

COAL MINE WORKERS (PENSIONS).

12° and 13° Geo. VI., No. XLIII.

No. 43 of 1948.

AN ACT to amend the Coal Mine Workers (Pensions) Act, 1943-1947.

[Assented to 4th January, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.
Cf. No. 15 of
1947, s. 1.

1. This Act may be cited as the *Coal Mine Workers (Pensions) Act Amendment Act, 1948*, and shall be read as one with the Coal Mine Workers (Pensions) Act, 1943-1947 (No. 27 of 1943, as amended by the Acts No. 33 of 1944 and No. 15 of 1947), hereinafter referred to as the principal Act, and shall come into operation on the eighth day of January, one thousand nine hundred and forty-nine.

Citation of
principal Act
as amended.

2. The principal Act, as amended by this Act, may be cited as the Coal Mine Workers (Pensions) Act, 1943-1948.

3. Section two of the principal Act is amended as follows:—

Amendment
of s. 2.

- (a) By inserting in subsection (1), at the end of the definition of "mine worker," the following:—

Provided also that subject to subsection (7) of section twenty-one of this Act, the term "mine worker" shall not include—

- (i) a person who, being first employed in or about a coal mine in the State after the seventh day of January, one thousand nine hundred and forty-nine—

(a) is, when so employed, over the age of thirty-five years, or

(b) fails to pass the prescribed medical examination at the time and place prescribed;

- (ii) a person who is employed wholly or mainly as a transport worker by a contractor who contracts with an owner for the excavation or the removal of overburden or the winning of coal from an open-cut; but the term "mine worker" shall include any employee of such contractor which employee is wholly or mainly employed on the excavation of overburden or the winning of coal.

(b) By inserting after the word "but" in line twelve of the definition of "owner" the words "includes a contractor who contracts with an owner for the excavation or the removal of overburden or the winning of coal, and"; and

(c) by inserting in subsection (4), before the word "proviso" in lines three and four of paragraph (a), the word "first".

4. Section three of the principal Act is amended as follows:—

- (a) By inserting after the word “fault” in line three of subsection (2) the words “for any continuous period not exceeding twelve months”.
- (b) By inserting after the word “absence” in line five of subsection (2) the words “and the mine worker and the owner shall in respect of the period of such absence be required to pay contributions”.
- (c) By substituting for the reference to paragraphs “(d) and (e)” in line two of subsection (5) a reference to paragraphs “(e) and (f)”;
- (d) by inserting after subsection (5) a new subsection as follows:—
 - (6) An owner shall not be required to pay contributions in respect of the mine workers referred to in subsections (4) and (5) of this section.

Amendment
of s. 6.

5. Section six of the principal Act is amended as follows:—

- (a) By inserting after the word “pounds” in line eleven of subsection (1) the words “twelve shillings and sixpence.”
- (b) By deleting from line nine of subsection (2) the words “one pound ten shillings” and substituting the words “two pounds two shillings and sixpence”;
- (c) by deleting from lines four and five of subsection (3) the words “one pound ten shillings” and substituting the words “two pounds two shillings and sixpence”.

Amendment
of s. 7.

6. Section seven of the principal Act is amended by inserting after the word “pounds” in line two of subsection (1), the words “twelve shillings and sixpence”.

7. Section eight of the principal Act is amended by deleting all words after the word "pounds" in line four of subsection (2), and substituting the words "twelve shillings and sixpence per week or two pounds two shillings and sixpence per week". Amendment
of s. 8.

8. Section nine of the principal Act is amended as follows:— Amendment
of s. 9.

- (a) By deleting from line one of paragraph (a) of subsection (1) the words "five shillings" and substituting the words "seventeen shillings and sixpence".
- (b) By inserting after the word "pound" in line three of paragraph (c) of subsection (1) the words "twelve shillings and sixpence".
- (c) By inserting a new subsection as follows:—

(2) Notwithstanding the provisions of paragraph (a) of subsection (1) of this section, the tribunal shall refuse to award an addition to the pension of a mine worker in respect of his wife or shall cancel or suspend so much of any pension as consists of such addition where it is satisfied that the wife is living apart from her husband and the husband is not maintaining or contributing a reasonable sum to the support of his wife.

9. Section ten of the principal Act is amended by deleting from line fourteen of subsection (1) the words "one pound ten shillings" and substituting the words "two pounds". Amendment
of s. 10.

10. Section ten A of the principal Act is amended as follows:— Amendment
of s. 10A.

- (a) By inserting after the word "Act" in line two of subsection (1) the words "or under the last preceding section or any persons (referred to in this sections as 'dependants') in respect of whom such pensioner may be eligible for an addition to such pension".

- (b) By deleting from lines seven and eight of subsection (1) the words "the sum of such total amount and".
- (c) By deleting from line nine of subsection (1) the word "person" and substituting the words "pensioner and dependants".
- (d) By deleting from subsection (1) all words after "exceeds" in line ten and substituting the words "two pounds ten shillings per week"; and
- (e) by inserting the following proviso at the end of subsection (1):—

Provided that where the amount of the average weekly earnings of any such dependant exceeds the amount of the addition for which such pensioner may be eligible under section nine of this Act in respect of such dependant the average weekly earnings of such dependant shall for the purposes of this subsection be deemed to be the amount of such addition.

Amendment
of s. 11.

11. Section eleven of the principal Act is amended by deleting from subsection (3) the words "four pounds five shillings and sixpence" and substituting the words "five pounds ten shillings and sixpence".

Amendment
of s. 13.

12. Section thirteen of the principal Act is amended by deleting from line five the words and figures "Child Endowment Act, 1941," and substituting "Social Services Consolidation Act, 1947".

Amendment
of s. 14.

13. Section fourteen of the principal Act is amended as follows:—

- (a) By deleting from line six the words "a pension" and substituting the words "the maximum amount of pension".
- (b) By deleting from lines seven and eight the words and figures "Invalid and Old Age Pensions Act, 1908," and substituting "Social Services Consolidation Act, 1947".

- (c) By inserting after the word "amended" in line eight the words "for which he would be eligible if a pension were not awarded under this Act".
- (d) By deleting from lines nine and ten the words "twelve shillings and sixpence per week, or any other" and substituting the word "the"; and
- (e) by deleting the proviso.

14. Section twenty-one of the principal Act is amended as follows:— Amendment
of s. 21.

- (a) By deleting subsection (2) and substituting the following:—

(2) (a) The tribunal shall, as soon as possible after each examination of the fund made by the Actuary as referred to in section thirty-two of this Act, obtain from the Actuary a report estimating the amount required for payment of pensions and sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

(b) The amount to be provided in any year for the reserve shall be subject to the approval of the Governor.

(c) From and after the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1948, and until the thirtieth day of June, 1950, but subject to subsection (5) of this section, the rates of contribution payable by each mine worker and by each owner in respect of each mine worker employed by such owner shall be respectively four shillings per week and eight shillings per week.

- (b) By deleting subsection (3) and substituting the following:—

(3) (a) Each triennial actuarial report made under section thirty-two of this Act shall state the total amount of contributions

necessary to be paid to the tribunal in each year or part of a year of the triennial period next succeeding that covered by the actuarial report. It shall also state the amount (which shall not exceed sixteen thousand pounds in any year) which the Treasurer shall pay to the tribunal.

(b) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

(c) The total amount of contributions referred to in paragraph (a) of this subsection shall be paid to the tribunal—

(i) as to one-third part thereof, by the mine workers; and

(ii) as to two-third parts thereof, by the owners.

- (c) By deleting the second paragraph of subsection (4).
- (d) By deleting the word "five" in line two of the second paragraph of subsection (5) and substituting the word "ten".
- (e) By inserting after the word "amount" in line six of the second paragraph of subsection (5) the words "of seventy-five per centum".
- (f) By adding to the second paragraph of subsection (5) the following:—

Provided that where the service of the mine worker in the coal mining industry is terminated for any reason other than the curtailment or cessation of operations in the mine in or about which he was employed, the refund contemplated by this paragraph shall not be made until the expiration of a period of two years from the date of the termination of service; unless during such period the mine worker should die, in which event the refund aforesaid shall be made to his widow or personal representative as the tribunal shall decide.

Provided also that where a mine worker is eligible for or receives a refund under this section and subsequently thereto is again employed as a mine worker, his previous period of employment as a mine worker shall not be taken into account under section six of this Act for the purpose of determining his eligibility to receive a pension.

- (g) By deleting the words "on each ton of coal sold by such company in that year" in lines seventeen and eighteen of subsection (6) and substituting the words "per ton on five hundred and eighty thousand tons of coal".
- (h) By inserting after subsection (6) a new subsection as follows:—

(7) (a) For all purposes of or relating to the collection and payment of contributions from or by mine workers and the payment of the contributions by the owners in respect of them, the term "mine worker" shall include those persons referred to in subparagraph (i) of the second proviso to paragraph (g) of the definition of "mine worker" in section two of this Act, and contributions shall be paid by such persons, and, in respect of them, by the owners concerned, at the same rates respectively as those determined for mine workers and owners as provided for in subsections (2) and (3) of this section.

(b) The persons referred to in paragraph (a) of this subsection as included in the term "mine worker" shall not be eligible for retirement pension benefits under this Act, but any such person who has made regular contributions to the Fund for a period of ten years shall be deemed to be eligible for invalidity benefits under and in accordance with the provisions of section seven of this Act.

(c) In the event of the termination of the service of a person first referred to in paragraph (b) of this subsection, the tribunal shall pay to him the amount of the actual contributions paid by him; provided that there shall be deducted from any such payment any sum received by such person as an invalidity benefit under this Act, but so nevertheless that such deduction shall not in any case reduce the sum to be paid to such person below the amount of seventy-five per centum of the contributions paid by him subsequently to the receipt by him of the amount then last paid to him as an invalidity benefit.

Amendment
of s. 22.

15. Section twenty-two of the principal Act is amended by deleting the words "of coal sold" in line four of paragraph (b) of subsection (2) and substituting the words "on a maximum of five hundred and eighty thousand tons of coal".

Amendment
of No. 15 of
1947, s. 6.

16. Section six of the Coal Mine Workers (Pensions) Act Amendment Act, 1947, is amended by deleting the words "thirty-first day of December, one thousand nine hundred and forty-eight" in lines three and four, and inserting in lieu thereof the words "seventh day of January, 1949".