

COAL MINE WORKERS  
(PENSIONS).

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No. 35 of 1971.

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AN ACT to amend the Coal Mine Workers (Pensions)  
Act, 1943-1970.

[Assented to 10th December, 1971.]

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, 1971.*

Short title  
and citation.

(2) In this Act the Coal Mine Workers (Pensions) Act, 1943-1970, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Coal Mine Workers (Pensions) Act, 1943-1971.

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Section 7  
amended.

2. Subsection (1A) of section 7 of the principal Act is amended—

- (a) by deleting subparagraph (iii) of paragraph (a); and
- (b) by deleting the word “continuous”, in lines one and two of subparagraph (iv) of paragraph (a).

Section 10  
amended.

3. Subsection (2) of section 10 of the principal Act is amended by substituting for the words “contributions to the Coal Mine Workers’ Pension Fund for a period of not less than five years in all”, in lines five to seven of subparagraph (ii), the words “a contribution to the Coal Mine Workers’ Pension Fund”.

Section 10C  
added.

4. The principal Act is amended by adding after section 10B a new section as follows—

Pensions to  
vary with  
Common-  
wealth  
benefit.

10C. (1) The maximum rate of pension payable to a person under this Act shall be increased from time to time by the amount by which the maximum annual rate of age pension payable to a single person under the Commonwealth Act is increased from time to time from the rate payable under that Act as at the first day of April, one thousand nine hundred and seventy-one.

(2) The amount of any moneys payable under this Act to a person who is the wife, or who is a female whom the tribunal is satisfied is recognised as the wife, of a person who has been awarded a pension under this Act shall be increased from time to time by the amount by which the aggregate of the moneys received by those persons under this Act (taking into account any increase payable in accordance with subsection (1) of this section) falls short of the combined age pension payable to a husband and wife under the Commonwealth Act from time to time.

(3) The amount of any moneys payable under this Act in respect of a person under the age of sixteen years shall be increased from time to time by the amount by which the annual rate of child's allowance payable under the Commonwealth Act is increased from time to time from the rate payable under that Act as at the first day of April, one thousand nine hundred and seventy-one.

(4) In this section, "the Commonwealth Act" means the Social Services Act 1947-1970, of the Parliament of the Commonwealth, or any Act amending or in substitution for that Act.

5. Section 21 of the principal Act is amended— Section 21  
amended.

(a) as to subsection (2), by adding after paragraph (f) a new paragraph as follows—

(g) Where the provisions of section 10C of this Act take effect and it appears to the tribunal that a consequential increase will be necessary in the estimated amount required by the Fund in any period, the tribunal shall, as soon as practicable, make a report to the Minister—

(i) as to the consequences that the operation of those provisions will have on the requirements of the Fund for that period; and

(ii) as to the rates of contribution needed to meet those requirements. ;

(b) as to subsection (3), by substituting for the words "forty-eight thousand dollars", in line six, the words "ninety thousand dollars";

(c) as to subsection (7),—

(i) by substituting for the words "ten years", in line three of subparagraph (i) of paragraph (b), the words "five years"; and

- (ii) by substituting for the words “regular contributions to the Fund for a period of not less than five years in all”, in lines three to five of subparagraph (ii) of paragraph (b), the words “a contribution to the Fund”.

Section 21A  
amended.

6. Section 21A of the principal Act is amended—

(a) as to subsection (5)—

- (i) by substituting for the word “sixty”, in line six, the word “seventy”;
- (ii) in paragraph (b), by substituting for the word “twenty-five”, in line three, the word “twenty”; and
- (iii) in paragraph (c), by substituting for the passage “by him,” in line four, the passage “during the qualifying period specified in paragraph (a) of this subsection,”;

(b) by adding after subsection (6) a new subsection as follows—

(7) A mine worker to whom paragraph (c) of subsection (7) of section twenty-one of this Act refers who has received, in accordance with that subsection, within the period commencing on the first day of January, one thousand nine hundred and seventy and ending on the date of the coming into operation of the Coal Mine Workers (Pensions) Act Amendment Act, 1971, a refund of the amount of the actual contributions paid by him to the Fund, is, on repayment within a period of twelve calendar months from the date of the coming into operation of that Act of the amount of the actual contributions so paid back to him, entitled to pension benefits under subsection (5) of section twenty-one A

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of this Act in any case where the Tribunal is satisfied that his service would comply with the provisions of paragraph (a) and paragraph (b) of that subsection. .

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