

**MINE WORKERS' RELIEF.**

25° GEO. V., No. XLI.

No. 42 of 1934.

**AN ACT to amend the Mine Workers' Relief Act,  
1932-1933.**

[Assented to 4th January, 1935.]

**B**E 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:—

Short title.

Cf., No. 34 of 1933,  
s. 13.

1. This Act may be cited as the *Mine Workers' Relief Act Amendment Act*, 1934, and shall be read as one with the *Mine Workers' Relief Act*, 1932-1933 (No. 37 of 1932, as amended by the Act No. 34 of 1933), hereinafter referred to as the principal Act.

Amendment of  
s. 13.

2. Section thirteen of the principal Act is amended, as follows:—

(a) by inserting at the commencement of subsection (1) the words "subject to subsection (4) of this section";

(b) by inserting a subsection after subsection (3), as follows:—

(4.) Subsection (1) of this section shall not apply to any person in either of the following classes, that is to say—

(i) Any person who is employed as a mine worker on the authority of a provisional certificate issued to him by a medical practitioner not appointed for the purposes of this Act under the provisions of

the first proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, and in force at the commencement of this subsection, and who subsequently is required to cease work as a mine worker, or is prohibited from being further employed as a mine worker by virtue of a notice issued and served by the Minister under and in accordance with the provisions of the second proviso to the said regulation six (e), on the ground that he has been found to be suffering from one of the diseases mentioned in regulation six (b) of the said regulations, unless such person shall have been examined by a medical officer or practitioner appointed under this Act, or by the laboratory, within two years immediately preceding the date when he obtained the provisional certificate aforesaid, and also prior to such last-mentioned date had been lawfully employed as a mine worker on the authority of a valid certificate given to him consequently upon such examination, either under the provisions of the said regulations or under subsection (3) of section eight of this Act;

- (ii) Any person who is employed as a mine worker on the authority of a provisional certificate issued to him by a medical practitioner not appointed for the purposes of this Act under the provisions of the first proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, and in force at the commencement of this subsection, and who upon subsequent examination by a medical officer or practitioner appointed under this Act, or by the laboratory, is found to be suffering from tuberculosis or silicosis in the advanced stage, unless such person shall have been examined by a medical officer or practitioner appointed under this Act, or by the laboratory, within one year immediately preceding the date when he obtained the provisional certificate aforesaid, and also prior to such last-mentioned date had been lawfully employed as a mine worker on the authority of a valid certificate given to him consequently upon such last-mentioned examination, either under the provisions of the said regulations or under subsection (3) of section eight of this Act:

Provided that where any person referred to in either paragraph (i) or paragraph (ii) of subsection (4) of this section is a person to whom subsection (1) of this section does not apply, then upon such person ceasing to work as a mine worker, or becoming prohibited from being further employed as a mine worker by reason of a notice issued and served by the Minister under and in accordance with the second proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, such person shall be entitled to receive from the Board, and the Board shall repay to him, the amount of all contributions then paid by such person to the Board as a mine worker under this Act.

Amendment of  
s. 16.

3. Section sixteen of the principal Act is amended as follows:—

(a) by inserting at the commencement of subsection (1) the words “Subject to subsection (3) of this section”;

(b) by inserting after subsection (2) a subsection, as follows:—

(3) Subsection (1) of this section shall not apply to any person in either of the following classes, that is to say—

(i) Any person who is employed as a mine worker on the authority of a provisional certificate issued to him by a medical practitioner not appointed for the purposes of this Act under the provisions of the first proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, and in force at the commencement of this subsection, and who subsequently is required to cease work as a mine worker, or is prohibited from being further employed as a mine worker by virtue of a notice issued and served by the Minister under and in accordance with the provisions of the second proviso to the said regulation six (e), on the ground that he has been found to be suffering from one of the diseases mentioned in regulation six (b) of the said regulations, unless such person shall have been examined by a medical officer or practi-

tioner appointed under this Act, or by the laboratory, within two years immediately preceding the date when he obtained the provisional certificate aforesaid, and also prior to such last-mentioned date had been lawfully employed as a mine worker on the authority of a valid certificate given to him consequently upon such examination, either under the provisions of the said regulations or under subsection (3) of section eight of this Act;

- (ii) Any person who is employed as a mine worker on the authority of a provisional certificate issued to him by a medical practitioner not appointed for the purposes of this Act under the provisions of the first proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, and in force at the commencement of this subsection, and who upon subsequent examination by a medical officer or practitioner appointed under this Act, or by the laboratory, is found to be suffering from silicosis, whether in the early or advanced stage, unless such person shall have been examined by a medical officer or practitioner appointed ~~appointed~~ under this Act, or by the laboratory, within one year immediately preceding the date when he obtained the provisional certificate aforesaid, and also prior to such last-mentioned date had been lawfully employed as a mine worker on the authority of a valid certificate given to him consequently upon such last-mentioned examination, either under the provisions of the said regulations or under subsection (3) of section eight of this Act.

Provided that where any person referred to in either paragraph (i) or (ii) of subsection (3) of this section is a person to whom subsection (1) of this section does not apply, then upon such person ceasing to work as a mine worker, or becoming prohibited from being further employed as a mine worker by reason of a notice issued and served by the Minister under and in accordance with the second proviso to regulation six (e) of the regulations made under the Mines Regulation Act, 1906, such person shall be entitled to receive from the Board, and the Board

shall repay to him the amount of all contributions then paid by such person to the Board as a mine worker under this Act.

Amendment of  
s. 26.

4. Section twenty-six of the principal Act is amended by adding thereto a subsection, as follows:—

- (2) Notwithstanding that the moneys and other property of the Mine Workers' Relief Fund Incorporated, which have been taken over by the Board, may have been totally expended in paying benefits in accordance with the rules of the said association to the employee members of such association, such employee members shall continue to be entitled to receive such benefits out of the fund established under this Act, and the Board shall continue to pay such employee members of the said association the said benefits which they were entitled to receive as such employee members out of the fund established under this Act.

Amendment of  
s. 48.

5. Section forty-eight of the principal Act (as amended by the Act No. 34 of 1933) is amended by adding to subsection (1) a further proviso, as follows:—

Provided further, that where a mine worker referred to in subsection (1) of this section is receiving his worker's compensation by weekly payments, in accordance with the said Act, and the amount of the weekly payments (including any allowances for children) is three pounds ten shillings per week or less, and such mine worker has a wife living with him, the Board may, if it is of the opinion that such mine worker's case is one of extreme hardship, grant and pay out of the Fund to such mine worker, while he continues to receive his weekly payments of worker's compensation, and while, during such last-mentioned period, his wife continues to live with him, a weekly allowance in respect of his wife not exceeding one pound, but so that the aggregate amount of the total weekly payment which the mine worker is receiving under the Workers' Compensation Act, 1912-1924, and the said weekly allowance from the Board shall not exceed the amount of the basic wage from time to time ruling in the district in which the mine worker was residing at the date of his medical examination under this Act which resulted in his being prohibited or notified as aforesaid.

6. Section forty-nine of the principal Act (as amended by the Act No. 34 of 1933) is amended by inserting after the first proviso to paragraph (a) of subsection (1) a proviso, as follows:—

Amendment of  
s. 49.

Provided also, that if the weekly sum as fixed by the Board, together with the sum of seven shillings and sixpence for each child is in the aggregate three pounds ten shillings per week or less, and the mine worker has a wife living with him, and the Board is of the opinion that such mine worker's case is one of extreme hardship, the Board may, whilst the mine worker continues to receive the above-mentioned weekly payment from the Board, and whilst, during such last-mentioned period, his wife continues to live with him, grant and pay out of the Fund an additional weekly allowance to such mine worker in respect of his wife not exceeding one pound, but so that the aggregate of all the weekly allowances granted to such mine worker under this paragraph shall not exceed the amount of the basic wage from time to time ruling in the district in which the mine worker was residing at the date of his medical examination under this Act which resulted in his being prohibited as aforesaid.

7. Section fifty of the principal Act is amended by adding thereto a subsection, as follows:—

Amendment of  
s. 50.

(4) A mine worker whose name has been registered as provided for in subsection (2) of this section shall not be entitled thereafter to work underground as a mine worker, and at the same time to retain such registration or the renewal of such registration; and if any such mine worker resumes work underground for any period whatsoever after he shall have been registered as aforesaid, the registration shall forthwith become null and void, and shall be expunged from the register in which such registration appears:

Provided, that the Minister may, in exceptional circumstances, by a notice in writing under his hand exempt any mine worker whose name has been registered under subsection (2) of this section from the provisions of this subsection for such time as shall be specified in the notice.

Amendment of  
s. 53.

8. Section fifty-three of the principal Act (as amended by the Act No. 34 of 1933) is amended by adding to subsection (1) a further proviso, as follows:—

Provided further, that where a person referred to in subsection (1) of this section is receiving his worker's compensation by weekly payments in accordance with the said Act, and the amount of the weekly payments (including any allowances for children) is three pounds ten shillings per week or less, and such person has a wife living with him, the Board may, if it is of the opinion that such person's case is one of extreme hardship, grant and pay out of the Fund to such person, while he continues to receive his weekly payments of worker's compensation, and while, during such last-mentioned period, his wife continues to live with him, a weekly allowance in respect of his wife not exceeding one pound, but so that the aggregate amount of the total weekly payment which such person is receiving under the Workers' Compensation Act, 1912-1924, and the said weekly allowance from the Board shall not exceed the amount of the basic wage from time to time ruling in the district in which such person was residing at the date of his medical examination under this Act which resulted in his receiving notice under subsection (2) of section fifty-one of this Act as aforesaid.

Amendment of  
s. 57.

9. Section fifty-seven of the principal Act (as amended by the Act No. 34 of 1933) is amended, as follows:—

- (a) by inserting in subsection (1) after the word "Act," in line three, the words "or that he has been employed as a mine worker in this State, and has left or is about to leave such employment to engage in prospecting";
- (b) by inserting in paragraph (b) of subsection (1) after the word "prospecting," in the last line of the said paragraph, the words "or employed as a mine worker, or has been part of the time employed as a mine worker and part of the time engaged in prospecting";
- (c) by substituting in subsection (4) the words "third proviso" for the words "second proviso" where they appear after line fifteen of the said subsection.

Citation of principal  
Act as amended  
by this Act.

10. The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act, 1932-1934.