 1940 (No. 4 of 1940), hereinafter referred to as the principal Act. Short title.

2. This Act shall be read in conjunction with the Mine Workers' Relief Act, 1932-1943. Act to be read in conjunction with Mine Workers' Relief Act, 1932-1943.

3. A section is inserted in the principal Act after section two as follows:— New section.

2A. (1) For the purposes of section four of this Act, the Governor may during a time of war by Proclamation declare that any service or employment or activity of a non-combatant nature in which Service incidental to war service.

persons are engaged and which in the opinion of the Governor is connected with or incidental to or arises out of the prosecution of the war then being waged and any internment in an internment camp shall be service incidental to war service.

(2) Any Proclamation issued under subsection (1) of this section may be revoked at any time by a subsequent Proclamation.

Amendment  
of s. 3.

4. Section three of the principal Act is amended by inserting therein after the words "war service" in line two thereof words in brackets as follows "(as defined in section two of this Act)."

New section.

5. A section is added to the principal Act after section three as follows:—

Special  
provision to  
apply in  
relation to  
mine workers  
while on  
service  
incidental to  
war service in  
time of war.

4. Where a mine worker during a time of war is engaged continuously in service incidental to war service as declared by the Governor by Proclamation issued under section two A of this Act and then in force then, notwithstanding anything to the contrary contained in the principal Act the following provisions shall apply in relation to such mine worker while he is engaged in such service and for a period of six months thereafter, that is to say:—

- (a) The mine worker shall be deemed still to be employed as a mine worker so as to enable him to submit himself for examination, and to be examined by the Laboratory, and to obtain any medical or other certificate as provided for under the principal Act and the regulations made thereunder;
- (b) his liability to contribute to the Fund as a mine worker under the principal Act shall continue;
- (c) his employer or the person having control of him shall not be liable to contribute to the Fund as the employer of a mine worker under the principal Act;
- (d) if upon examination by the Laboratory, as provided for in paragraph (a) of this section the mine worker is found to be eligible for any benefit under the principal Act and he is then no longer engaged in service

incidental to war service as aforesaid, then subject to paragraph (e) hereof, he shall be entitled to receive from the Board out of the Fund the benefit for which he has been found eligible as aforesaid;

- (e) notwithstanding anything to the contrary contained in paragraph (d) hereof, if upon examination by the Laboratory as provided for in paragraph (a) of this section the mine worker is found to be suffering from tuberculosis he shall not be entitled to any benefit under the principal Act unless in the opinion of a tribunal consisting of three persons, namely: a medical officer of the Kalgoorlie Laboratory, a medical practitioner engaged in active practice in the treatment of tuberculosis, and a specialist radiologist, his condition is the natural progression of the disease contracted as a result of his employment as a mine worker in the Mining Industry of Western Australia;
- (f) where the mine worker has been examined by the Laboratory as provided for in paragraph (a) of this section, and either at the time of such examination or thereafter he is no longer engaged in service incidental to war service as aforesaid any certificate he may obtain or be entitled to as the result of such examination shall have the same effect as it would have had if it had been issued to him while he was employed or was seeking employment as a mine worker prior to engaging in service incidental to war service.

6. Subject as in this section hereafter provided, where after the commencement of this Act and acting pursuant to section 2A of the principal Act as amended by this Act, the Governor by Proclamation declares any service or employment or any internment shall be service incidental to war service, section four of the principal Act as amended by this Act shall, insofar as the provisions thereof by virtue of the said Proclamation apply for the benefit of any mine worker, apply and have effect

Retrospective  
operation.

for the benefit of such mine worker as from the date upon which such mine worker became engaged in the service or employment or became interned in the internment which the Governor has declared to be service incidental to war service as aforesaid notwithstanding that such date may have occurred prior to the commencement of this Act.

Provided that in any such case the mine worker concerned or his legal representative as the case may require shall, in accordance with paragraph (b) of section four of the principal Act as amended by this Act, be liable and as soon as reasonably may be after the issue of the said Proclamation make or cause to be made to the Fund payment of all contributions payable thereto in respect of the period commencing on the date when the mine worker became engaged in the said service or employment or became interned in the said internment and ending on the date of the issue of the said Proclamation, either in a lump sum or by such instalments as the Board may determine.

Special provision for retrospective operation in certain circumstances.

7. Notwithstanding anything to the contrary contained in the principal Act or in this Act, insofar as the provisions of the principal Act as amended by this Act are applicable during the time of the war in which His Majesty was engaged at the date of the commencement of the principal Act, and notwithstanding that in accordance with the laws of the Commonwealth the Governor-General of the Commonwealth may have declared by proclamation issued before this Act shall have been assented to that the said war has ended, a time of war shall, for all the purposes of the principal Act, as amended by this Act, be deemed still to continue for a period of six months from the date upon which this Act is assented to.

Citation of principal Act as amended.

8. The principal Act as amended by this Act may be cited as the *Mine Workers' Relief (War Service) Act, 1940-1945*.