

## COAL MINE WORKERS (PENSIONS).

10° Elizabeth II., No. LII.

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No. 52 of 1961.

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### AN ACT to amend the Coal Mine Workers (Pensions) Act, 1943-1960.

[Assented to 23rd November, 1961.]

**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 *Coal Mine Workers (Pensions) Act Amendment Act, 1961.*

Short title  
and citation.

(2) In this Act the Coal Mine Workers (Pensions) Act, 1943-1960, is referred to as the principal Act.

Vol. 5 of the  
Reprinted  
Acts.  
Approved  
for reprint  
2nd March,  
1951, and  
amended by  
Acts Nos 3:  
of 1951,  
24 of 1955,  
43 of 1957 and  
40 of 1960.

(3) The principal Act as amended by this Act may be cited as the Coal Mine Workers (Pensions) Act, 1943-1961.

S. 6  
amended.

2. (1) Section six of the principal Act is amended—

- (a) by inserting after the word, “months” in line ten of subsection (1), the passage, “, or who was so employed on the thirty-first day of January, one thousand nine hundred and sixty-one and had attained the age of fifty-eight years on or before that date or attains that age before the twenty-fourth day of February, one thousand nine hundred and sixty-one”;
- (b) by inserting after the word, “later” in line four of subparagraph (ii) of paragraph (a), and again in line four of subparagraph (ii) of paragraph (b), of subsection (1), the passage, “, or, as the case may be, before the thirty-first day of January, one thousand nine hundred and sixty-one”; and
- (c) by adding after the proviso to subsection (1) the following further proviso—

Provided also that the provisions of this subsection shall not apply to a mine worker who was employed as a mine worker on the thirty-first day of January, one thousand nine hundred and sixty-one and had attained the age of fifty-eight years on or before that date or attains that age on or before the twenty-fourth day of February, one thousand nine hundred and sixty-one, unless on or before the last-mentioned date he has ceased to be so employed and makes application for payment to him of a pension under this subsection.

(2) The amendments specified in subsection (1) of this section shall operate and take effect and shall be deemed to have operated and have had effect on and from the first day of February, one thousand nine hundred and sixty-one.

3. Section seven of the principal Act is amended by adding after subsection (1A) the following subsection—

S. 7  
amended.

(1B) A mine worker whose service in the coal mining industry was, as the result of the cessation of operations in and closure during the month of December, one thousand nine hundred and sixty, of any mine operated at Collie in the State by the company known as Amalgamated Collieries Limited, terminated by the person or body corporate operating the mine at Collie in or about which he was employed shall, subject to this section, be eligible for a pension pursuant to subsection (1) or subsection (1A) of this section if he proves to the satisfaction of the tribunal—

- (a) that during the period of unemployment following such termination he has become incapacitated and such incapacity was occasioned by his employment as a mine worker; and
- (b) that by reason of such incapacity he is unable to be employed in full time employment either as a mine worker or in any other work; and
- (c) that the incapacity is likely to be permanent.

4. Section twenty-one of the principal Act is amended by adding after subsection (5) the following subsection—

S. 21  
amended.

(5A) (a) Where a mine worker whose service in the coal mining industry was, as the result of the cessation of operations in and closure during the month of December, one thousand nine hundred and sixty, of any mine operated at Collie in the State by the company known as Amalgamated Collieries Limited, terminated by the person or body corporate operating the mine at Collie in or about which he was employed, is entitled under subsection (5) of this section to a refund as specified in that subsection of

portion of the actual contributions paid by him under this Act, that mine worker shall, notwithstanding the provisions of that subsection, be entitled to a refund of the total amount of the actual contributions so paid by him, irrespective of the number of years during which the contributions have been made, if he establishes to the satisfaction of the tribunal that—

(i) he was unable to be re-employed in the coal mining industry at Collie before the twenty-eighth day of July, one thousand nine hundred and sixty-one; and

(ii) he did not refuse any employment in that industry that was offered to him prior to that date.

(b) If the service of a mine worker referred to in paragraph (a) of this subsection has been continuous since the year one thousand nine hundred and fifty-six, except for a period of unemployment which commenced in the year one thousand nine hundred and fifty-seven as a result of retrenchment where the mine worker was within twelve months thereafter re-employed in the coal mining industry, the refund under that paragraph shall include the amount of the contributions made by him during a continuous period immediately preceding the date of that re-employment.

(c) A refund payable under this subsection shall be paid to the mine worker immediately upon his satisfying the tribunal as required by paragraph (a) of this subsection, unless before receiving such payment he dies, in which event the refund shall be made to his widow or personal representative as the tribunal shall decide.

(d) Notwithstanding the provisions of paragraph (a) of this subsection, a mine worker referred to in that subsection who after the twenty-eighth day of July, one thousand nine hundred and sixty-one, continued to be

employed by the company known as Amalgamated Collieries Limited in connection with the cessation of the mining operations of that company, shall upon ceasing such employment be entitled to a refund of the actual contributions paid by him under this Act if he establishes to the satisfaction of the tribunal that he is unable or unlikely to be re-employed in the coal mining industry at Collie.

(e) The provisions of this subsection shall operate and take effect and shall be deemed to have operated and have had effect on and from the first day of February, one thousand nine hundred and sixty-one.