

# MINE WORKERS' RELIEF.

---

No. 46 of 1980.

---

AN ACT to amend the Mine Workers' Relief Act  
1932-1977.

[Assented to 12 November 1980.]

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:—

1. (1) This Act may be cited as the *Mine Workers' Relief Amendment Act 1980*.

Short  
title  
and  
citation.

(2) In this Act, the Mine Workers' Relief Act 1932-1977 is referred to as the principal Act.

Approved  
for reprint  
19 June  
1962 and  
amended  
by Acts  
Nos. 96 of  
1964, 62 of  
1973 and  
29 of 1977.

(3) The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act 1932-1980.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day as is fixed by proclamation.

Section 2  
amended.

3. Section 2 of the principal Act is amended by deleting "the schedule" and substituting the following—

" Schedule 1 " .

Section 4  
amended

4. Section 4 of the principal Act is amended—

(a) by deleting "57" and substituting the following—

" 57F " ; and

(b) by deleting "THE SCHEDULE.  
*Districts.*"

and substituting the following—

" SCHEDULE 1.

*Districts.*

SCHEDULE 2.

*Dissolution of the Board.*

SCHEDULE 3.

*Benefits after dissolution  
date. " .*

Section 5  
amended.

5. Section 5 of the principal Act is amended by inserting in their appropriate alphabetical positions the following definitions—

" "dissolution date" means the date on which an order under section 62A of this Act declaring that the Board shall be dissolved comes into operation;

"transitional date" means the date when the Mine Workers' Relief Amendment Act 1980 comes into operation. " .

6. Section 13 of the principal Act is amended as follows— Section 13 amended.

(a) by deleting subsection (3); and

(b) by inserting after subsection (6) the following subsection—

“(7) Every person who otherwise would be a mine worker for the purposes of this section shall be deemed to have ceased to be employed as a mine worker on and with effect from the transitional date. ” .

7. Section 16 of the principal Act is amended by inserting after subsection (4) the following subsection— Section 16 amended.

“(5) Every person who otherwise would be a mine worker for the purposes of this section shall be deemed to have ceased to be employed as a mine worker on and with effect from the transitional date. ” .

8. Section 18 of the principal Act is amended in subsection (1) by inserting after “to such mine workers” the following— Section 18 amended.

“ made before the transitional date ” .

9. Section 19 of the principal Act is amended in subsection (1) by inserting after “by his employer” the following— Section 19 amended.

“ made before the transitional date ” .

10. Section 21 of the principal Act is amended by deleting paragraph (a). Section 21 amended.

Section 22  
repealed.

11. Section 22 of the principal Act is repealed.

Section 24  
repealed.

12. Section 24 of the principal Act is repealed.

Section 25  
amended.

13. Section 25 of the principal Act is amended by deleting "Trustees Act, 1900" and substituting the following—

“ Trustees Act 1962 ” .

Section 27  
amended.

14. Section 27 of the principal Act is amended as follows—

(a) by repealing subsections (2) and (3) and substituting the following subsections—

“ (2) The Board shall consist of five members and—

(a) one member who shall be chairman shall be appointed by the Governor;

(b) two members shall be appointed by the Governor on the recommendation of the Minister to represent the employers; and

(c) two members shall be appointed by the Governor on the recommendation of the Minister to represent the mine workers.

(3) Notwithstanding subsection (2) of this section the five persons who immediately before the transitional date are chairman and members of the Board shall continue to hold office for the unexpired portions of their respective appointments and shall be eligible for re-appointment or appointment, as the case may be. ”; and

(b) by repealing subsection (4).

15. Section 29 of the principal Act is repealed and the following section is substituted—

Section 29  
repealed and  
substituted.

“ 29. Subject to subsection (3) of section 27 of this Act, the chairman and every other member of the Board shall, unless he otherwise ceases to be a member, hold office for such period as may be specified in his instrument of appointment and shall be eligible for re-appointment. ” .

Tenure of  
office of  
members of  
Board.

16. Sections 30, 31, 32 and 33 of the principal Act are repealed.

Sections  
30 to 33  
repealed.

17. Section 34 of the principal Act is amended by deleting “or becomes an insane person within the meaning of the Lunacy Act, 1903, or receives any benefit under this Act,” and substituting the following—

Section 34  
amended.

“ or has the status of a patient under the Mental Health Act 1962, ” .

18. Section 35 of the principal Act is repealed.

Section 35  
repealed.

19. Section 40 of the principal Act is amended in subsection (2) by deleting “Public Service Commissioner” and substituting the following—

Section 40  
amended.

“ Public Service Board ” .

20. Section 48 of the principal Act is amended in paragraph (d) of subsection (3) by inserting after “worker” the following—

Section 48  
amended.

“or within three years of the transitional date, whichever is the earlier ” .

21. Section 50 of the principal Act is amended by inserting after subsection (5) the following subsection—

Section 50  
amended.

“ (6) Every person who otherwise would be a mine worker for the purposes of this section

on the transitional date shall be deemed to have ceased to be employed as a mine worker on and with effect from that date. ” .

Section 55  
repealed.

22. Section 55 of the principal Act is repealed.

Section 56  
amended.

23. Section 56 of the principal Act is amended by inserting after subsection (3) the following subsection—

“ (4) Every person who otherwise would be a mine worker for the purposes of this section shall be deemed to have ceased to be employed as a mine worker on and with effect from the transitional date. ” .

Section 57  
amended.

24. Section 57 of the principal Act is amended—

(a) in subsection (1), by inserting after “A person may” the following—

“ before the transitional date ”; and

(b) by inserting after subsection (5) the following subsection—

“ (6) Every person who otherwise would be a prospector for the purposes of this section shall be deemed to have ceased to engage in prospecting on and with effect from the transitional date. ” .

Sections  
57A-57G  
inserted.

25. After section 57 of the principal Act, the following sections are inserted—

Lump sum  
payments  
authorized.

“ 57A. (1) The Board may make a written offer to a person who is entitled to a benefit under this Act (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 prescribed by regulations under this Act.

(2) Subject to subsection (3) of this section, if a written offer made by the Board under subsection (1) of this section is accepted in writing within 3 months of receiving the offer the Board 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 in accordance with regulations made under this Act and such payment shall be in full satisfaction of the beneficiary's entitlement under this Act.

(3) If an offer made by the Board under this section to a person who is entitled to weekly payments under the regulations in respect of a wife or a dependant under the age of 16 years of age is accepted, the lump sum payable in respect of that wife or dependant in accordance with the regulations under this Act 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.

57B. (1) A person entitled to a benefit under this Act or a parent or guardian of a dependant who is under 16 years of age who is aggrieved by the refusal or omission of the Board to make an offer to pay a lump sum under subsection (1) of section 57A of this Act may appeal against that refusal or omission to the Minister.

Appeal  
against  
refusal of  
lump sum.

(2) Upon considering an appeal under this section the Minister may determine it as he thinks fit and his decision shall be final and conclusive.

57C. The Board shall procure the assets and liabilities, including contingent assets and liabilities, of the fund to be valued by an actuary as at a day 3 years and 3 months after the transitional date.

Actuarial  
valuation.

Procedure  
if surplus  
expected.

57D. (1) If after considering the actuarial valuation required to be procured by section 57C of this Act the Board is of the opinion that the resources of the fund will be more than sufficient to meet the obligations, including contingent obligations, which are imposed upon the Board under this Act and upon the State Government Insurance Office upon the dissolution date, the Board shall quantify the amount of the expected surplus and shall proceed to comply with subsection (2) of this section.

(2) The Board shall—

(a) prepare a schedule containing—

(i) the name and address of every beneficiary living on the day 3 years after the transitional date who has received a lump sum payment under section 57A of this Act;

(ii) the name and address of every person living on the day 3 years after the transitional date who is a dependant of a person referred to in subparagraph (i) of this paragraph, other than a dependant being a son or daughter under the age of 16 years on that day having a parent living on that day; and

(b) use its best endeavours to estimate the number of persons who after the day 3 years after the transitional date have claimed or may be expected to claim and be entitled to benefits under this Act;

(c) to the intent that every person included in the schedule prepared under paragraph (a) of this subsection and every person who receives payment of a lump sum under this Act after the day 3 years after the transitional date and the dependants of every such person,



other than a dependant being a son or daughter under the age of 16 years on the day when such person becomes entitled to benefits under this Act having a parent living on that day, shall share equally in a distribution by way of bonus of the expected surplus as estimated by the Board under subsection (1) of this section, calculate a sum representing the proportionate equal share of every such person.

57E. (1) If the Board in accordance with section 57D of this Act has calculated a sum representing the share of the expected surplus of every person entitled to a share of that surplus under that section, the Board shall, notwithstanding the provisions of this Act,—

Distribu-  
tion of  
estimated  
surplus.

- (a) pay the said sum by way of bonus to every person whose name is contained in the schedule prepared by the Board under paragraph (a) of subsection (2) of section 57D of this Act;
- (b) pay the said sum by way of bonus to every person, and to every entitled dependant of such person, who after the day 3 years after the transitional date claims and is entitled to benefits under this Act and subsequently receives payment of a lump sum under section 57A of this Act;
- (c) make provision in its accounts for the allocation of sufficient resources to meet contingent obligations for the payment of like sums to persons, and to entitled dependants of such persons, who subsequently claim and are entitled to benefits under this Act.

57F. (1) If after considering the actuarial valuation required to be procured by section 57C of this Act the Board is of the opinion that

Procedure if  
deficit  
expected.

the resources of the fund will be insufficient to meet the obligations, including contingent obligations, which are imposed under this Act upon the Board and upon the State Government Insurance Office on the dissolution date, the Board shall quantify the amount of the expected deficit and shall submit a report to that effect to the Minister.

(2) If after making such inquiries as he thinks necessary the Minister is satisfied that a deficit will arise, he shall certify to the Treasurer the amount of the expected deficit and the Treasurer shall pay to the Board out of moneys appropriated by Parliament for the purpose for the credit of the fund an amount equal to one half of the expected deficit as so certified. ” .

Section 62A  
added.

26. After section 62 of the principal Act, the following section is added—

Dissolution  
of Board.

“ 62A. (1) Subject to this section, the Governor may by order published in the *Gazette* declare that the Board shall be dissolved in accordance with Schedule 2 of this Act.

(2) An order under subsection (1) may be made not earlier than 3 years and 3 months after the transitional date.

(3) Schedule 2 has effect on the dissolution date and with effect from that date the remainder of this Act shall be amended by and construed subject to that Schedule. ” .

Schedule  
redesignated.

27. The Schedule to the principal Act is amended by deleting the heading “THE SCHEDULE” and substituting the heading—

“ SCHEDULE 1 ” .

28. After Schedule 1 to the principal Act the following Schedule is added—

Schedule 2  
added.

“ SCHEDULE 2.

[s. 62A]

Part I.

*Application and Interpretation.*

1. This Schedule has effect on the dissolution date and with effect from that date the remainder of this Act shall be amended by and construed subject to this Schedule. Applica-  
tion of  
Schedule 2.
2. In this Schedule, unless the contrary intention appears— Interpreta-  
tion.
  - “Appeal Board” means the Mine Workers’ Relief Act Appeal Board constituted by paragraph 13 of this Schedule;
  - “asbestosis” means asbestosis of the lungs;
  - “Board” means the Mine Workers’ Relief Board constituted under this Act;
  - “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 of this Act 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 of this Schedule, 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) of this paragraph, continue in existence until it has furnished that report.

(2) The Board shall as soon as practicable after the dissolution date 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 date.

(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 date—

(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) Where anything has lawfully been commenced by or under the authority of the Board prior to the dissolution date such thing may be carried on and completed by or under the authority of the State Government Insurance Office.

6. If upon or after the dissolution date the resources vested in the State Government Insurance Office under this Act are insufficient to meet the obligations imposed on the State Government Insurance Office under this Act, the State Government Insurance Office 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.

S.G.I.O.  
to meet  
obligations.

7. Subject to Part III of this Schedule, with effect from the dissolution date, all references to the Board in any agreement, deed, instrument, application, notice, or other document shall, unless the context otherwise requires, be construed as references to the State Government Insurance Office.

Construction  
of  
references  
to the Board.

### Part III.

#### *Amendment of Act and Supplementary Provisions.*

8. (1) Sections 2, 3, and 4, Parts I, II, III, IV, V, and Schedule 1 of this Act are repealed.

Repeals.

(2) The Mine Workers' Relief Regulations are repealed.

9. Subject to this Schedule the State Government Insurance Office shall—

Duty of  
S.G.I.O.

- (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.

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

Register of  
contributors.

11. (1) The objects of this paragraph are to ensure that the repeal of Part IV of this Act does not prejudice the interests of those persons who but for such repeal may, on or after the dissolution date have been entitled to

Savings  
regarding  
contingent  
beneficiaries.

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 date received a notice under subsection (1) of section 13 of this Act, or a notice under subsection (1) of section 16 of this Act 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 of this Act as if those subsections had not been repealed.

(3) Subject to this Schedule, a person who prior to the dissolution date was notified under section 16 of this Act that he is suffering from silicosis in the early stage without tuberculosis and who prior to that date gave notice in accordance with subsection (1) of section 50 of this Act 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 he is then 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 of this Act and subject to compliance with subsection (5) of section 50 of this Act 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) of this paragraph shall be of an amount of \$8.40 per annum and shall be paid annually to the State Government Insurance Office;

(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 date are entitled are such as are provided for in Schedule 3 to this Act.

(2) The State Government Insurance Office may make a written offer to a person who becomes entitled to benefits under this Act on or after the dissolution date (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 to this Act.

(3) Subject to subparagraph (4) of this paragraph, if a written offer made by the State Government Insurance Office under subparagraph (2) of this paragraph is accepted in writing within 3 months of receiving the offer, the State Government Insurance Office 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 of this Act 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 State Government Insurance Office under subparagraph (2) of this paragraph to a person who is entitled to weekly payments under Schedule 3 to this Act 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.

(5) Where upon or after the dissolution date a person claims and is entitled to benefits under this Act and subsequently receives payment of a lump sum under this paragraph, the State Government Insurance Office, 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 date under section 57E of this Act.

13. (1) There is established a Mine Workers' Relief Act Appeal Board which shall consist of a chairman and two 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.

Establish-  
ment of  
Appeal  
Board.

(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 State Government Insurance Office 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 subparagraph (1) of this paragraph and shall determine the appeal and may confirm, vary or set aside any decision or act of the State Government Insurance Office.

(3) The decision of the Appeal Board shall be final and the General Manager of the State Government Insurance Office shall take such action as is necessary to give effect to the decision.

Remunera-  
tion 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 General Manager from the funds of the State Government Insurance Office. " .

Schedule 3  
added.

29. After Schedule 2 of the principal Act, the following Schedule is added—

“ SCHEDULE 3.

(Paragraph 12  
of Schedule 2)

Persons entitled to benefits under the Act on and after the dissolution date 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 Office 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 Office 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 Office 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. ” .
-