

MINE WORKERS' RELIEF.4^c GEO. VI., No. XXII.

No. 22 of 1940.

AN ACT to amend the Mine Workers' Relief Act, 1932-1934.

[Assented to 29th November, 1940.]

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:—

Short title.

1. This Act may be cited as the *Mine Workers' Relief Act Amendment Act*, 1940, and shall be read as one with the *Mine Workers' Relief Act, 1932-1934* (No. 37 of 1932 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1935), hereinafter referred to as the principal Act.

Amendment of s. 18.

2. Section eighteen of the principal Act is amended by adding to subsection (1) a proviso as follows:—

Provided that, when such mine workers are paid their wages fortnightly and three fortnightly pay days occur in any one month, the employer shall not be liable to contribute to the fund under this section on the occasion of the third pay day in such month.

3. Section nineteen of the principal Act is amended by adding to subsection (1) a proviso as follows:—

Amendment
of s. 19.

Provided that, when a mine worker is paid his wages fortnightly and three fortnightly pay days occur in any one month, such mine worker shall not be liable to contribute to the fund under this section on the occasion of the third pay day in such month.

4. Section fifty of the principal Act is amended by adding to the section, after subsection (4), a new subsection as follows:—

Amendment
of s. 50 of
the Principal
Act.

(5) A mine worker whose name has been registered as provided for in subsection (2) of this section and who, through ceasing to work in on or about a mine has ceased to contribute to the Mine Workers' Relief Fund, shall contribute to the said fund as though he were still employed in the mining industry, as from the date of his registration as aforesaid as long as he remains so registered.

Provided that the Board shall not enforce any such contribution to the said fund during any period that the registered mine worker proves to the satisfaction of the Board that he is unable to pay his contribution by reason of—

- (a) unemployment; or
- (b) illness or accident in connection with which he is being attended by a qualified medical practitioner.

5. Section fifty-one of the principal Act is amended by deleting subsection (2) and inserting in lieu thereof a subsection as follows:—

Amendment
of s. 51 of
the principal
Act.

(2) If upon such further examination he is then found to be suffering from tuberculosis and silicosis, or from silicosis in the advanced stage only, and the Minister is so informed, and is satisfied by the production of a certificate issued by the Board that such person has paid his contributions to the Mine Workers' Relief Fund in accordance with the requirements of section fifty of this Act, the Minister shall give notice of the result of the said examination in the prescribed form to such person and also to the Board, which shall thereupon enter the name in a register to be kept by the Board in the prescribed form.

Amendment
of s. 56 of
the principal
Act.

Repeal and
new section.

Mine
workers and
dependants
entitled to
certain bene-
fits during
illness.

6. Section fifty-six of the principal Act is repealed and the following new section enacted in its stead:—

56. (1) The Board may grant such benefits as may be prescribed by regulations under this Act to those persons who are or become incapacitated or whose earning power may be materially prejudiced by any disease or malady which may be legitimately attributed to the nature of their employment as mine workers in the mining industry of Western Australia, and to the dependants of such persons:

Provided that—

- (i) such disease or malady is not one which entitled the person to any benefit under Division (1) of this Part of this Act, or has not been contracted under circumstances which entitle the person suffering from the same to worker's compensation under the Workers' Compensation Act, 1912-1939; and
- (ii) no person shall be entitled to receive benefit under this Division and also under Division (1) of this Part of this Act at the same time; and
- (iii) no person shall be entitled to any benefit under this Division unless at the time when he claims such benefit he is regularly contributing as a mine worker to the fund in accordance with this Act or the regulations made thereunder; and
- (iv) no person who leaves Western Australia to reside elsewhere, or the dependants of such person, shall be entitled to any benefits under this Division unless, prior to his departure from Western Australia he produces a medical certificate from the laboratory or a medical officer or medical practitioner approved by the Board, that he is suffering from or has developed symptoms of any disease or malady which may be legitimately attributed to the nature of his employment as a mine worker in the mining industry of Western Australia, and also produces a certificate from a recognised medical authority or

practitioner in the country or place of residence, that by reason of such disease or malady he has, since taking up his residence in such country or place, become incapacitated or that his earning power has been materially prejudiced.

(2) Any person who applies to the Board within three months of the date he ceased work as a mine worker in the mining industry of Western Australia, or such further time as the Board may allow, and proves to the satisfaction of the Board that he at any time contributed to the fund in accordance with the provisions of this Act, may be granted permission by the Board to contribute to the fund as though he were still employed as a mine worker in the said mining industry, and thereafter may be granted the benefits provided for in subsection (1) of this section, subject, however, to the conditions imposed in such subsection.

(3) A person shall be deemed to be contributing regularly as a mine worker to the fund within the meaning of paragraph (iii) of the proviso to subsection (1) of this section notwithstanding that he may temporarily for any period fail so to contribute if he proves to the satisfaction of the Board that his failure so to contribute is due to—

- (a) unemployment; or
- (b) illness or accident in connection with which he is being attended by a qualified medical practitioner.

7. The principal Act as amended by this Act may be cited as the *Mine Workers' Relief Act, 1932-1940.*

Citation of
principal Act
as amended.