

Reprinted under the *Reprints Act 1984* as at 29 September 1987.

WESTERN AUSTRALIA

MINE WORKERS' RELIEF ACT 1932

AN ACT relating to the Relief of Mine Workers.

Short title and commencement

1. This Act may be cited as the *Mine Workers' Relief Act 1932*, and shall come into operation on a day to be fixed by proclamation¹.

[2., 3., 4., *Part I, Part II, Part III, Part IV, Part V and Schedule 1*: Sections 2, 3, 4, *Parts I, II, III, IV, V and Schedule 1* repealed by *Schedule 2, clause 8.*]

SCHEDULE 2

[Section 62A]

Part I

Application and Interpretation

Application of Schedule 2

1. This Schedule has effect on the dissolution date² and with effect from that date the remainder of this Act shall be amended by and construed subject to this Schedule.

Interpretation

2. In this Schedule, unless the contrary intention appears—

“Appeal Board” means the Mine Workers’ Relief Act Appeal Board constituted by paragraph 13;

“asbestosis” means asbestosis of the lungs;

“Board” means the Mine Workers’ Relief Board constituted under this Act;

“commencement day” means the day of the commencement of section 46 of the *State Government Insurance Commission Act 1986*¹;

“Commission” means the State Government Insurance Commission established by the *State Government Insurance Commission Act 1986*;

“dependants” includes wife, widow until she remarries, father, mother, grandfather, grandmother, step-father, step-mother; and also those persons being under the age of 16 years who bear to the mine worker the following relationships, namely, son (whether legitimate or illegitimate), daughter (whether legitimate or illegitimate), grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother or half-sister;

“dissolution date” means the date on which an order under section 62A declaring that the Board shall be dissolved comes into operation;

“Minister” means the Minister for Mines or other responsible Minister of the Crown for the time being charged with the administration of this Act;

“silicosis” means silicosis of the lungs;

“State Government Insurance Office” means the body corporate established by that name by the *State Government Insurance Office Act 1938*;

“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.

Part II*Dissolution of Mine Workers' Relief Board***Dissolution of Board**

3. Subject to this Schedule, the Mine Workers’ Relief Board is dissolved.

Final report by Board

4. (1) Notwithstanding paragraph 3, the Board, as constituted immediately before the dissolution date, shall, for the purpose of preparing and submitting to the Minister the report referred to in subparagraph (2), continue in existence until it has furnished that report.

(2) The Board shall as soon as practicable after the dissolution date² prepare and submit to the Minister a report of its operations and statements of account in respect of the period from the end of the immediately preceding financial year to the dissolution date².

(3) The report shall be laid before both Houses of Parliament.

**Vesting of assets and liabilities
of Board in S.G.I.O.**

5. (1) Upon the dissolution date²—

- (a) all rights, property and assets including the Fund that, immediately before that date, were vested in the Board are, by force of this paragraph, vested in the State Government Insurance Office;
- (b) the State Government Insurance Office becomes, by force of this paragraph, liable to discharge all the debts, liabilities and obligations of the Board that existed immediately before that date including the obligation to continue payment of weekly benefits to beneficiaries in receipt of such benefits immediately before that date; and
- (c) the Board shall deliver to the State Government Insurance Office all registers, books, papers, documents, minutes, receipts and books of account relating to its operations.

(2) Without limiting the generality of clause 9 of Schedule 4 to the *State Government Insurance Commission Act 1986* it is hereby declared that that clause applies to—

- (a) funds, rights, property and assets that have been vested in;
- (b) debts, liabilities and obligations that have been imposed upon; and
- (c) registers, books, papers, documents, minutes, receipts and books of account that have been delivered to,

the State Government Insurance Office under subparagraph (1).

(3) Where anything lawfully commenced by or under the authority of the Board has been lawfully carried on by or under the authority of the State Government Insurance Office before the commencement day¹ such thing may be carried on and completed by or under the authority of the Commission.

**State Government Insurance Commission
to meet obligations.**

6. If upon or after the commencement day¹ the resources that, having been vested in the State Government Insurance Office under this Act, are vested in the Commission under clause 9 of Schedule 4 to the *State Government Insurance Commission Act 1986* are insufficient to meet the obligations imposed on the Commission under this Act, the Commission shall nevertheless meet all such obligations as they fall due and may adjust premiums payable by employers of miners for industrial diseases insurance in order to recover any amounts so expended.

**Construction of references to the Board
or State Government Insurance Office.**

7. Subject to Part III of this Schedule and without limiting the generality of clause 12 (1) of Schedule 4 to the *State Government Insurance Commission Act 1986*, any agreement, deed, instrument, application, notice, or other document subsisting for the purposes of this Act immediately before the commencement day¹ shall have effect on and after that day as if any reference in the document to the Board or the State Government Insurance Office were (unless the context otherwise requires) a reference to the Commission.

Part III

*Amendment of Act and Supplementary Provisions***Repeals**

8. (1) Sections 2, 3, and 4, Parts I, II, III, IV, V, and Schedule 1 are repealed.
 (2) The *Mine Workers' Relief Regulations* are repealed.

Duty of Commission

9. Subject to this Schedule the Commission shall—
- (a) receive contributions made under this Act;
 - (b) receive and deal with applications by persons claiming benefits under this Act;
 - (c) grant and pay benefits under this Act to persons entitled thereto;
 - (d) pay all expenses and charges incurred in the administration of this Act;
 - (e) maintain adequate records for the performance of its duties imposed under this Act and proper accounts of its receipts and payments under this Act; and
 - (f) do all such things as are incidental or conducive to the attainment of the objects of this Act.

Register of contributors

10. Notwithstanding the repeal of section 21 the Commission shall keep a register containing the names of all persons for the time being making contributions under this Act.

Savings regarding contingent beneficiaries

11. (1) The objects of this paragraph are to ensure that the repeal of Part IV does not prejudice the interests of those persons who but for such repeal may on or after the dissolution date² have been entitled to benefits under this Act and to provide that the respective rights and duties of those persons are in substance preserved on and after that date; and this paragraph together with the repealed provisions referred to in this paragraph shall be construed accordingly so as to give effect to those objects.

(2) Subject to this Schedule, a person who prior to the dissolution date² received a notice under section 13 (1), or a notice under section 16 (1) that he is suffering from silicosis, only, in the advanced stage, and the dependants of any such person, shall be entitled to benefits under this Act in the circumstances and subject to compliance with the conditions specified in subsections (1) and (2) of section 48 as if those subsections had not been repealed.

(3) Subject to this Schedule, a person who prior to the dissolution date² was notified under section 16 that he is suffering from silicosis in the early stage without tuberculosis and who prior to that date gave notice in accordance with section 50 (1) and whose name was registered in accordance with subsection (2) of that section, and the dependants of any such person, shall, if upon further medical examination to the satisfaction of the State Government Insurance Office or the Commission he has been or is found to be suffering from tuberculosis and silicosis or silicosis in the advanced stage, be entitled to benefits under this Act in the circumstances described in section 53 and subject to compliance with section 50 (5) as if those provisions had not been repealed.

(4) Notwithstanding any provision to the contrary—

- (a) the contributions payable in accordance with subparagraphs (2) and (3) shall be of an amount of \$8.40 per annum and shall be paid annually to the Commission;
- (b) the benefits payable under this Act shall be those provided for in this Schedule.

(5) The provisions of this Schedule relating to silicosis, including silicosis in the early stage, silicosis in the advanced stage, and silicosis with or without tuberculosis, apply, with the necessary changes, in respect of asbestosis.

Benefits after dissolution date

12. (1) The periodic benefits to which persons who become entitled to benefits under this Act on or after the dissolution date² are entitled are such as are provided for in Schedule 3.

(2) The Commission may make a written offer to a person who becomes entitled to benefits under this Act on or after the dissolution date² (or a parent or guardian of a dependant who is under 16 years of age) to pay a lump sum in redemption of that person's entitlement to the weekly payments provided for in Schedule 3.

(3) Subject to subparagraph (4), if a written offer made by the Commission under subparagraph (2) is accepted in writing within 3 months of receiving the offer, the Commission shall pay to the person entitled (or his parent or guardian in case of a dependant who is under 16 years of age) not later than 6 months after acceptance of the offer a lump sum equal to that which would have been paid by the Board under section 57A in like circumstances and such payment shall be in full satisfaction of the beneficiary's entitlement under this Act.

(4) If an offer made by the Commission under subparagraph (2) to a person who is entitled to weekly payments under Schedule 3 in respect of a wife or a dependant under the age of 16 years of age is accepted, the lump sum payable under this paragraph in respect of that wife or dependant shall be paid to the wife or to the parent or guardian of the dependant on his behalf, as the case may be, and such payment shall be in full satisfaction of the beneficiary's entitlement in respect of that wife or dependant under this Act.

(4a) For the purposes of subparagraphs (3) and (4) an offer made by the State Government Insurance Office within 3 months before the commencement day¹ and not accepted as at the commencement day¹ shall be deemed to have been made by the Commission.

(5) Where upon or after the dissolution date² a person claims and is entitled to benefits under this Act and, after the commencement day¹, receives payment of a lump sum under this paragraph, the Commission, in addition to the benefit to which he is otherwise entitled under this paragraph, shall pay to him and to every entitled dependant by way of bonus a sum equal to that paid in like circumstances before the dissolution date² under section 57E.

Establishment of Appeal Board

13. (1) There is established a Mine Workers' Relief Act Appeal Board which shall consist of a chairman and 2 other members one of whom shall be a representative of employers of mine workers and one of whom shall be a representative of mine workers.

(2) The members of the Appeal Board shall be appointed by the Governor.

(3) A member shall be appointed for such period not exceeding 3 years as is specified in his instrument of appointment and is eligible for re-appointment.

(4) A member may resign his office by writing under his hand delivered to the Minister.

(5) The Governor may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

Functions of Appeal Board

14. (1) A person who is aggrieved by any act, decision or omission of the Commission in the exercise or purported exercise of powers, duties and obligations under this Act may appeal to the Appeal Board against that act, decision or omission in writing within 30 days of being notified of the act, decision or omission.

(2) The Appeal Board shall make full inquiry into all matters complained of by an aggrieved person under sub-paragraph (1) and shall determine the appeal and may confirm, vary or set aside any decision or act of the Commission.

(3) The decision of the Appeal Board shall be final and the Commission shall take such action as is necessary to give effect to the decision.

Remuneration of members

15. (1) The chairman and the other members of the Appeal Board shall be paid such remuneration for their services and shall receive such travelling expenses and other allowances as may be prescribed.

(2) Payments under this paragraph shall be made by the Commission from the Insurance Commission General Fund established under section 16 of the *State Government Insurance Commission Act 1986*.

[Schedule 2 inserted by No. 46 of 1980 s. 28; amended by No. 51 of 1986 s. 46.]

SCHEDULE 3

(Paragraph 12
of Schedule 2)

Persons entitled to benefits under the Act on and after the dissolution date² are entitled to the following—

	Per week \$
Single man	4
Widower	4
Additional payment in respect of each child under 16 years of age and dependent on widower	1
Married man.....	4
Additional payment in respect of—	
(a) wife	4
(b) each child under 16 years of age and dependent on him	1
Widow—until re-marriage	4
Additional payment in respect of each child under 16 years of age who was at the time of death of the deceased mine worker dependent upon him.....	1
Mother dependent on son	2
Guardian of each child under 16 years of age of a mine worker who was at the time of death of the mine worker dependent on him	1

Notwithstanding the above provisions—

- (a) the maximum weekly payment shall not exceed \$9;
- (b) in the case of a widower, the additional payment in respect of any child under 16 years may be paid to any other person or institution direct, as the State Government Insurance Commission may think fit;
- (c) a married man shall not be entitled to any allowance in respect of his wife or a child of his unless his wife or that child is being supported by him;
- (d) the additional payment in respect of a wife may be paid to the wife or such other person or institution direct, as the State Government Insurance Commission may think fit;

- (e) in the case of a widow, the benefits in respect of a child under 16 years of age shall cease on the re-marriage of the widow;
- (f) when in the opinion of the State Government Insurance Commission a widow under 60 years of age is eligible to apply for a Commonwealth invalid pension then that widow shall not be entitled to receive any benefit under this Act until she has applied for such a pension and her application has been granted or refused.

[Schedule 3 added by No. 46 of 1980 s. 28; amended by No. 51 of 1986 s. 46.]

NOTES

¹ This reprint is a compilation as at 29 September 1987 of the *Mine Workers' Relief Act 1932* and includes all amendments effected by the other Acts referred to in Part I of the following Table and the Orders in Council referred to in Part II of the following Table³.

Table of Acts and Orders in Council

PART I—ACTS

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Mine Workers' Relief Act 1932</i>	37 of 1932	30 December 1932	1 February 1933 (see <i>Gazette</i> 27 January 1933 p. 128)	
<i>Mine Workers' Relief Act Amendment Act 1933</i>	34 of 1933	27 December 1933	27 December 1933	
<i>Mine Workers' Relief Act Amendment Act 1934</i>	42 of 1934	4 January 1935	4 January 1935	
<i>Mine Workers' Relief Act Amendment Act 1940</i>	22 of 1940	29 November 1940	29 November 1940	
<i>Mine Workers' Relief Act Amendment Act 1943</i>	25 of 1943	25 October 1943	25 October 1943	
<i>Mine Workers' Relief Act Amendment Act 1953</i>	7 of 1953	3 November 1953	3 November 1953	
<i>Mine Workers' Relief Act Amendment Act 1958</i>	48 of 1958	23 December 1958	Section 7A; 27 February 1959 (see <i>Gazette</i> 27 February 1959 p. 479); balance on assent	
<i>Mine Workers' Relief Act Amendment Act 1961</i>	79 of 1961	4 December 1961	23 March 1962 (see <i>Gazette</i> 23 March 1962 p. 759)	
<i>Mine Workers' Relief Act Amendment Act 1964</i>	96 of 1964	14 December 1964	14 December 1964	
<i>Mine Workers' Relief Act Amendment Act 1973</i>	62 of 1973	19 November 1973	1 February 1974 (see <i>Gazette</i> 25 January 1974 p. 179)	
<i>Mine Workers' Relief Act Amendment Act 1977</i>	29 of 1977	3 November 1977	12 April 1979 (see <i>Gazette</i> 12 April 1979 p. 968)	

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Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Mine Workers' Relief Amendment Act 1980</i>	46 of 1980	12 November 1980	1 February 1981 (see <i>Gazette</i> 30 January 1981 p. 442)	
<i>Mine Workers' Relief Amendment Act 1982</i>	67 of 1982	6 October 1982	6 October 1982	
<i>State Government Insurance Commission Act 1986, section 46(2)</i>	51 of 1986	5 August 1986	1 January 1987 (see <i>Gazette</i> 19 December 1986 p. 4859)	

PART II—ORDERS IN COUNCIL

Orders	Gazettal	Commencement	Miscellaneous
Amending Order	27 January 1933 p. 129	27 January 1933	
Amending Order	16 November 1934 p. 1737	16 November 1934	
Amending Order	21 April 1939 p. 644	21 April 1939	
Amending Order	17 January 1947 p. 96	17 January 1947	
Amending Order	7 March 1947 p. 392	7 March 1947	

N.B. The *Mine Workers' Relief Act 1932* was affected by the *Mine Workers' Relief (War Service) Act 1940*, the *Mine Workers' Relief (Payments Authorisation) Act 1940* and the *Mine Workers' Relief (War Service) Act Amendment Act 1945*.

² Dissolution date 14 September 1984; see *Gazette* 14 September 1984 p. 2941.

³ As at 29 September 1987 the *Mental Health Act 1981* (No. 52 of 1981) was not in operation.