

NORTHERN TERRITORY OF AUSTRALIA

SILICOSIS AND TUBERCULOSIS (MINE-WORKERS AND PROSPECTORS) ACT

As in force at 1 June 1995

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 June 1995

SILICOSIS AND TUBERCULOSIS (MINE-WORKERS AND PROSPECTORS) ACT

An Act relating to silicosis and tuberculosis in persons employed or occupied as mine-workers or prospectors

1 Short title

This Act may be cited as the *Silicosis and Tuberculosis (Mine-workers and Prospectors) Act*.

2 Commencement

- (1) Sections 1 to 6 (inclusive), 9(1), 11 and 12 shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.
- (2) Sections 7, 8, 9(2) and 10 shall come into operation 6 months after that date.

3 Definitions

In this Act, unless the contrary intention appears:

area of silicosis risk means an area declared under the *Mine Management Act* to be an area of silicosis risk.

Chief Medical Officer means the Chief Medical Officer appointed under the *Public Health Act*.

earth means any rock, stone, quartz, clay, sand, soil, conglomerate, gravel or mineral.

medical certificate means a medical certificate furnished under section 6.

medical officer means a person who is registered as a medical practitioner under the *Medical Act*.

mine-worker means a person employed or occupied:

- (a) in, on or about:

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- (ii) a treatment plant for treating earth from a mine or quarry, in work relating to the operation of the treatment plant; or
 - (b) in driving a vehicle in which earth from a mine or quarry is transported.

prospector means a person who searches or examines the surface of any land for mineral deposits or precious stones.

4 Medical examinations

- (1) The Chief Medical Officer shall provide facilities for the medical examination of mine-workers and prospectors to ascertain whether or not they are suffering from silicosis or tuberculosis and, if they are not suffering from tuberculosis, whether or not they have previously suffered from tuberculosis.
- (2) The facilities shall be appropriate to the conditions under which persons are employed or occupied as mine-workers or prospectors in the Territory and shall include facilities for the radiological and clinical examination of persons:
 - (a) prior to their being employed or occupied as mine-workers or prospectors;
 - (b) at such intervals of time while they are employed or occupied as mine-workers or prospectors as the Chief Medical Officer determines; and
 - (c) after they cease to be employed or occupied as mine-workers or prospectors.
- (3) There shall be no charge for a medical examination under this Act or for a certificate or copy furnished under section 6.

5 Content of medical certificate

A medical certificate issued under this Act shall state:

- (a) whether or not the person to whom it relates was suffering from silicosis, without tuberculosis, at the time of the medical examination to which it relates; and
- (b) whether or not he was then suffering, and if he was not then suffering, whether or not he had previously suffered, from tuberculosis with silicosis or tuberculosis without silicosis.

6 Medical certificate to whom furnished

- (1) When a person has undergone a medical examination the Chief Medical Officer shall furnish him with a medical certificate.
- (2) The Chief Medical Officer shall furnish a copy of such a medical certificate to an approved person if the mine-worker or prospector to whom it relates consents to his doing so.
- (3) In subsection (2), **approved person** means a person who:
 - (a) employs the mine-worker or prospector as a mine-worker or prospector or is giving consideration to employing him as a mine-worker or prospector; and
 - (b) makes written application for a copy of the medical certificate.

7 Restrictions on employment in areas of silicosis risk

- (1) A person is not qualified to be employed as a mine-worker or prospector at any time in an area of silicosis risk unless:
 - (a) he has undergone a medical examination within the time prescribed by this Act or as determined by the Chief Medical Officer; and
 - (b) a medical certificate furnished in relation to the last medical examination that he has undergone states that, at the time of the examination:
 - (i) he was not suffering from silicosis without tuberculosis; and
 - (ii) he was not suffering, and had not previously suffered, from tuberculosis with silicosis or tuberculosis without silicosis.
- (2) A person shall not employ as a mine-worker or prospector in an area of silicosis risk a person who is not qualified to be employed as a mine-worker or prospector in that area.

Penalty: \$1,000 and in addition \$20 for each day during which the offence continues.

8 Persons suffering from tuberculosis not to be employed as mine-workers

- (1) A person is not qualified to be employed as a mine-worker or prospector:
- (a) if he has never undergone a medical examination of a kind referred to in section 4; or
 - (b) in the case of a person who has undergone such an examination – at any time after the expiration of 28 days from the date on which he underwent such a medical examination, unless the medical certificate furnished in relation to that examination states that, at the time of the examination, he was not suffering, and had not previously suffered, from tuberculosis with silicosis or tuberculosis without silicosis.
- (2) A person shall not employ as a mine-worker or prospector a person who is not qualified to be employed as a mine-worker or prospector.

Penalty: \$1,000 and in addition \$20 for each day during which the offence continues.

9 Self-employed mine-workers and prospectors

- (1) A person who is occupied as a self-employed mine-worker or a self-employed prospector shall submit himself for medical examination under this Act before the commencement of subsection (2) and thereafter at intervals of not more than 3 years.

Penalty: \$200.

- (2) Subject to section 10, a person shall not be occupied as a self-employed mine-worker or self-employed prospector at any time unless:
- (a) he has undergone a medical examination within the last 3 years; and
 - (b) a medical certificate furnished in relation to the last medical examination that he has under-gone states that at the time of the examination he was not suffering, and had not previously suffered from tuberculosis with silicosis or tuberculosis without silicosis.

Penalty: \$100 and in addition \$2 for each day during which the offence continues.

10 Permits for prospecting by persons suffering from tuberculosis

- (1) A person may make application in writing to the Chief Medical Officer for a certificate recommending that he be permitted to be occupied as a self-employed prospector, notwithstanding that a medical certificate furnished in relation to the last medical examination that he has undergone states that at the time of the examination he was suffering, or had previously suffered, from tuberculosis with silicosis or tuberculosis without silicosis.
- (2) The Chief Medical Officer shall not grant such a certificate if the date of the application is more than 12 months after the date of the last medical examination that the applicant has undergone.
- (3) Subject to subsection (2), the Chief Medical Officer may grant the certificate applied for if he is satisfied that if the applicant were occupied as a self-employed prospector there would not be a substantial risk that the health of the applicant would be thereby endangered or that any other person would thereby be infected with tuberculosis.
- (4) A person to whom such a certificate relates may make application for a permit to be occupied as a self-employed prospector.
- (5) Such an application shall be in writing addressed to the Minister and shall be accompanied by the certificate of recommendation.
- (6) The Minister may, if he thinks fit, grant to the person making the application a permit to be occupied as a self-employed prospector.
- (7) Such a permit shall be subject to the condition that the person shall not work in proximity to any other prospector or mine-worker and to any other conditions determined by the Minister and set out in the permit.
- (8) Where such a permit has been granted and is in force a person does not commit an offence against section 10, by reason only of the fact that he is occupied as a self-employed prospector at a time when a medical certificate furnished in relation to the last medical examination that he has undergone states that at the time of the examination he was suffering, or had previously suffered, from tuberculosis with silicosis or tuberculosis without silicosis, provided he complies with the conditions to which the permit is subject.

11 Delegation

- (1) Except as provided in subsection (3), the Chief Medical Officer may, by instrument in writing, delegate to a medical officer all or any of his powers and functions under this Act (except this power of

delegation) so that the delegate may exercise the powers and functions specified in the instrument of delegation.

- (2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Chief Medical Officer.
- (3) The Chief Medical Officer shall not delegate the duties imposed on him under section 4.

11A Regulatory offences

An offence of contravening or failing to comply with section 7, 8 or 9 is a regulatory offence.

12 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Silicosis and Tuberculosis (Mine-workers and Prospectors) Ordinance 1966 (Act No. 20, 1966)

Assent date	17 June 1966
Commenced	ss 1 – 6 (inclusive), 9(1), 11 and 12: 14 December 1966; rem: 14 June 1967

Silicosis and Tuberculosis (Mine-workers and Prospectors) Ordinance 1972 (Act No. 44, 1972)

Assent date	3 August 1972
Commenced	3 August 1972

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation

Ordinances Revision Ordinance 1974 (Act No. 34, 1974)

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date	5 September 1978
Commenced	5 September 1978

Transfer of Powers (Health) Act 1978 (Act No. 122, 1978)

Assent date 21 December 1978
Commenced 1 January 1979, but see s 3

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

Silicosis and Tuberculosis (Mine-workers and Prospectors) Amendment Act 1986 (Act No. 67, 1986)

Assent date 19 December 1986
Commenced 16 March 1987 (Gaz S20, 16 March 1987, p 2)

Statute Law Revision Act 1993 (Act No. 9, 1993)

Assent date 18 March 1993
Commenced 18 March 1993

Medical (Consequential Amendments) Act 1995 (Act No. 8, 1995)

Assent date 10 April 1995
Commenced 1 June 1995 (s 2, s 2 *Medical Act 1995* (Act No. 7, 1995) and Gaz S21, 1 June 1995)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (as amended) to the following provisions: ss 2, 3, 4, 6, 7, 8, 10 and 11.

4 LIST OF AMENDMENTS

It	amd No. 67, 1986, s 9
s 1	amd No. 54, 1978, s 4; No. 67, 1986, s 9
s 2	amd No. 67, 1986, s 9
s 3	amd No. 122, 1978, s 83; No. 67, 1986, ss 4 and 9; No. 6, 1993, s 8; No. 8, 1995, s 4
s 4	amd No. 122, 1978, s 84; No. 67, 1986, ss 5 and 9
s 5	amd No. 67, 1986, s 9
s 6	amd No. 122, 1978, s 84
s 7	amd No. 67, 1986, ss 6 and 9
s 8	amd No. 44, 1972, s 2; No. 67, 1986, ss 7 and 9
s 9	amd No. 67, 1986, ss 8 and 9
s 10	amd No. 122, 1978, ss 84 and 85; No. 67, 1986, s 9
s 11	amd No. 122, 1978, s 84; No. 67, 1986, s 9
s 11A	ins No. 68, 1983, s 29
s 12	amd No. 95, 1978, s 14; No. 67, 1986, s 9