

# SILICOSIS AND TUBERCULOSIS (MINE-WORKERS AND PROSPECTORS) ORDINANCE 1966

No. 20 of 1966

An Ordinance relating to Silicosis and Tuberculosis  
in persons employed or occupied as mine-workers  
or prospectors

[Assented to 17th June, 1966.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1965*, as follows:—

Short title

1. This Ordinance may be cited as the *Silicosis and Tuberculosis (Mine-workers and Prospectors) Ordinance 1966*.

Commencement

2.—(1.) Sections 1 to 6 (inclusive), sub-section (1.) of section 9 and sections 11 and 12 of this Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*. \*

(2.) Sections 7, 8 and 10 and sub-section (2.) of section 9 of this Ordinance shall come into operation six months after that date.

Definitions

3. In this Ordinance, unless the contrary intention appears—  
“area of silicosis risk” means—

- (a) an underground working in a mine or quarry;
- (b) any other place where earth from a mine or quarry is loaded, unloaded or treated being a place in, on or about a mine or quarry or a treatment plant for treating such earth; or
- (c) any place or area prescribed by the regulations to be an area of silicosis risk;

“earth” means any rock, stone, quartz, clay, sand, soil, conglomerate, gravel or mineral;

“medical certificate” means a medical certificate furnished under section 6 of this Ordinance;

“medical officer” means an officer of the Department of Health who is a medical practitioner registered under the *Medical Practitioners Registration Ordinance 1935-1962* and is engaged in medical duties as such an officer;

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\* The date fixed was 14 December 1966 (see *Northern Territory Government Gazette* No. 62 of 14 December 1966, page 264). Sections 7, 8, 9 (2) and 10 came into operation on 14 June 1967 accordingly.

“mine-worker” means a person employed or occupied—

- (a) in, on or about—
  - (i) a mine or quarry in work relating to the operation of the mine or quarry; or
  - (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;

“the Director of Health” means the person for the time being holding, or performing the duties of, the office of Commonwealth Director of Health for the Territory.

4.—(1.) The Director of Health 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. Medical examinations

(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) annually while they are employed or occupied as mine-workers or prospectors; 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 Ordinance or for a certificate or copy furnished under section 6 of this Ordinance.

5 A medical certificate issued under this Ordinance shall state— Content of medical certificate

- (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

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- (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.

Medical certificate to whom furnished

6.—(1.) When a person has undergone a medical examination the Director of Health shall furnish him with a medical certificate.

(2.) The Director of Health 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 the last preceding sub-section, “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.

Restrictions on employment in areas of silicosis risk

7.—(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 last twelve months; 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: One thousand dollars and in addition Twenty dollars for each day during which the offence continues.

8—(1.) A person is not qualified to be employed as a mine-worker or prospector at any time unless—

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

(a) he has undergone a medical examination within the last twelve months; 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 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: One thousand dollars and in addition Twenty dollars for each day during which the offence continues.

9.—(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 Ordinance before the commencement of the next succeeding sub-section and thereafter at intervals of not more than one year.

Self-employed mine-workers and prospectors

Penalty: Twenty dollars.

(2.) Subject to the next succeeding section, 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 twelve months; 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 he was not suffering, and had not previously suffered from tuberculosis with silicosis or tuberculosis without silicosis.

Penalty: One hundred dollars and in addition Two dollars for each day during which the offence continues.

10.—(1.) A person may make application in writing to the Director of Health 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.

Permits for prospecting by persons suffering from tuberculosis

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(2.) The Director of Health shall not grant such a certificate if the date of the application is more than one year after the date of the last medical examination that the applicant has undergone.

(3.) Subject to the last preceding sub-section, the Director of Health 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 Administrator and shall be accompanied by the certificate of recommendation.

(6.) The Administrator in Council 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 Administrator in Council 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 the last preceding section 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.

Delegation

11.—(1.) Except as provided in sub-section (3.) of this section, the Director of Health may, by instrument in writing, delegate to a medical officer all or any of his powers and functions under this Ordinance (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 Director of Health.

(3.) The Director of Health shall not delegate the duties imposed on him under section 4 of this Ordinance.

**12** The Administrator in Council may make regulations, not <sup>Regulations</sup> inconsistent with this Ordinance, prescribing all matters which are by this Ordinance required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

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