

COAL MINE WORKERS (PENSIONS).

13° Elizabeth II., No. XCIX.

No. 99 of 1964.

AN ACT to amend the Coal Mine Workers
(Pensions) Act, 1943-1961.

[Assented to 23rd December, 1964.]

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, 1964*.

Short title
and citation.

(2) In this Act the Coal Mine Workers (Pensions) Act, 1943-1961, 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, 1943-1964.

S. 12
amended.

2. Section twelve of the principal Act is amended—

(a) by adding after the word, “cease” in line eight of paragraph (b) of subsection (2), the passage, “, subject to subsection (2a) of this section,”;

(b) by adding after subsection (2) the following subsection—

(2a) For the purpose of calculating when the disqualification under subsection (1) of this section ceases in relation to a mine worker to whom paragraph (b) of subsection (2) of this section applies, such portion—

of the amount or lump sum referred to in that subsection that the mine worker accepted or received under the Workers' Compensation Act, 1912,

as the Tribunal is satisfied has, since the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1964, been applied by the mine worker in,

- (a) the purchase of his home;
- (b) redeeming any mortgage on his home; or
- (c) payment of medical expenses in connection with the injury in respect of which he so accepted or received the amount or lump sum,

shall be disregarded. ;

- (c) by adding after subsection (3), the following subsection—

(4) Notwithstanding the foregoing provisions of this section, the disqualification under subsection (1) of this section in respect of any mine worker who, after the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1964, retires or is retired from employment in the coal mining industry in the State, ceases to have effect upon the date upon which he so retires or is so retired. .

3. Section sixteen of the principal Act is ^{S. 16} amended—

- (a) by substituting for the words, “Court of Arbitration”, in lines two and three of subsection (5), the words, “Commission in Court Session”;
- (b) by deleting the passage, “-1941”, in line four of subsection (5);
- (c) by substituting for the words, “Court of Arbitration” in line one of subsection (6), the words, “Commission in Court Session”;
- (d) by substituting for the words, “the Court of Arbitration”, in line two of subsection (7), the words, “The Western Australian Industrial Commission”;
- (e) by deleting the passage, “-1941”, in line three of subsection (7);
- (f) by substituting for the words, “such Court”, in line five of subsection (7), the words, “the Commission in Court Session”;
- (g) by substituting for the words, “that Court”, in lines nine and ten of subsection (7), the words, “the Commission in Court Session”;

- (h) by substituting for the words, "Court of Arbitration" in line one of subsection (8), the words, "Commission in Court Session"; and
- (i) by substituting for the passage, "Court of Arbitration, that Court" in line two of subsection (10), the passage, "Commission in Court Session, the Commission in Court Session".

S. 21
amended.

4. Subsection (5) of section twenty-one of the principal Act is amended by adding after the word, "Arbitration" in line six, the passage, "or the Commission in Court Session, as the case may be,".

S. 21A
amended.

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

(6) A mine worker to whom paragraph (a) of subsection (5A) of section twenty-one of this Act refers who has received, in accordance with that subsection, a refund of the total amount of the actual contributions paid by him to the Fund under this Act, is entitled on attaining the age of sixty years and on complying with the requirements of this Act, to pension benefits and all other benefits under this Act, if he establishes to the satisfaction of the Tribunal, that he—

- (a) has since the twenty-eighth day of July, nineteen hundred and sixty-one been re-employed as a mine worker in the coal mining industry in the State;
- (b) has not received a refund of all or any portion of the contributions so paid by him, or, having received such a refund, the amount thereof has been repaid to the Fund;

- (c) has, within a period of twelve months from the date of the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1964, or within a period of twelve months from the date of his first being so re-employed after the twenty-eighth day of July, nineteen hundred and sixty-one, whichever date is the later, repaid to the Fund the total amount of the actual contributions paid by him to the Fund under this Act, which has been refunded to him under subsection (5A) of section twenty-one of this Act; and
- (d) has paid contributions to the Fund for periods aggregating not less than twenty-five years before he attains the age of sixty years. .

6. Section twenty-eight of the principal Act is S. 28 amended—amended.

- (a) by substituting for the words, "Court of Arbitration", in line two of subsection (1) the passage, "Commission in Court Session constituted under the Industrial Arbitration Act, 1912, and the Commission in Court Session has jurisdiction to hear and determine the question so referred to it";
- (b) by substituting for the words, "Court of Arbitration", in line four of subsection (1) the words, "Commission in Court Session";
- (c) by deleting the passage, "-1941", in line two of subsection (2);
- (d) by substituting for the words, "the Court of Arbitration" in lines three and four of subsection (2), the words, "The Western Australian Industrial Commission"; and
- (e) by substituting for the words, "that Court" in the last line of subsection (2), the words, "the Commission in Court Session".

S. 34
amended.

7. Subsection (1) of section thirty-four of the principal Act is amended by substituting for the words, "Court of Arbitration", in lines eight and nine, the words, "The Western Australian Industrial Commission".
