

**MINE WORKERS' RELIEF.**

13° Elizabeth II., No. XCVI.

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**No. 96 of 1964.**

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**AN ACT to amend the Mine Workers' Relief Act,  
1932-1961.**

[Assented to 14th December, 1964.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Mine Workers' Relief Act Amendment Act, 1964.*

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Approved  
for reprint  
19th June,  
1962.

(2) In this Act the Mine Workers' Relief Act, 1932-1961, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act, 1932-1964.

2. Section five of the principal Act is amended— <sup>S. 5</sup> amended.

- (a) by adding, immediately after the interpretation, "mine worker", the following interpretation—

"Mines Medical Officer" means the medical officer for the time being appointed to, and employed in, that office under section seven of this Act. ;

and

- (b) by substituting for the interpretation, "Tuberculosis", the following interpretation—

"Tuberculosis" means tuberculosis of the lungs or of any other respiratory organs and, in the case of a mine worker, includes tuberculosis of any other part of the body attributable to the nature of his employment. .

3. Section six of the principal Act is amended— <sup>S. 6</sup> amended.

- (a) by substituting for the passage, "a medical officer or medical practitioner appointed under this Act, or by the Laboratory," where appearing—

(i) in lines two, three and four of paragraph (a) of subsection (1);

(ii) in lines two, three and four of paragraph (b) of subsection (1);  
and

(iii) in lines three, four and five of subsection (2),

the words, "the Mines Medical Officer", in every case;

and

(b) by adding after subsection (2), the following subsection—

(3) Nothing in this Act shall be construed as affecting or disturbing the continuity, operation or effect of any finding, report, diagnosis, certificate, notice or other thing validly made, given or done, under, and for the purposes of, this Act, by a medical officer or a medical practitioner appointed thereunder, or so made, given or done by the Laboratory, prior to the coming into operation of the Mine Workers' Relief Act Amendment Act, 1964. .

S. 8  
amended.

4. Section eight of the principal Act is amended by substituting for the passage, "a medical officer or medical practitioner so appointed, or to the Laboratory", in lines two, three and four of subsection (1) and, again, for the words, "any such medical officer or medical practitioner", in lines six and seven of that subsection, the words, "the Mines Medical Officer", in each case.

S. 9  
amended.

5. Section nine of the principal Act is amended, as to subsection (1),—

(a) by substituting for the passage, "a medical officer or medical practitioner as aforesaid," in lines one and two of paragraph (a), the words, "the Mines Medical Officer";

(b) by substituting for the passage, "such medical officer, medical practitioner or Under Secretary for Mines", in lines five, six and seven of paragraph (a), the words, "either of them"; and

(c) by substituting for the words, "any medical officer or medical practitioner appointed as aforesaid", in lines one and two of paragraph (c), the words, "the Mines Medical Officer".

6. Section eleven of the principal Act is amended by substituting for the words, "a medical officer or medical practitioner", in lines two and three, the words, "the Mines Medical Officer".

S. 11  
amended.

7. Section twelve of the principal Act is amended by substituting for the passage, "every medical officer and medical practitioner appointed under this Act", in lines one, two and three of subsection (1), the words, "and of the Mines Medical Officer".

S. 12  
amended.

8. Section thirteen of the principal Act is amended,—

S. 13  
amended.

(a) as to subsection (1), by substituting for the words, "a medical officer or practitioner appointed under this Act or the Laboratory", in lines two and three, the words, "the Mines Medical Officer";

(b) as to subsection (2), by substituting—

(i) for the words, "a medical officer or a medical practitioner appointed under this Act or by the Laboratory", in lines nine, ten, eleven and twelve of paragraph (a);

(ii) for the passage, "a medical officer or a medical practitioner appointed under this Act, by the Laboratory," in lines nine, ten and eleven of paragraph (b);

(iii) for the word, "Laboratory", in line twenty of paragraph (b); and

(iv) for the passage, "a medical officer, medical practitioner appointed under this Act, by the Laboratory", in lines eight, nine and ten of paragraph (c),

the words, "the Mines Medical Officer", in every case; and by substituting for the word, "tubercular", in line twenty of paragraph (b), the word, "tuberculous";

- (c) as to subsection (2A),—
- (i) by substituting for the words, “the Act”, in line three, the passage, “subsection (2) of this section”; and
  - (ii) by deleting the words, “if the deceased person was then employed as a mine worker”, in lines fifteen and sixteen;
- (d) as to subsection (3),
- (i) by substituting for the words, “a medical officer or a medical practitioner appointed under this Act or to the Laboratory”, in lines two, three and four of subparagraph (ii) of paragraph (a), the words, “the Mines Medical Officer”;
  - (ii) by substituting for the word, “certificate”, in line six of subparagraph (ii) of paragraph (a), the word, “notice”; and
  - (iii) by substituting for the words, “Any mine worker who works and any employer who employs”, in lines one and two of paragraph (b), the passage, “Every person who works as, and every employer who employs a person as,”;
- (e) as to subsection (3a), by substituting for the word, “certificate”, in line one of paragraph (ii), the word, “notice”; and
- (f) by repealing subsection (4) and enacting the following subsections in its stead—
- (4) Subsection (1) of this subsection does not apply to a person employed as a mine worker under the authority of a provisional certificate, unless, within two years immediately prior to the issue of the provisional

certificate, he was examined and issued with, and prior to the issue of the provisional certificate, was lawfully employed by virtue of, a certificate under this Act or a certificate (other than a provisional certificate) under the Mines Regulation Act, 1946.

(5) In, and for the purposes of, subsection (4) of this section, "provisional certificate" means a certificate issued pursuant to regulations made, from time to time, under the Mines Regulation Act, 1946, permitting the person to whom it is issued to be employed as a mine worker, for a period prescribed by those regulations, without being required to hold, or be issued with, any other certificate as regards his health or his physical fitness for that employment.

(6) Where any person, being excepted by operation of subsection (4), from the application of subsection (1), of this section, ceases to work as a mine worker or where such a person is rejected from further employment as a mine worker by reason of a notice issued and served by the Minister exercising any power conferred in that regard, under the Mines Regulation Act, 1946, that person is entitled to receive from the Board, and the Board shall repay to him, the sum of all contributions paid by him to the Board, pursuant to this Act. .

9. Section fourteen of the principal Act is amended— S. 14  
amended.

(a) by substituting for paragraph (a) of subsection (2) the following paragraph—

(a) one shall be the Mines Medical officer; ;

- (b) by substituting for the words, "a medical officer or medical practitioner appointed under this Act or the Laboratory", in lines four, five and six of paragraph (a) of subsection (4), the words, "the Mines Medical Officer";
- (c) by repealing subsection (8) and re-enacting it with amendments, as follows—
  - (8) Every decision of the Medical Board made on an appeal shall be sent by the Board to the Minister in the form of the prescribed certificate. ;
- (d) by substituting for the words, "Laboratory that made", in lines five and six of subsection (9), the passage, "the Mines Medical Officer, on the date of";
- (e) by repealing subsection (10);
- (f) by substituting for the word, "tubercular", in line five of subsection (11), the word, "tuberculous"; and
- (g) by substituting for the word, "Laboratory", in line four of subsection (12), the words, "Mines Medical Officer".

S. 16  
amended.

10. Section sixteen of the principal Act is amended—

- (a) by substituting for the words, "a medical officer or medical practitioner appointed under this Act or the Laboratory", in lines two and three of subsection (1), the words, "the Mines Medical Officer";
- (b) by deleting the paragraph designation, "(a)", in line three of subsection (2);
- (c) by substituting for the words, "a medical officer or medical practitioner appointed under this Act or by the Laboratory", in lines six, seven and eight of subsection (2), the words, "the Mines Medical Officer";

- (d) by substituting for the passage, "a medical officer or medical practitioner appointed under this Act or by the Laboratory; or", being the concluding passage of subsection (2), the passage, "the Mines Medical Officer."; and
- (e) by repealing subsections (2a) and (3) and substituting the following subsections—

(3) The provisions of subsections (2A), (4), (5) and (6) of section thirteen of this Act apply as if repeated in this section, but the reference, in subsection (2A) of that section, to tuberculosis, silicosis with tuberculosis or tuberculosis without silicosis shall, for the purposes of this section, be read as a reference to silicosis in the advanced stage.

(4) A mine worker who has received a notice under subsection (1) of this section is not thereby precluded from continuing to work as a mine worker. .

11. Section forty-seven of the principal Act is repealed. S. 47  
repealed.

12. Section forty-eight of the principal Act is amended— S. 48  
amended.

- (a) by substituting for the first paragraph of subsection (1), commencing with the subsection designation, "(1)", in line one, and ending with the passage, "1912:", in line ten, the following paragraph—

(1) A mine worker who has been prohibited, under the provisions of subsection (1) of section thirteen of this Act, from employment as a mine worker or who receives notice, under the provisions of subsection (1) of section sixteen of this Act, that he is suffering from silicosis, only, in the advanced



stage, and the dependants of any such mine worker, shall not be entitled to any benefit under this Act as a prohibited or notified mine worker or as the dependant of a prohibited or notified mine worker, as the case may be, until he has, or they have, received in full any compensation to which he is, or they are, entitled under the Workers' Compensation Act, by reason of the mine worker's suffering from pneumoconiosis: ;

and

(b) as to subsection (2),—

(i) by substituting for the passage, "all the workers'", in line four, the word, "any"; and

(ii) by inserting immediately after the passage, "1912,", in line six, the passage, "by reason of the mine worker's suffering from pneumoconiosis,".

S. 49  
amended.

13. Section forty-nine of the principal Act is amended—

(a) by substituting for the passage, "in Scale 1 of the Second Schedule of the regulations", in lines six and seven of subsection (1), the words, "under the provisions of section forty-five of this Act"; and

(b) as to subsection (3)—

(i) by substituting for the word, "certificate", in line three, and the words, "certificate by the Laboratory", in line six, the word, "notice", in each case;

(ii) by substituting for the word, "tubercular", in line seven, and, again, in line fourteen, the word, "tuberculous", in each case; and

- (iii) by substituting for the word, "Laboratory" in line thirteen, the words, "Mines Medical Officer".

14. Section forty-nine A of the principal Act is amended— S. 49A  
amended.

- (a) by substituting for the passage, commencing with the word, "until", in line thirteen of subsection (1), and ending with the word, "treatment", being the last word in the subsection, the passage—

"until,—

- (a) he receives either of the notices mentioned in subsection (3) of section forty-nine of this Act; or
- (b) he is discharged, by the Minister, from further curative treatment." ;
- (b) as to subsection (2), by substituting for the words, "is cured or is discharged therefrom by the Minister", in lines five and six of paragraph (a), and the words, "is cured or discharged therefrom by the Minister", in lines three and four of paragraph (b), the passage, "receives a notice, or is discharged from further treatment by the Minister, pursuant to subsection (1) of this section," in each case;
- (c) by substituting for paragraph (a) of subsection (3) the following paragraph—

(a) Where a mine worker to whom this section applies—

- (i) receives a notice such as is mentioned in paragraph (a) of subsection (3) of section forty-nine of this Act and does not thereafter resume work as a mine worker; or

- (ii) receives a notice such as is mentioned in paragraph (b) of that subsection,

he shall be entitled to further medical examinations by the Mines Medical Officer, on such occasions as may be approved by the Minister or the Mines Medical Officer. ;

- (d) by substituting for the words, "been supplied with the certificate aforesaid", in lines five and six of paragraph (b) of subsection (3), the passage, "received any notice such as is mentioned in this subsection; and the preceding provisions of this subsection shall, thereafter, continue to apply to the mine worker."; and
- (e) by deleting paragraph (c) of subsection (3).

§. 50  
amended.

15. Section fifty of the principal Act is amended—

- (a) by substituting for the word, "stating", in line eight of subsection (1), the passage, ", stating his health certificate number,";
- (b) by deleting the passage, commencing with, ", and", in line three of subsection (3), and ending with the word, "registration", in line six of that subsection;
- (c) as to subsection (4)—
  - (i) by deleting the word, "underground", in line three;
  - (ii) by deleting the words, "or the renewal of such registration", in line five; and

- (iii) by substituting for the word, "underground", in lines six and seven, the words, "as a mine worker";

and

- (d) by substituting for the words, "of his registration as aforesaid", in line seven of subsection (5), the passage, "he ceased work as a mine worker,".

16. Section fifty-one of the principal Act is amended by substituting for the words, "at the Laboratory", in lines four and five of subsection (1), the words, "by the Mines Medical Officer".

S. 51  
amended.

17. Section fifty-two of the principal Act is repealed.

S. 52  
repealed.

18. Section fifty-three of the principal Act is amended by deleting the passage, "by virtue of section fifty-two of this Act," in lines six and seven of subsection (1).

S. 53  
amended.

19. Section fifty-four of the principal Act is repealed.

S. 54  
repealed.

20. Section fifty-five of the principal Act is repealed and re-enacted with amendments, as follows—

S. 55  
repealed and  
re-enacted.

55. Any person who is receiving any benefit from the Board, under this Division, shall cease to be entitled to that benefit, if, and during such time as, he is employed as a mine worker.

Benefits  
to cease  
when  
recipient is  
employed as  
a mine  
worker.

21. Section fifty-six of the principal Act is amended by substituting for the words, "laboratory or a medical officer or a medical practitioner approved by the Board", in lines seven and eight of paragraph (iv) of the proviso to subsection (1), the words, "Mines Medical Officer".

S. 56  
amended.

S. 56A  
repealed and  
re-enacted.

22. Section fifty-six A of the principal Act is repealed and re-enacted with amendments, as follows—

Certain  
ex mine  
workers  
entitled to  
benefits.

56A. (1) Where a mine worker has ceased to work as a mine worker, and is registered under subsection (2) of section fifty of this Act and has maintained his contributions to the Fund in accordance with subsection (5) of that section, and

- (a) is in receipt of an age, or invalid, pension under the Social Services Act, 1947, of the Commonwealth, as that Act is, from time to time, amended; or
- (b) is in receipt of a service pension, under the Repatriation Act, 1920, of the Commonwealth, as that Act is, from time to time, amended; or
- (c) has been certified by the Mines Medical Officer as being unable to be gainfully employed, by reason of suffering from silicosis, in the early stage, in association with some other disease or malady that does not entitle him to receive compensation under the Workers' Compensation Act, 1912,

the mine worker and his dependants (if any) are entitled, from the date of making application therefor, to such benefits as may be prescribed under section forty-five of this Act.

(2) A mine worker is not, and his dependants are not, entitled to any benefits under this section, until his or their entitlement (if any) to compensation, under the Workers' Compensation Act, 1912, by reason of the mine worker's suffering from pneumoconiosis, has been exhausted, either by payment in full or, where a payment has been made under that Act, in the form of an advance of, or as a lump sum settlement in redemption of, weekly payments,

by the effluxion of the period in respect of which the payment was made; but, when that entitlement is so exhausted, the mine worker or, in the event of his prior death, his dependants shall be entitled to apply for, and, from the date of the application, become entitled to, such benefits under subsection (1) of this section as those to which they might, but for the provisions of this subsection, have sooner been entitled.

(3) Where, before the coming into operation of the Mine Workers' Relief Act Amendment Act, 1964, benefits were paid to any person or to his dependants, under such circumstances that, if the provisions of subsection (1) of this section (as re-enacted by that Act) had then existed, the payments would validly have been made, then, every payment so made is deemed to have been validly made and is, by this subsection, ratified and confirmed. .

23. Section fifty-seven of the principal Act is amended— S. 57  
amended.

(a) as to subsection (1),

(i) by substituting for the words, "Any person who proves", in line one, the passage, "A person may apply to the Board, in the prescribed manner, for permission to contribute to the Fund, as a mine worker, and, if he proves"; and

(ii) by deleting the passage, commencing with the word, "may", in line nineteen, and ending with the word, "and", in line twenty-one;

and

(b) by repealing subsection (4) and re-enacting it with amendments, as follows—

(4) Where a prospector who has been registered under the provisions of subsection (2) of this section is—

- (a) found by the Mines Medical Officer to be suffering from tuberculosis, while still engaged in, or within twelve months after ceasing to be engaged in, prospecting;
- (b) found by the Medical Board established under section fourteen of this Act to be suffering from tuberculosis, at any time during the second twelve months after ceasing to be engaged in prospecting; or
- (c) found by the Mines Medical Officer to be suffering from tuberculosis with silicosis or from silicosis in the advanced stage, while still engaged in, or within three years after ceasing to be engaged in, prospecting,

the Mines Medical Officer shall issue a certificate of the finding, to the Minister who shall, if satisfied that the prospector has maintained his contributions to the Fund, as by this section provided, up to the date of the finding, notify the prospector and the Board of the finding; and the prospector is and his dependants (if any) are, thereupon, entitled to such benefits as are prescribed under section forty-five of this Act for mine workers and their dependants. .

Amendment  
of Workers'  
Compensa-  
tion Act,  
1912.

24. The Workers' Compensation Act, 1912, is amended as provided by, and may be cited in accordance with, the Schedule to this Act.

Section 24.

#### SCHEDULE.

Citation.

1. (1) In this Schedule the Workers' Compensation Act, 1912-1963, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1912-1964.

2. Section eight of the principal Act is amended by adding, immediately after subsection (1d), the following subsection—

S. 8  
amended.

(1e) Subject to the provisions of this section, where a worker is disabled from earning full wages, by reason of suffering from tuberculosis in association with silicosis or asbestosis, and any of those diseases is, or was, due to the nature of any employment in which the worker was employed at any time previous to the date of disablement, that person is deemed to be totally incapacitated for work, during such period as the tuberculosis is active, and, thereafter, for a further period of three months or for the period that he is unemployed, whichever period is the shorter, and, during that period and further period, the person is,—

- (a) if in receipt of payments under the Tuberculosis Allowance (Commonwealth) Scheme, established under the Tuberculosis Act, 1948, of the Commonwealth, entitled to compensation in weekly payments equal to the maximum weekly income permissible under that Scheme; and
  - (b) if not in receipt of payments under the scheme mentioned in paragraph (a) of this subsection, entitled to such compensation as that to which he would be entitled, if totally incapacitated by pneumoconiosis.
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