

COAL MINE WORKERS (PENSIONS).

8° and 9° GEO. VI., No. XXXIII.

No. 33 of 1944.

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

[Assented to 23rd December, 1944.]

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:—

1. This Act may be cited as the *Coal Mine Workers (Pensions) Act Amendment Act, 1944*, and shall be read as one with the *Coal Mine Workers (Pensions) Act, 1943* (No. 27 of 1943), hereinafter referred to as the principal Act. Short title.

2. Section ten of the principal Act is amended by adding to subsection (1) a new paragraph as follows:— Amendment of s. 10 of principal Act.

(e) A mine worker over sixty years of age who continues or has continued in his employment as a mine worker and whose death occurs or has occurred on or after the first day of July, One thousand nine hundred and forty-four, and who if the date of his death had been the date

of retirement would have been entitled to a pension under any of the provisions of this Act.

New sections. 3. New sections are inserted after section ten as follows:—

Earnings from employment.

10A. (1) If any person to whom a pension has been awarded under section six of this Act engages in employment or in any occupation or business on his own account, then the total amount payable as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the sum of such total amount and the average weekly earnings of such person from such employment, occupation or business exceeds five pounds per week in the case of a single man and six pounds five shillings per week in the case of a married man.

(2) If any widow or female dependant to whom a pension has been awarded under section ten of this Act engages in employment or in any occupation or business on her own account then the amount payable to her as a pension shall be reduced by the amount by which the sum of such pension and the average weekly earnings from such employment, occupation or business exceeds two pounds ten shillings per week.

Power to cancel pensions.

10B. (1) Where a person has been awarded a pension pursuant to section eight of this Act, the Tribunal may, from time to time, review the case, and may cancel the pension if satisfied that any change in the circumstances of the particular case justifies such cancellation.

(2) The Tribunal may cancel any pension awarded under this Act where it is satisfied that the award of the pension was improperly obtained or that the award of the pension was contrary to the provisions of this Act.

Amendment of s. 13 of principal Act.

4. Section thirteen of the principal Act is amended by deleting the words "old age or war pension" in lines three and four and substituting "or old age pension or as benefit or pension received from or contributed to by the State or any of its instrumentalities under the

Superannuation Act, 1871, the Superannuation and Family Benefits Act, 1938, or any other Act of the Parliament of Western Australia.”

5. Subsection (5) of section twenty-one of the principal Act is amended by inserting the following after the word “prescribed” in line three:—“Any mine worker in receipt of a wage which is less than the basic wage for the district as declared from time to time by the Court of Arbitration may elect to pay a prescribed contribution which shall be one-half of the ordinary contribution. Pension or benefit payable to any such worker or his dependants shall be one-half of the pension or benefit ordinarily payable. In the case of any such worker who subsequently pays or resumes payment of the ordinary contribution the amount of pension or benefit payable to him or his dependants shall be determined by the Tribunal after actuarial advice and after having regard to the period during which such worker was paying one-half of the ordinary contribution.

Amendment
of s. 21 of
principal Act.

6. This Act shall have effect and shall be deemed to have had effect and to have been in operation as from and including the date of commencement of Parts II. and IV. of the principal Act.

Commence-
ment of this
Act.

7. The principal Act as amended by this Act may be cited as the *Coal Mine Workers (Pensions) Act, 1943-1944*.

Citation of
principal Act
as amended.