

# COAL MINE WORKERS (PENSIONS).

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No. 63 of 1982.

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**AN ACT to amend the Coal Mine Workers (Pensions)  
Act 1943-1980.**

*[Assented to 28 September 1982.]*

**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) Amendment Act 1982*. Short title and citation.

(2) In this Act the Coal Mine Workers (Pensions) Act 1943-1980 is referred to as the principal Act. Reprinted as approved 28 June 1971 and amended by Acts Nos. 35 of 1971,

(3) The principal Act as amended by this Act may be cited as the Coal Mine Workers (Pensions) Act 1943-1982. 79 of 1972, 40 of 1973, 12 of 1977 and 62 of 1980.

Long title  
amended.

2. The long title of the principal Act is amended by deleting “the age of sixty years” and substituting the following—

“ compulsory retirement age ” .

Section 1  
amended.

3. Section 1 of the principal Act is amended in subsection (2) by deleting “COMPULSORY”.

Section 2  
amended.

4. Section 2 of the principal Act is amended—

(a) in subsection (1) by inserting, in their appropriate alphabetical positions, the following definitions—

“ “Compulsory retirement age” means the age on or after which the employment of a mine worker as a mine worker would be an offence under section 5 of this Act.

“Date of retirement” means the date on which a mine worker retires pursuant to section 5 of this Act. ” ;

(b) by repealing subsection (3); and

(c) in subsection (4) by deleting paragraph (b) and substituting the following paragraph—

“ (b) (i) In any proclamation published pursuant to paragraph (a) of this subsection the Governor may specify an age, being later than the compulsory retirement age of persons who are members of the class to which the proclamation relates, which shall be the compulsory retirement age of such persons.

(ii) Where a compulsory retirement age is specified pursuant to subparagraph (i) of this paragraph, the provisions of this Act shall have effect as if the age specified in the proclama-

tion were substituted for a compulsory retirement age referred to in section 5 of this Act. ” .

5. The heading to Part II of the principal Act is amended by deleting “COMPULSORY”. Heading to  
Part II  
amended.

6. Section 5 of the principal Act is repealed and the following section substituted— Section 5  
repealed and  
substituted.

“ 5. (1) Subject to section 2 (4) (b) of this Act the compulsory retirement age of a mine worker shall be— Retirement.

(a) in the case of a mine worker eligible to be a member of the Association of Colliery Management or covered by Division “A” of the Colliery Staff Award 1955, as amended, 62 years;

(b) in the case of any other mine worker, 60 years,

but nothing in this subsection prevents a mine worker from retiring at any time after he attains the age of 58 years.

(2) A mine worker referred to in paragraph (a) of subsection (1) shall retire after attaining the age of 60 years if required to do so by his employer.

(3) No person shall take into or retain in his employment as a mine worker any person who is of or above compulsory retirement age.

(4) Every mine worker who is at any time after the commencement of this Part employed as a mine worker and who while so employed attains compulsory retirement age shall be retired from and shall vacate his employment as a mine worker immediately upon attaining that age.

(5) A person of or above compulsory retirement age shall not accept or continue in employment as a mine worker.

(6) A person who neglects or fails to comply with any of the provisions of this section is guilty of an offence.

Penalty: \$100 and, in addition, a daily penalty of \$2 for every day or part thereof during which the offence continues. ” .

Section 7  
amended.

7. Section 7 of the principal Act is amended in subsection (2) by deleting “shall until he or any one of his dependants attains the age of sixty years” and substituting the following—

“ shall, until he attains the age of 58 years or any one of his dependants attains the age of 60 years, ” .

Section 21  
amended.

8. Section 21 of the principal Act is amended in subsection (7)—

(a) in subparagraph (ii) of paragraph (b) by deleting “the age of sixty years” and substituting the following—

“ compulsory retirement age ” ; and

(b) in subparagraph (iii) of paragraph (d) by deleting “the age of sixty years” and substituting the following—

“ compulsory retirement age ” .

Section 21A  
amended.

9. Section 21A of the principal Act is amended in subsection (3)—

(a) in paragraph (b) by deleting “the age of sixty years” and substituting the following—

“ compulsory retirement age ” ; and

- (b) by deleting “sixty years, be entitled to pension benefits and all other benefits under this Act, as if his employment had not been terminated until he had attained the age of sixty years.” and substituting the following—

“ 58 years, be entitled to pension benefits and all other benefits under this Act, as if his employment had not been terminated until he had obtained the age of 58 years. ” .

10. The principal Act is amended by deleting “sixty years” wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

Miscellaneous amendments.

“ 58 years ” .

#### SCHEDULE.

Section 6 (1)  
Section 6 (3)  
Section 7 (1)  
Section 8 (2)  
Section 10 (1) (c)  
Section 13 (1)  
Section 21A (5)  
Section 21A (6).

11. A mine worker who—

Transitional.

- (a) ceased employment on or after 5 April 1982;  
and

- (b) would have been entitled to a pension under any of the provisions of the principal Act if this Act had been in operation on the day of the cessation of his employment,

shall, for the purpose of his entitlement to a pension, be deemed to have retired after this Act came into operation.