

Coal Miners' Welfare Amendment Bill 2004

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Coal Miners' Welfare Amendment Bill 2004

A Bill for

An Act to amend the *Coal Miners' Welfare Act 1947*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Coal Miners' Welfare Amendment Act 2004*.

2. Commencement

This Act comes into operation on 1 January 2005 or the 1 January after the Act receives the Royal Assent, whichever is the later.

5 **3. The Act amended**

The amendments in this Act are to the *Coal Miners' Welfare Act 1947**.

[* *Reprinted as at 21 December 2001.*]

4. Section 4 amended

10 Section 4 is amended as follows:

(a) in the definition of "Board" by deleting "a member of the Board" and inserting instead —

“ any other Member ”;

15 (b) by deleting the definition of "coal miner" and inserting instead —

“

“**coal miners**” means persons who work for hire or reward in the coal mining industry of Western Australia;

20

”;

(c) at the end of the definition of "Fund" by deleting the full stop and inserting a semicolon instead;

(d) at the end of the section by inserting the following definitions —

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“

“**Member**” means a member of the Board;

“**Secretary**” means the secretary appointed by the Board under section 15 as the Board's chief executive officer.

30

”.

5. Section 6 amended

(1) Section 6(1) is amended by deleting “he is” and inserting instead —

“ the owner was ”.

5 (2) Section 6(1a) is amended by deleting “he or she is” and inserting instead —

“ the owner was ”.

(3) After section 6(2) the following subsections are inserted —

“

10 (3) An owner who does not pay an amount required under this section to be paid to the Fund commits an offence and is liable to pay, in addition to that amount, a penalty of one dollar in respect of each dollar, or fraction of a dollar, of the amount that the owner
15 should have paid.

(4) All penalties recovered under subsection (3), less the expenses incurred in their recovery, are to be paid into, and form part of, the Fund.

”.

20 **6. Section 7 replaced**

Section 7 is repealed and the following section is inserted instead —

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7. Inspection of records

25 (1) The Secretary may, at any reasonable time, examine such records of any person as are required for the purpose of determining the amount payable by a person under section 6.

(2) The Secretary may make copies of those records.

s. 7

(3) The Board may, in writing, authorise another person to carry out the functions of the Secretary under subsections (1) and (2) and that person may carry out those functions as if he or she were the Secretary.

5 (4) A person who obstructs, or attempts to obstruct, an examination under this section commits an offence.

”.

7. Section 8 amended

10 (1) Section 8(2) is amended by deleting “Such board” and inserting instead —

“ The Board ”.

(2) Section 8(3) is amended by deleting “member of the Board” and inserting instead —

“ Member ”.

15 **8. Sections 9 to 12 replaced**

Sections 9 to 12 are repealed and the following sections are inserted instead —

“

9. Membership of the Board

20 (1) The Board consists of —

(a) the President of the Collie Combined Mining Unions Council or such other body as is prescribed;

25 (b) the President of Construction, Forestry, Mining and Engineering Union, Mining and Engineering Division, Collie or such other body as is prescribed; and

(c) one other person appointed by the Governor for a period of up to 3 years.

- (2) The Member holding office under subsection (1)(a) is the chairman of the Board.

10. Deputy and temporary Members

- 5 (1) The Deputy President of the union referred to in section 9(1)(a) is the deputy Member for the Member holding office under that paragraph.
- (2) The Deputy President of the union referred to in section 9(1)(b) is the deputy Member for the Member holding office under that paragraph.
- 10 (3) Where a Member holding office under section 9(1)(a) or (b) is unable to act because of sickness, absence or other cause, the deputy Member for that Member may act in the Member's place, and while so acting the deputy Member is to be taken to be a Member for the
15 purposes of this Act.
- (4) Where a Member holding office under section 9(1)(c) is unable to act because of sickness, absence or other cause, the Minister may appoint another person as a temporary Member to act in the Member's place, and
20 while so acting the temporary Member is to be taken to be a Member.
- (5) While a person is acting as a Member under this section —
 - 25 (a) he or she is entitled to remuneration under section 13; and
 - (b) no act or omission of the deputy Member or temporary Member may be questioned on the ground that the occasion for acting had not arisen or had ceased.

11. Removal and resignation

A Member (including a Member holding office under section 9(1)(a) or (b)) ceases to be a Member if he or she —

- 5
- (a) resigns in writing to the Minister;
 - (b) is, for 3 consecutive meetings, absent without the leave of the Board, from meetings of the Board of which he or she has had notice;
 - 10 (c) is removed from office by the Governor on the grounds that the Member —
 - (i) is incapable of satisfactorily performing the duties of a Member;
 - (ii) has neglected to satisfactorily perform those duties; or
 - 15 (iii) has been guilty of misconduct;
 - (d) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
 - (e) dies.

20 **12. Replacement of Members**

- (1) If a Member (the “**vacating Member**”) holding office under section 9(1)(a) or (b), ceases to hold that office but remains President of the relevant Union, the Deputy President of the Union becomes the Member holding office under section 9(1)(a) or (b), as the case may be, until someone other than the vacating Member becomes President of the Union.
- 25
- (2) If a Member holding office under section 9(1)(c) ceases to hold that office, the Governor must, as soon as reasonably practicable, appoint another person to complete the term of office of that Member.
- 30

”.

9. Section 13 amended

Section 13(1) is amended by deleting “members of the Board” and inserting instead —

“ Members ”.

5 **10. Section 14 amended**

Section 14(1) is repealed and the following subsections are inserted instead —

“

10 (1) Meetings of the Board are to be held at the times and places determined by the Board.

(1a) Meetings of the Board may also be convened by —

(a) the Chairman; or

(b) the 2 other Members acting together,

by giving reasonable notice to the other Members.

15

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11. Section 16 amended

Section 16(1a)(a) and “and” after it is deleted and the following is inserted instead —

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(a) the operation of a home for the aged in Collie operated by Riverview Residence (Incorporated); and

”.

12. Section 23 amended

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Section 23 is amended by deleting “\$100” and inserting instead —

“ \$10 000 ”.

s. 13

13. Section 25 amended

Section 25 is amended by deleting “secretary” in each place where it occurs and inserting instead —

“ Secretary ”.

5 **14. Section 27 amended**

Section 27(3) is amended by deleting “\$20” and inserting instead —

“ \$5 000 ”.

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