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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 576.

22 Maart 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 30 van 1978: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1978.

DEPARTMENT OF THE PRIME MINISTER

No. 576.

22 March 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 30 of 1978: Occupational Diseases in Mines and Works Amendment Act, 1978.

Wet No. 30, 1978

WYSIGINGSWET OP BEDRYFSIEKTES IN MYNE
EN BEDRYWE, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die bepalings van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde 'n verandering in die omskrywing van „pneumokoniose” en in die omskrywing van „vergoedbare siekte” aan te bring; verpligte oorlegpleging met 'n aktuaris by die bepaling van sekere bedrae betaalbaar ten bate van die vergoedingsfonds en by die bepaling van sekere rentekoerse, af te skaf; die staking van pensioene aan sekere afhanklikes toegeken, verder te reël; 'n teksverbetering aan te bring; en die doen van betalings per pos aan die Vergoedingskommisaris vir Bedryfsiektes verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Maart 1978.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 78 van 1973, soos gewysig deur artikel 1 van Wet 27 van 1974 en artikel 2 van Wet 45 van 1975.

1. Artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1)—
- (a) die omskrywing van „pneumokoniose” deur die volgende omskrywing te vervang:
„pneumokoniose” 'n blywende letsel, uitgesonderd 'n verkalkte letsel, van die kardiorespiratoriese organe 10 wat veroorsaak is deur die inaseming van stof in die loop van die verrigting van risikowerk;”; en
 - (b) paragraaf (d) van die omskrywing van „vergoedbare siekte” deur die volgende paragraaf te vervang:
„(d) blywende obstrusie van die lugweë wat volgens 15 die sertifiseringskomitee se oordeel te wyte is aan [die inaseming van stof in die loop van] die verrigting van risikowerk;”.

Wysiging van artikel 62 van Wet 78 van 1973.

2. Artikel 62 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Die kommissaris bepaal ten opsigte van elke beheerde myn of beheerde bedryf, op die wyse wat hy goedvind **[na raadpleging met 'n aktuaris deur die Minister aangeswy]**, **[en op grondslag]** met inagneming van die risiko van die betrokke myn of bedryf soos ingevolge artikel 20 of 25 21 bepaal, 'n bedrag wat die eienaar van daardie myn of bedryf aan die kommissaris ten bate van die vergoedingsfonds moet betaal ten opsigte van elke skof deur 'n persoon by of in verband met daardie myn of bedryf gewerk waartydens bedoelde persoon risikowerk verrig het, ten einde 30

OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 1978.

Act No. 30, 1978

GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Occupational Diseases in Mines and Works Act, 1973, so as to effect an alteration to the definition of "compensatable disease" and to the definition of "pneumoconiosis"; to abolish compulsory consultation with an actuary while determining certain amounts payable for the benefit of the compensation fund and while determining certain interest rates; to further regulate the cessation of pensions awarded to certain dependants; to effect a textual improvement; and to further regulate the making of payments by post to the Compensation Commissioner for Occupational Diseases; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 10 March 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Occupational Diseases in Mines and Works Act, 1973 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1)—
- (a) for paragraph (d) of the definition of "compensatable disease" of the following paragraph:
- "(d) permanent obstruction of the airways which, in the opinion of the certification committee, is attributable to [the inhalation of dust in the course of] the performance of risk work;" and
- (b) for the definition of "pneumoconiosis" of the following definition:
- "pneumoconiosis" means a permanent lesion, excluding a calcified lesion, of the cardio-respiratory organs caused by the inhalation of dust in the course of the performance of risk work,".
2. Section 62 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- (1) The commissioner shall determine in respect of each controlled mine or controlled works, in such manner as he deems fit [**after consultation with an actuary designated by the Minister,**] and [**on the basis of**] with due regard to the risk of the mine or works in question as determined under section 20 or 21, an amount payable by the owner of that mine or works to the commissioner, for the benefit of the compensation fund, in respect of each shift worked by any person at or in connection with that mine or works during which such person performed risk work, in order to enable

Amendment of
section 1 of
Act 78 of 1973,
as amended by
section 1 of
Act 27 of 1974
and section 2 of
Act 45 of 1975.

Amendment of
section 62 of
Act 78 of 1973.

Wet No. 30, 1978

WYSIGINGSWET OP BEDRYFSIEKTES IN MYNE
EN BEDRYWE, 1978.

Wysiging van artikel 94 van Wet 78 van 1973.

die kommissaris in staat te stel om aan of ten opsigte van elke persoon wat risikowerk by of in verband met daardie myn of bedryf verrig en ten opsigte van wie daar na die inwerkingtreding van hierdie Wet bevind word dat hy aan 'n vergoedbare siekte ly, die bedrae te betaal wat ingevolge hierdie Wet betaalbaar is of waarskynlik betaalbaar sal word.''. 5

Wysiging van artikel 98 van Wet 78 van 1973, soos gewysig deur artikel 8 van Wet 45 van 1975.

3. Artikel 94 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die kommissaris moet by 'n enkelbedragvoordeel of 10 'n ander bedrag wat aan 'n Blankepersoon of 'n Kleurlingpersoon ingevolge die vorige Wet of hierdie Wet toegeken is, of by die saldo van so 'n voordeel of bedrag, na gelang van die geval, rente voeg, teen 'n koers wat die kommissaris van tyd tot tyd bepaal na raadpleging **[met 'n aktuaris wat die Minister aangewys het en]** met die advieskomitee, van die eerste dag van die maand wat volg op die maand waarin die voordeel of bedrag toegeken is tot die laaste dag van die maand wat die maand voorafgaan waarin die voordeel of bedrag of die laaste paaiement daarvan uitbetaal is: Met dien 20 verstande dat rente nie betaal word op 'n bedrag wat vir minder as dertig dae in besit van die kommissaris gebly het nie.''. 15

Wysiging van artikel 99 van Wet 78 van 1973.

4. Artikel 98 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te 25 vervang:

„(b) in die geval van 'n afhanklike kind, op die laaste dag van die maand waarin daardie kind die ouderdom van agtien jaar bereik, trou of te sterwe kom, maar behoudens die bepalings van artikel 84 (2) of artikel 92 30 (2), na gelang van die geval.''. 30

Vervanging van artikel 129 van Wet 78 van 1973.

5. Artikel 99 van die Hoofwet word hierby gewysig deur in die Engelse teks subartikel (1) deur die volgende subartikel te vervang:

„(1) No person shall be entitled to any benefit or other amount under this Act in respect of any compensatable disease which, in the opinion of the certification committee, is attributable exclusively to work other than work at a mine or works.''. 35

Kort titel.

6. Artikel 129 van die Hoofwet word hierby deur die volgende 40 artikel vervang:

129. 'n Kennisgewing, eis **[of]**, lasgewing of betaling ingevolge hierdie Wet word geag, tensy die teendeel bewys word—

(a) behoorlik gegee **[of]**, bestel of gedoen te 45 gewees het indien **[dit]** die kennisgewing, eis, lasgewing of betrokke bedrag deur die pos in 'n korrek-geadresseerde, aangetekende koevert versend is; en

(b) gegee **[of]**, bestel of gedoen te gewees het op 50 die tydstip waarop bedoelde koevert in gewone omstandighede na verwagting die betrokke adres sou bereik het.''. 55

7. Hierdie Wet heet die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1978.

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the commissioner to pay to or in respect of every person who performs risk work at or in connection with that mine or works and who is after the commencement of this Act found to be suffering from a compensatable disease, such amounts as may be or are likely to become payable under this Act.”.

3. Section 94 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The commissioner shall add interest to any one-sum benefit or any other amount awarded under the previous Act or this Act to a White person or a Coloured person, or to the balance of any such benefit or amount, as the case may be, at a rate determined from time to time by the commissioner after consultation **[with an actuary designated by the Minister and]** with the advisory committee, as from the first day of the month following the month in which such benefit or amount was awarded until the last day of the month preceding the month in which such benefit or amount or the final instalment thereof was paid: Provided that no interest shall be paid on any amount which has remained in the possession of the commissioner for less than thirty days.”.

4. Section 98 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in the case of a dependent child, on the last day of the month in which that child reaches the age of eighteen years, marries or dies, but subject to the provisions of section 84 (2) or section 92 (2), as the case may be.”.

5. Section 99 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No person shall be entitled to any benefit or other amount under this Act in respect of any compensatable disease which, in the opinion of the certification committee, is attributable exclusively to work other than work at a mine or works.”.

6. The following section is hereby substituted for section 129 of the principal Act:

“Notice, demand, direction or payment under this Act shall be deemed, unless the contrary is proved—
 (a) to have been properly given **[or]**, served or made if **[it]** the notice, demand, direction or amount in question was sent in a correctly addressed, registered envelope; and
 (b) to have been given **[or]**, served or made at the time when the said envelope may be expected to have reached the address in question in normal circumstances.”.

7. This Act shall be called the Occupational Diseases in Mines and Works Amendment Act, 1978. Short title.

Amendment of section 94 of Act 78 of 1973.

Amendment of section 98 of Act 78 of 1973, as amended by section 8 of Act 45 of 1975.

Amendment of section 99 of Act 78 of 1973.

Substitution of section 129 of Act 78 of 1973.

