

Approved for Reprint, 7th April, 1971.

WESTERN AUSTRALIA.

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# COAL MINERS' WELFARE.

11° and 12° Geo. VI., No. LXX.

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No. 70 of 1947.<sup>1</sup>

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(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 13 of 1957,<sup>2</sup> assented to 30th September, 1957;

No. 16 of 1961,<sup>3</sup> assented to 20th October, 1961;

No. 3 of 1968, assented to 26th September, 1968;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to establish a fund to provide or assist in providing amenities for coal miners and to improve or assist in improving the welfare of coal miners; to constitute and incorporate a Board to administer the fund and to control any amenities provided and to declare the objects, functions and powers of such Board, and for other purposes incidental thereto.**

[Assented to 10th January, 1948.]

**BE** it enacted by the King'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 Miners' Welfare Act, 1947-1968*, and shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Short title  
and com-  
mencement.  
Amended by  
No. 3 of  
1968, s. 1.

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<sup>1</sup> Came into operation on 1st March, 1948. See *Gazette* 27/2/48, p. 461.

<sup>2</sup> Came into operation on 18th October, 1957. See *Gazette* 18/10/57, p. 2918.

<sup>3</sup> Came into operation on 23rd February, 1962. See *Gazette* 23/2/62, p. 514.

(2) This Act shall be read and construed with the Coal Mines Regulations Act, 1946.

Act divided  
into Parts.

2. This Act is divided into Parts as follows:—

PART I.—ss. 3 to 5.—PRELIMINARY.

PART II.—ss. 6 to 7.—THE COAL MINERS' WELFARE FUND.

PART III.—ss. 8 to 15.—THE COAL MINERS' WELFARE BOARD OF WESTERN AUSTRALIA.

PART IV.—ss. 16 to 17.—FUNCTIONS AND POWERS OF THE BOARD.

PART V.—ss. 18 to 22A.—ACCOUNTS, AUDITS, AND REPORTS.

PART VI.—ss. 23 to 27.—MISCELLANEOUS.

PART I.—PRELIMINARY.

Construction.

3. This Act shall be read and construed so as not to exceed the legislative powers of the State, to the intent that, where any enactment thereof would, but for the provisions of this section, have been construed as being in excess of those powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of those powers.

Interpre-  
tation.

4. In this Act, unless the context otherwise requires—

“Board” means The Coal Miners' Welfare Board of Western Australia as constituted by this Act and includes where necessary the Chairman or a member of the Board;

“Chairman” means the chairman of the Board;

“coal miner” means any person employed in or about a coal mine;

“Fund” means The Coal Miners' Welfare Fund as established by this Act;

"Minister" means the Minister for Mines or such other Minister of the Crown as is charged for the time being or from time to time with the administration of this Act;

"regulations" means regulations made under this Act.

5. This Act shall be administered by the Minister and under the Minister, the Board is hereby authorised to carry out the provisions of this Act.

Administra-  
tion of this  
Act.

PART II.—THE COAL MINERS' WELFARE FUND.

6. (1) The owner of every coal mine shall in the months of January, April, July, and October in every year pay to a fund to be known as 'The Coal Miners' Welfare Fund a sum equivalent to one and one quarter cents per ton on the output of all coal produced from every mine of which he is the owner during the preceding three months respectively ending on the last day of the preceding month of December, March, June, or September, as the case may be, and the sums so payable in respect of any mine shall be recoverable as a debt due to the Board.

Establish-  
ment of the  
Coal  
Miners'  
Welfare  
Fund by  
contribu-  
tions by  
mine owners  
Amended by  
No. 13 of  
1937, s. 3;  
No. 113 of  
1965, s. 8.

(2) The payments mentioned in subsection (1) of this section shall be in addition to any royalties payable under the provisions of section fifty-five of the Mining Act, 1904-1945,<sup>1</sup> and shall be payable notwithstanding the provisions of section fifty-six of that Act.

7. (1) The Secretary of the Board or any person appointed in writing by the Board so to do shall have power to examine from time to time the books of any owner or manager of a coal mine for the exclusive purpose of ascertaining the amounts due or paid in respect of such mine to the Fund.

Examina-  
tion  
of books in  
respect of  
mines.  
Amended by  
No. 113 of  
1965, s. 8.

(2) If on such examination it appears that any such owner or manager has not paid into the Fund any amount as by the preceding section prescribed

<sup>1</sup> Now Mining Act, 1904-1970.

or has paid into the Fund only a part of such amount, such owner or manager shall be deemed guilty of an offence against this Act and shall be liable to pay in addition to the moneys which he should have but has not so paid, a penalty of one dollar in respect of each and every dollar or fraction of a dollar of such moneys and all penalties recovered under this section, less the expenses incidental to the recovery of the same, shall be paid into the Fund and form part thereof.

(3) Every owner or manager of a coal mine who refuses, obstructs or prevents or causes the refusal, obstruction or prevention of the production of the books of the mine, and the free examination of such books for the purposes of this section shall be deemed guilty of an offence against this Act.

PART III.—THE COAL MINERS' WELFARE BOARD  
OF WESTERN AUSTRALIA.

Constitution  
of the Board.

8. (1) For the purpose of carrying out the provisions of this Act, there shall be a board to be called The Coal Miner's Welfare Board of Western Australia constituted as hereinafter provided.

(2) Such board shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued and of acquiring, purchasing, holding, exchanging, leasing, selling and disposing of real and personal property of every kind and description and of doing such other acts, matters and things within the provisions of this Act as other corporate bodies may lawfully do.

(3) No member of the Board shall be personally liable for any act of the Board, but the Board alone shall be liable.

Membership  
of the Board.  
Amended by  
No. 16 of  
1961, s. 3.

9. (1) The Board shall consist of three members appointed annually by the Governor.

(2) Of the said three members—

- (a) one shall be the President of the Combined Coal Mining Unions Committee and shall be Chairman of the Board;
- (b) one shall be the President of the Coal Miners' Industrial Union of Workers of Western Australia, Collie.

10. Each member of the Board shall hold office until the appointment by the Governor of his successor and shall be eligible for re-appointment.

Term of office of members of the Board.

11. A member of the Board shall vacate his seat as such member if he resigns by writing under his hand given to the Minister, or if he dies, or becomes an insane person, or if he fails to attend meetings of the Board for three consecutive months without leave of absence first being obtained from the Board.

Vacancies, how created.

12. In case of a vacancy occurring in the office of a member of the Board, the Governor shall as soon as reasonably may be, appoint a person to fill such vacancy.

Vacancies to be filled.

13. (1) The fees and expenses to be paid to and received by members of the Board for their services shall be such as may be prescribed from time to time.

Remuneration of members.

(2) Such fees and expenses shall be charged upon and payable out of the moneys from time to time being administered by the Board for the purposes of this Act.

14. (1) The first meeting of the Board after the coming into operation of this Act shall be convened by the Chairman and thereafter meetings shall be held at the times and places determined by the Board:

Meetings of the Board.

*Coal Miners' Welfare.*

Provided that the Chairman or the two other members of the Board may, on reasonable notice to members of the Board, call a meeting at any time.

(2) Subject to this Act, the business of the Board shall be conducted in such manner as the Board determines.

Officers of  
the Board.

15. (1) The Board may appoint a secretary to be the chief executive officer of the Board and such other officers and employees as it requires and as the Minister may approve to assist the Board in carrying out its duties and functions under this Act.

(2) Persons appointed in pursuance of the preceding subsection of this section or otherwise employed or engaged shall not be subject to the provisions of the Public Service Act, 1904-1935,<sup>1</sup> or of the Government Employees (Promotions Appeal Board) Act, 1945, and such persons shall hold office or continue in employment during the pleasure of the Board.

(3) The salaries, wages and allowances of persons appointed, employed or engaged in pursuance of this section shall be as fixed by the Board with the approval of the Minister, and shall be charged upon and payable out of the moneys from time to time being administered by the Board for the purposes of this Act.

(4) With the consent of the Minister administering any Department of the Public Service of the State, the Board may, on any terms agreed between itself and the Minister, make use of the services of any person employed in that Department.

PART IV.—FUNCTIONS AND POWERS OF THE  
BOARD.

Functions of  
the Board.  
Amended by  
No. 3 of  
1968, s. 2.

16. (1) Subject to this Act and to any directions of the Minister, the Board is hereby charged with the administration and application of the Fund for such purposes connected with the provision of

<sup>1</sup> Now Public Service Act, 1904-1970.

amenities (other than anything required to be provided by the owner or manager of a coal mine by the Coal Mines Regulations Act, 1946), for coal miners and the improvement of the physical, cultural and social well-being of coal miners, and the education, recreation and conditions of living of coal miners, as the Board may consider desirable.

(1a) The Board may, with the prior approval of the Minister and upon such terms and conditions as the Minister approves, apply money standing to the credit of the Fund for or towards—

- (a) the provision, in association with the body known as the Silver Chain Nursing Association (Incorporated), of a home for aged persons to be erected at Collie in the State; and
- (b) the provision of such other amenities other than those to which subsection (1) of this section refers, for persons including persons who are not coal miners, as the Board considers desirable.

(2) The Minister may give to the Board directions of a general character with respect to the exercise and performance of its functions and the Board shall give effect to any such directions.

17. The Board may, for the purposes of carrying out the duties and functions imposed on it by this Act—

Powers of  
the Board.

- (a) buy, or otherwise acquire, and hold any real or personal property of whatsoever kind or description;
- (b) sell, lease, exchange or otherwise dispose of any such property;
- (c) enter into any contract or agreement;
- (d) with the approval of the Minister, borrow money and mortgage or charge any of its property or the Fund as security for the

repayment of any money borrowed and interest thereon;

- (e) construct, erect and maintain any premises, plant and equipment;
- (f) establish and maintain any scholarships or bursaries or make grants in aid of physical, technical, cultural or general education;
- (g) make grants to be expended in furtherance of any of the purposes of this Act to any municipality, road board, society, club, association or other body, whether incorporated or unincorporated;
- (h) do all other matters and things which it is required by this Act to do, or which in the opinion of the Board, are necessary or convenient to be done for giving effect to this Act.

PART V.—ACCOUNTS, AUDITS, AND REPORTS.

Accounts.

18. The Board shall cause books to be provided and kept and true and regular accounts to be entered therein—

- (a) of all moneys received into and paid out of the Fund by the Board, and of all moneys owing to and by the Board, and of the several purposes for which such moneys shall have been received, and paid, and be owing;
- (b) of all the assets and liabilities of the Board.

Books may be inspected.

19. All such books shall be open to the inspection of the Auditor General and any person authorised by him to inspect the same.

Accounts to be balanced.

20. The Board shall cause its accounts to be balanced every year on the thirtieth day of June.



21. (1) The Board shall cause a full and true balance sheet of its assets and liabilities, together with a revenue and expenditure or profit and loss account for each year and such other statements as may be necessary, to be compiled from the books and submitted to the Auditor General for audit.

Accounts to be audited.

(2) The Auditor General shall in relation to such accounts have all the powers conferred on him by the Audit Act, 1904.

22. The Board shall make and submit a yearly report of its proceedings to the Minister, together with a true copy of the accounts as then last audited and with a copy of the Auditor General's report thereon; and on receipt of the same the Minister shall cause copies of such annual report and of such accounts with the Auditor General's report to be laid before both Houses of Parliament.

Reports.

22A. Any payments made by the Board from the Fund before the coming into operation of the Coal Miners' Welfare Act Amendment Act, 1968, for or towards any purpose connected with the provision of amenities other than those to which subsection (1) of section sixteen of this Act refers, shall be deemed to have been lawfully made by the Board for the purposes of carrying out the duties and functions imposed on it by this Act.

Validation of certain payments from Fund. Added by No. 3 of 1968, s. 3.

PART VI.—MISCELLANEOUS.

23. Any person who is guilty of an offence against this Act for which no specific penalty is herein provided, shall be liable to a penalty not exceeding one hundred dollars.

Offences and general penalty. Amended by No. 113 of 1965, s. 8.

24. Any proceedings for an offence against this Act or the regulations may be instituted and dealt with summarily before Justices under and in accordance with the provisions of the Justices Act, 1902-1942.<sup>1</sup>

Offences to be dealt with summarily.

25. (1) Any proceedings, whether civil or penal, may be taken in the name of the Board by the

How legal proceedings taken.

<sup>1</sup> Now Justices Act, 1902-1968.

secretary or any officer of the Board authorised in that behalf by the Board.

(2) No proof shall be required of the appointment of the secretary or any officer of the Board, or of the authority of the secretary or officer to take civil or penal proceedings in the name of the Board, but the averment on the process that the secretary or officer aforesaid is so authorised shall be deemed to be conclusive proof of the fact.

Notice and  
commence-  
ment of  
action.

26. (1) No action shall be maintainable against the Board for any cause, unless the action is commenced within six months after its cause shall have arisen.

(2) No such action shall be commenced until one month after a notice, in writing, is given to the Board, stating the cause of action and the name and address of the party about to sue.

Regulations.  
Amended by  
No. 113 of  
1965, s. 8.

27. (1) The Governor may make regulations under this Act prescribing all such matters as by this Act are required or permitted to be prescribed or as may be necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act and facilitating the exercise of its powers and functions by the Board.

(2) The power hereby given shall (without limiting its generality) be deemed to include power to make regulations—

- (a) regulating the management and administration of funds and moneys administered by the Board;
- (b) regulating and controlling the use of any amenities or any premises, plant or equipment provided or maintained by the Board;
- (c) prescribing the conditions on which scholarships or bursaries may be granted by the Board, and the conditions under which grants may be made in aid of physical, technical, cultural or general education.

(3) Any regulations made under this section may impose as a penalty for any breach of any regulation a fine not exceeding twenty dollars.