

MINE WORKERS' RELIEF.

No. 29 of 1977.

AN ACT to amend the Mine Workers' Relief Act, 1932-1973.

[Assented to 3rd November, 1977.]

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 Act Amendment Act, 1977*.

Short title and citation.

(2) In this Act the Mine Workers' Relief Act, 1932-1973 is referred to as the principal Act.

Reprinted in Vol. 16 of reprinted Acts as approved for reprint 19th June, 1962 and amended by Acts Nos. 96 of 1964 and 62 of 1973.

(3) The principal Act as amended by this Act may be cited as the Mine Workers' Relief Act, 1932-1977.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 4
amended.

3. Section 4 of the principal Act is amended—

- (a) by deleting the word "PROHIBITION" in line three and substituting the word "NOTIFICATION"; and
- (b) by deleting the words "*Prohibited and*" in line fourteen.

Section 5
amended

4. Section 5 of the principal Act is amended—

- (a) by deleting the interpretation "Laboratory";
- (b) by adding after the interpretation "Medical Board" an interpretation as follows—

"Medical Officer" means the Mines Medical Officer, or a medical officer or medical practitioner, employed under this Act, a Mines Medical Officer within the meaning of the Mines Regulation Act Regulations or an officer in charge of a mobile X-ray unit conducting X-ray examinations for the purposes of those regulations. ;

- (c) as to the interpretation "Mine worker"—
 - (i) by adding after the figures "1946" at the end of the second paragraph, the words "and a ventilation officer employed in the department"; and
 - (ii) by adding after the third paragraph a paragraph as follows—

The term does not include—

- (a) the manager or an office worker solely engaged in clerical work:

- (b) a person who is the holder of a valid certificate of exemption from the requirements of the Mines Regulation Act Regulations; or
- (c) a person employed in or about a mine that is defined or classified as a Class C mine under and for the purposes of the Mines Regulation Act Regulations. ; and
- (d) by adding after the interpretation "Mines Medical Officer" an interpretation as follows—

"Mines Regulation Act Regulations" means the regulations relating to occupational diseases in force from time to time under the Mines Regulation Act, 1946. .

5. The heading preceding section 8 of the principal Act is amended by deleting the word "PROHIBITION" and substituting the word "NOTIFICATION". Heading amended.

6. Section 8 of the principal Act is amended— Section 8 amended.

(a) as to subsection (1)—

- (i) by deleting the words "the Mines" in line two and substituting the word "a";
- (ii) by adding after the word "symptoms" in line four the words "or evidence"; and

- (b) by repealing subsection (3) and re-enacting that subsection as follows—

(3) Where a medical officer other than the Mines Medical Officer carries out an examination of a person under this Act or under the Mines Regulation Act Regulations that medical officer shall furnish details of the examination to the Mines Medical Officer as soon as practicable. .

Section 9
amended.

7. Section 9 of the principal Act is amended by deleting the words “the Mines” in line one of paragraph (c) of subsection (1) and substituting the word “a”.

Section 13
amended.

8. Section 13 of the principal Act is amended—

- (a) by deleting the passage “served on such mine worker and his employer, prohibit the employment of such mine worker as a mine worker” in the last three lines of subsection (1) and substituting the words “notify such mine worker accordingly”;

- (b) as to subsection (2A)—

(i) by deleting the words “of prohibition” wherever they occur in line six, line eight, lines sixteen and seventeen and the penultimate line; and

(ii) by deleting the word “both” in line thirteen and the words “and his employer” in line fourteen;

- (c) as to subsection (3)—

(i) by deleting subparagraph (ii) of paragraph (a) and substituting a paragraph as follows—

(ii) he has submitted himself for medical examination to the Mines Medical Officer and has then been found to be no longer

suffering from active tuberculosis as defined in this Act and has received a notice in the prescribed form to that effect and has also been issued with a Mine Worker's Health Certificate under the Mines Regulation Act Regulations or a certificate of exemption from the requirements of those regulations. ; and

- (ii) by deleting the penalty and substituting a penalty as follows—
Penalty—Two hundred dollars. ;

- (d) by repealing subsection (3a);
(e) by repealing subsection (4) and re-enacting that subsection as follows—

(4) Subsection (1) of this section does not apply to a person employed as a mine worker under the authority of a provisional health certificate unless, within two years immediately prior to the issue of the provisional health certificate, he was examined and issued with, and prior to the issue of the provisional health certificate, was lawfully employed by virtue of, a certificate under this Act or a certificate (other than a provisional health certificate) under the Mines Regulation Act Regulations or to a person employed pending his initial examination under those regulations or his examination under those regulations for re-admission as a mine worker unless that person is deemed to be a mine worker pursuant to subsection (2) of this section. ;

- (f) as to subsection (5), by deleting the passage commencing with the word "provisional" in line two and ending with the word "permitting" in line six, and substituting the passage 'provisional health certificate'

means a certificate issued pursuant to the Mines Regulation Act Regulations permitting' ; and

- (g) as to subsection (6), by deleting the passage commencing with the word "and" in line seven and ending with the figures "1946" in line ten, and substituting the words "by a mines medical officer exercising any power conferred in that regard under the Mines Regulation Act Regulations".

Section 15
amended.

9. Section 15 of the principal Act is amended by deleting the words "prohibited from employment" in line four and substituting the word "notified".

Section 16
amended.

10. Subsection (1) of section 16 of the principal Act is amended by adding after the word "section" in line one the passage "and subsection (3) of section forty-eight of this Act".

Section 18
amended.

11. Section 18 of the principal Act is amended by repealing subsection (6).

Section 19
amended.

12. Section 19 of the principal Act is amended—

(a) as to subsection (8)—

- (i) by adding after the figures "1946" in line three the words "or a ventilation officer employed in the department";
- (ii) by deleting the words "or workmen's inspector" in line seven and substituting the passage ", workmen's inspector or ventilation officer"; and
- (iii) by adding after the word "inspectors" in the penultimate line the words "and officers"; and

(b) by repealing subsection (9).

13. The heading immediately preceding section 45 of the principal Act is amended by deleting the words "*Prohibited and*". Heading amended.

14. Section 46 of the principal Act is amended by repealing subsection (1) and re-enacting that subsection as follows— Section 46 amended.

(1) Wherever notice under subsection (1) of section thirteen of this Act is served on a mine worker, and his name has been entered in the register kept in the department in accordance with section fifteen of this Act, the department shall cause notice thereof in the prescribed form to be sent to the Board. .

15. Section 48 of the principal Act is amended— Section 48 amended.

(a) as to subsection (1)—

(i) by deleting the passage commencing with the word "has" in line one and ending with the word "worker" in line four, and substituting the passage "receives any notice under subsection (1) of section thirteen of this Act";

(ii) by deleting the words "prohibited or" where they occur in line eleven and line thirteen;

(b) as to subsection (2)—

(i) by deleting the passage commencing with the word "as" in line seventeen and ending with the word "an" in line twenty, and substituting the word "an"; and

(ii) by deleting the words "prohibited and" in the penultimate line; and

(c) by adding after subsection (2) subsections as follows—

(3) Where a person has submitted himself for examination under the Mines Regulation Act Regulations for re-admission as a mine worker and has been found at that examination to be suffering from silicosis in the advanced stage—

- (a) that person shall not be entitled to receive any notice under subsection (1) of section sixteen of this Act; and
- (b) that person and his dependants shall not be entitled to any benefit under subsection (2) of this section,

unless—

- (c) that person was, at the time that examination was made, a person whose name was registered under section fifty of this Act; or
- (d) that examination was made within three years of that person having ceased work as a mine worker.

(4) Nothing in subsection (3) of this section entitles—

- (a) a person to receive any notice; or
- (b) a person or his dependants to any benefit,

unless, under this Act, he is otherwise entitled to receive that notice or he or they are otherwise entitled to that benefit, as the case may be. .

16. Section 49 of the principal Act is amended— Section 49
amended.

(a) by deleting the words “prohibited from employment as a mine worker under section thirteen of this Act on the ground” in lines one, two and three of subsection (1), and substituting the passage “notified under subsection (1) of section thirteen of this Act”;

(b) as to subsection (2)—

(i) by deleting the passage “on the date of the prohibition;” in the penultimate and last lines of paragraph (a) and substituting the passage “when the medical examination that results in his being notified as referred to in subsection (1) of this section takes place; or”; and

(ii) by deleting paragraphs (b) and (c) and the word “or” after paragraph (b) and substituting a paragraph as follows—

(b) the day of the medical examination that results in his being notified as referred to in subsection (1) of this section, if he is not employed as a mine worker at a mine when that medical examination takes place. ;

(c) as to subsection (3)—

(i) by adding after the word “Act” in the last line of paragraph (a) the words “and has been issued with either of the certificates referred to in that subparagraph”; and

- (ii) by deleting the passage commencing with the word "determines" in line twelve and ending with the word "section" in the last line, and substituting the word "determines"; and
- (d) by adding after subsection (3) subsections as follows—

(3a) Where a mine worker to whom subsection (1) of this section applies—

(a) receives a notice such as is mentioned in paragraph (a) of subsection (3) of this section and is issued with a certificate such as is mentioned in that paragraph and does not thereafter resume work as a mine worker; or

(b) receives a notice such as is mentioned in paragraph (b) of subsection (3) of this section,

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

(3b) Where, pursuant to subsection (3) of this section, benefits under this section have ceased to be payable to a mine worker and, as a result of a medical examination conducted under section eight of this Act or under subsection (3a) of this section, the Mines Medical Officer is satisfied that the mine worker has suffered a recurrence of his tuberculous condition, the mine worker and his dependants (if any) are thereupon, as from the date of that medical examination, again entitled to benefits under this section. .

17. The principal Act is amended by repealing section 49A. Section 49A repealed.

18. Section 53 of the principal Act is amended by deleting the words "prohibited or" in the penultimate line of subsection (2). Section 53 amended.

19. Section 57 of the principal Act is amended by deleting paragraph (a) of subsection (1) and substituting a paragraph as follows— Section 57 amended.

- (a) he is not suffering from silicosis and is otherwise medically fit for employment as a mine worker; .
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