



Western Australia

Miner's Phthisis Act 1922

Miner's Phthisis Regulations

These regulations were repealed by the *Statutes (Repeals and Minor Amendments) Act 2011* s. 3(c) (No. 47 of 2011) as at 26 Oct 2011 (see s. 2(b)).

Western Australia

Miner's Phthisis Regulations

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Miner's Phthisis Regulations

1. Certificate of appointment

The certificate of appointment mentioned in section 3 of the Act shall be in the Form "A" in the Schedule hereto.

2. Notice requiring person to be tested

Any Government medical officer or medical practitioner requiring any person occupied or employed in mining operations to submit himself for examination for symptoms of miners' phthisis or tuberculosis shall do so by notice in Form "B" in the Schedule hereto.

3. Certificate of good health

The certificate mentioned in section 4(3), shall be in Form "C" in the Schedule hereto.

4. Report to Minister

Within seven (7) days of the completion of examination of the men employed on or in any mine, the medical officer or practitioner shall furnish a report in writing to the Minister stating —

- (a) particulars of the cases of tuberculosis;
- (b) particulars of the cases in which symptoms of miners' phthisis have developed uncomplicated by tuberculosis to an extent indicating that employment of the men on,

in, or about a mine or part of a mine is detrimental to their future health;

- (c) the cases in which men are affected by miners' phthisis, but not included under (b), with any suggestions as to future occupations which the medical officer or practitioner deems advisable;
- (d) the number of men free from the diseases mentioned in the Act.

The names of persons who may have submitted themselves for examination shall be stated by a memorandum annexed to the report, which shall not be disclosed in any published report or so far as such report is open to public inspection.

5. Notice to person with tuberculosis

The Minister shall, on the receipt of a report from the medical officer or practitioner under the provisions of section 8(1), serve upon the person named therein a notice in Form "D" in Schedule hereto, and upon the employer of such person a notice in the Form "E" in the Schedule hereto.

6. Notice to person with miners' phthisis

The Minister shall, on receipt of a report under section 8(7), send notice to the person therein named in Form "F" in the Schedule hereto.

7. Service of notices

Except where otherwise provided any notice under the provisions of the Act or these regulations required or authorised to be given to any person may be served —

- (a) by delivering same to such person; or
- (b) by leaving the same at his usual or last known place of abode or business; or

- (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

8. Payment of compensation

In the event of the death of the father and the mother of any dependant infant child, payment of any compensation to which such child is entitled under section 9(4b) of the Act, may be made to any suitable person or institution willing to take charge of and maintain such child, as may from time to time be approved in writing by the Minister; and the receipt or acknowledgment in writing given by such person or institution for and in respect of any payment made under the provisions of this regulation shall be a sufficient discharge to the Crown as against the child on whose account such payment has been made.

[Regulation 8 inserted in Gazette 5 Jul 1929 p. 1623.]

Scale of Compensation.

[Heading inserted in Gazette 4 Apr 1930 p. 1008.]

9. Scale of compensation (s. 9)

- (1) Subject as hereinafter provided the scale of compensation mentioned in section 9(4a) and (4b) of the Act shall be: —
 - (a) Married men, single men, widower, half the ruling rate of pay in the district for the class of work in which a man was engaged when prohibited from employment in the mines in accordance with section 8(1) of the Act, with additional payment in respect of dependants as under: —

	Per week.	
Married Man —	\$	c
Wife	2	00

Father	2	00
Mother	2	00
Grandfather	2	00
Grandmother	2	00
Step-father	2	00
Step-mother	2	00
Son under 16 years	0	85
Daughter under 16 years	0	85
Illegitimate son under 16 years	0	85
Illegitimate daughter under 16 years	0	85
Grandson under 16 years	0	85
Grand-daughter under 16 years	0	85
Stepson under 16 years	0	85
Step-daughter under 16 years	0	85
Brother under 16 years	0	85
Sister under 16 years	0	85
Half-brother under 16 years	0	85
Half-sister under 16 years	0	85
Widow until remarriage	4	00

The maximum payment no to exceed the basic wage in the district at the time the man was prohibited from employment in the mines.

	Per week.	
(b) Widower —	\$	c
Father	2	00
Mother	2	00
Grandfather	2	00
Grandmother	2	00
Step-father	2	00
Step-mother	2	00
Son under 16 years	0	85

Daughter under 16 years	0	85
Illegitimate son under 16 years	0	85
Illegitimate daughter under 16 years	0	85
Grandson under 16 years	0	85
Grand-daughter under 16 years	0	85
Stepson under 16 years	0	85
Step-daughter under 16 years	0	85
Brother under 16 years	0	85
Sister under 16 years	0	85
Half-brother under 16 years	0	85
Half-sister under 16 years	0	85

The maximum payment not to exceed the basic wage in the district at the time the man was prohibited from employment in the mines.

		Per week.	
		\$	c
(c) Single man —			
Father	2	00	
Mother	2	00	
Grandfather	2	00	
Grandmother	2	00	
Step-father	2	00	
		Per week.	
		\$	c
Step-mother	2	00	
Illegitimate son under 16 years	0	85	
Illegitimate daughter under 16 years	0	85	
Brother under 16 years	0	85	
Sister under 16 years	0	85	
Half-brother under 16 years	0	85	
Half-sister under 16 years	0	85	

The maximum payment not to exceed the basic wage in the district at the time the man was prohibited from employment in the mines.

- (d) Provided that a man who was not employed on, in, or about a mine when prohibited shall be entitled to half the ruling rate of pay for the class of work in which he was engaged when he ceased work at the last mine he was employed at, together with the additions prescribed in paragraphs (a), (b), and (c), according as the said scales are applicable.
- (e) In the case of partial dependants, such weekly sums shall be paid as may be approved by the Minister.
- (f) With respect to an illegitimate worker, dependant includes his mother and his brothers and sisters, whether legitimate or illegitimate, by the same father and mother.

Provided that: —

- 1. In cases of extreme hardship the Minister may exceed the maximum payment specified in paragraphs (a), and (b), and (c).
- [2. *deleted*]

If any person receiving compensation under section 9(4a) or (4b) of this Act is convicted of an offence and sentenced to any term of imprisonment, the rate of compensation which such person is receiving may, during the term of the imprisonment of such person, be reduced by the Minister by such amount as the Minister may determine and direct, but so that the rate of compensation to be paid to such person, after such reduction is made as aforesaid and while it remains in operation, shall not be less than the rate of relief prescribed for the class of persons to which such person belongs by the scale of relief in force at the commencement of the said Act under the Rules of the Mine Workers' Relief Fund Incorporated; and, in the case of such person having dependants, the amount of

the reduction in the rate of compensation of such person as determined and declared by the Minister as herein authorised, may, if so directed by the Minister, be paid to such dependants.

3. In the event of any man or dependant specified in paragraphs (a), (b), and (c) being in receipt of the old age, or invalid pension, the Minister may deduct the amount of such pension from the compensation payable under this Act.
4. Any person whose name is registered, or the dependant of any person whose name is registered, shall not be entitled to receive from the Department of Mines² more compensation than that prescribed by the scale of relief in force at the commencement of this Act¹ under the rules of the Mine Workers' Relief Fund, Incorporated, if such person or dependant leaves Australia to reside in a foreign country without the written permission of the Minister.
5. No compensation shall be payable to or in respect of any of the dependants specified in paragraphs (a), (b), and (c), unless at the date when the prohibited person, in relation to whom the claim for compensation arises, was certified as unable to work at any suitable employment and also within the 12 months immediately preceding such date, the said dependants were in fact wholly or in part dependent upon the earnings of the said prohibited person.

Provided that, in the case of a prohibited person, married prior to his certification under the provisions of section 9(4a) of the Act, who has issue of that marriage born subsequent to such certification, compensation may be paid to or in respect of such child after application therefor has been made in writing and approved by the Minister.

- (2) The scale of relief in force at the commencement of the Act under the rules of the Mine Workers' Relief Fund, Incorporated, is as follows —

Guardians — As circumstances may warrant.

Married couples and widowers — \$2.50 per week, plus 50c for each child under the age of 14 years. (Maximum allowance \$4.50.)

Single men — \$2.50 per week.

Widows —

Age:

Under 40 years — no children — \$2 per week for 3 months after husband's death, and then \$1 per week for 3 months.

Under 40 — one child — \$3 per week for 6 months after husband's death, and then 75c per week for child under the age of 14 years.

Under 40 years — 2 or more children — \$1.50 per week and 50c per week for each child under the age of 14 years.

40 to 50 years — \$2 per week for 3 months after husband's death and then \$1.50 per week for 3 months and then \$1 per week until remarriage or death. An extra 50c per week to be allowed for each child under the age of 14 years.

50 to 60 years — \$2 per week until remarriage or death. An extra 50c per week allowed for each child under the age of 14 years.

60 years and upwards — \$1 per week and assistance rendered in applying for old age pension. An extra 50c per week allowed for each child under the age of 14 years.

Dependant mother on son — \$1 per week.

[Regulation 9 inserted in Gazette 4 Apr 1930 p. 1008; amended in Gazette 24 Mar 1932 p. 405; 16 Feb 1940 p. 249; 16 May 1941 p. 662 (erratum 20 Jun 1941 p. 849).]

Schedule of Forms

Form "A"

Western Australia

Miner's Phthisis Act 1922

This is to certify that has been appointed a, under section 3 of the above Act, for the purposes therein set forth.

Dated this day of, 20 .. .

Minister for Mines.

Form "B"

Western Australia

Miner's Phthisis Act 1922

Take notice that you are required to submit yourself for examination under the provisions of section 4(1) of the above Act, at, on, the day of, at the hour of in the noon.

And further take notice, that in default of your attendance you render yourself liable to a penalty not exceeding \$100.

Dated this day of, 20 .. .

Medical Officer duly appointed.

Form "C"

Western Australia

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(Section 4(3))

Miner's Phthisis Regulations

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I have examined
(whose signature is endorsed hereon), now employed on
mine, and certify that he is not suffering from tuberculosis.

Remarks —

Dated this day of, 20 .. .

Medical Officer duly appointed.

Signature of examinee —

Form "D"

Western Australia

Miner's Phthisis Act 1922

Take notice that you are reported to be suffering from tuberculosis, and that in consequence you are hereby, from the date of service of this notice upon you, prohibited from being employed in, on, or about any mine or part of a mine to which section 8(1) of the above Act applies.

In default of compliance herewith you render yourself liable to a penalty not exceeding \$100.

Dated this day of, 20 .. .

Minister for Mines.

To —

Form "E"

Western Australia

Miner's Phthisis Act 1922

Take notice that, employed by you in mining operations, is reported to be suffering from tuberculosis, and he is therefore prohibited from being employed in, on, or about any mine or part of a mine to which section 8(1) of the above Act applies.

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In default of compliance herewith you render yourself liable to a penalty not exceeding \$100.

Dated this day of, 20 .

Minister for Mines.

To —

Form "F"

Western Australia

Miner's Phthisis Act 1922

Take notice that you are reported as having developed symptoms of miners' phthisis, uncomplicated by tuberculosis, and that further employment on, in, or about a mine or part of a mine to which section 8(7) of the above Act applies, may be detrimental to your future health.

Remarks —

Dated this day of, 20 .

Minister for Mines.

To —

[Schedule of forms amended by Act No. 113 of 1965 s. 8(1).]

Notes

- ¹ This is a compilation of the *Miner's Phthisis Regulations* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Miner's Phthisis Regulations</i>	4 Sep 1925 p. 1596	7 Sep 1925
Untitled	5 Jul 1929 p. 1623	5 Jul 1929
Untitled	4 Apr 1930 p. 1008	4 Apr 1930
Untitled	24 Mar 1932 p. 405	24 Mar 1932
Untitled	16 Feb 1940 p. 249	16 Feb 1940
Untitled	16 May 1941 p. 662 (erratum 20 Jun 1941 p. 849)	16 May 1941

Reprint 1: The Miner's Phthisis Regulations as at 21 Mar 2003 (includes amendments listed above)

These regulations were repealed by the Statutes (Repeals and Minor Amendments) Act 2011 s. 3(c) (No. 47 of 2011) as at 26 Oct 2011 (see s. 2(b))

- ² Under the *Alteration of Statutory Designations Order (No. 2) 2001*, a reference in any law to the Department of Mines is read and construed as a reference to the Department of Mineral and Petroleum Resources.