

MINE WORKERS' RELIEF.

7° GEO. VI., No. XX.

No. 25 of 1943.

AN ACT to amend the Mine Workers' Relief Act, 1932-1940.

[Assented to 25th October, 1943.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative 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 Act Amendment Act*, 1943, and shall be read as one with the Mine Workers' Relief Act, 1932-1940 (No. 37 of 1932 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1935 and amended by the Act No. 22 of 1940), hereinafter referred to as the principal Act. Short title.

2. Section thirteen of the principal Act is amended as follows:— Amendment
of s. 13.

(a) by deleting subsection (3) and inserting in lieu thereof a subsection as follows:—

(3) (a) A mine worker who has been served with a notice under subsection (1) of this section shall neither work nor be employed as a mine worker unless and until—

- (i) the said notice has been set aside on appeal as hereinafter provided for; or
 - (ii) he has submitted himself for medical examination to a medical officer or a medical practitioner appointed under this Act or to the Laboratory, and has then been found to be free from tuberculosis as defined in this Act and has received a certificate in the prescribed form to that effect.
- (b) Any mine worker who works and any employer who employs a mine worker in contravention of this section shall be guilty of an offence against this Act.

Penalty—Fifty pounds, and in addition a daily penalty of forty shillings for every day or part of a day during which the offence continues.

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

(3a) Notwithstanding anything to the contrary contained elsewhere in this section or in this Act, any mine worker who has been served with a notice under subsection (1) of this section on the ground that he is suffering from tuberculosis, and who has subsequently—

- (i) submitted himself to and received the treatment provided for and prescribed in section forty-nine A of this Act; and
- (ii) thereafter has received the certificate provided for in subparagraph (ii) of paragraph (a) of subsection (3) of this section—

shall be supplied with a certificate in the prescribed form to that effect; and such certificate shall, notwithstanding any provision to the contrary contained in the Mines Regulation Act, 1906-1938, and the regulations thereunder, entitle such mine worker to work and to be employed as a mine worker on in or about a mine except underground:

Provided that—

- (a) such mine worker shall during the currency of such certificate submit himself for medical examination in accordance with this Act at intervals not exceeding six months in duration; and
- (b) such certificate may be cancelled if the mine worker upon any such periodical medical examination is found again to be suffering from tuberculosis, or if the mine worker refuses or fails to submit himself for any periodical medical examination aforesaid.

3. Section forty-two of the principal Act is amended by deleting in paragraph (g) the word "Governor" in line four of the said paragraph and inserting in lieu thereof the word "Minister."

Amendment
of s. 42.

4. Section forty-nine of the principal Act is amended as follows:—

Amendment
of s. 49.

- (a) by inserting at the end of paragraph (a) of subsection (1) a further proviso as follows:—

Provided also that when a prohibited mine worker has been supplied with a certificate as provided for by subparagraph (ii) of paragraph (a) of subsection (3) of section thirteen of this Act the benefits prescribed in this paragraph of this subsection shall cease as soon thereafter as shall be determined by the Board; and, if, before the above-mentioned benefits have been determined by the Board as aforesaid, the prohibited mine worker engages in any kind of gainful occupation or employment from which the gross amount of his weekly earnings is less than the gross amount of the weekly benefit under this Act which he has been receiving the Board may pay to such mine worker an amount not exceeding the difference between his said weekly earnings and his said weekly benefit under this Act.

- (b) by inserting after the word "workers" in line eleven of paragraph (b) of subsection (1) a proviso as follows:—

Provided that when a prohibited mine worker has been supplied with a certificate as provided for by subparagraph (ii) of paragraph (a) of subsection (3) of section thirteen of this Act this benefit shall cease as soon thereafter as shall be determined by the Board; and if, before the above-mentioned benefit has been determined by the Board as aforesaid, the prohibited mine worker engages in any kind of gainful occupation or employment from which the gross amount of his weekly earnings is less than the gross amount of the weekly benefit under this Act which he has been receiving the Board may pay to such mine worker an amount not exceeding the difference between his said weekly earnings and his said weekly benefit under this Act.

New section.

5. A section is inserted in the principal Act after section forty-nine as follows:—

Provision for
curative
treatment of
prohibited
mine workers.

49A. (1) A mine worker who has been prohibited from employment as a mine worker under section thirteen of this Act on the ground that he is suffering from tuberculosis without silicosis and who is eligible for the benefits prescribed by section forty-nine of this Act, may be requested by the Minister after he receives the prescribed notice of prohibition to submit himself at such time and place as the Minister shall appoint, for the purpose of further medical examination and curative treatment; and such mine worker if he accedes to such request shall receive and continue to receive curative treatment until either he is supplied with the certificate provided for by subparagraph (ii) of paragraph (a) of subsection (3) of section thirteen of this Act, or is discharged by the Minister from such treatment.

(2) (a) Such expenses and charges as may be prescribed from time to time and are incidental to the medical examination or the curative treatment of a mine worker who submits to treatment and continues under the same until

he is cured or is discharged therefrom by the Minister shall be paid by the Board out of the fund, and shall be additional to any benefits payable to and received by the mine worker under or by virtue of section forty-nine of this Act.

- (b) Where a mine worker refuses or fails to continue under treatment to which he has submitted until he is cured or discharged therefrom by the Minister paragraph (a) of this subsection shall not apply and any expenses or charges already paid in relation to such treatment may be recoverable by the board from the mine worker as a debt.

(3) (a) If a mine worker to whom this section applies is supplied with the certificate provided for by subparagraph (ii) of paragraph (a) of subsection (3) of section thirteen of this Act and does not thereafter resume work as a mine worker on in or about a mine, he shall be entitled to further medical examinations on such occasions as are approved by the Minister.

(b) If, at any such examination, such mine worker is found to be suffering from tuberculosis without silicosis, he shall be entitled to further curative treatment and to the benefits of the fund at the rate he would have received had he not been supplied with the certificate aforesaid.

(c) Such treatment shall include the right to the benefits of this subsection if and when any further certificates of the kind in this subsection hereinbefore mentioned are supplied to the mine worker.

6. Section fifty-seven of the principal Act is amended Amendment of s. 57. by deleting from subsection (4) thereof the words "section forty-nine" in line fourteen of the said subsection and inserting in lieu thereof the words "sections forty-nine and forty-nine A."

7. The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act, 1932-1943. Citation of principal Act as amended.