

COAL MINERS' WELFARE AMENDMENT BILL 2005

General Outline

This Amendment Bill contains some important changes to the *Coal Miners' Welfare Act 1947* that are necessary to improve the effectiveness of the operation of the Coal Miners' Welfare Board and the Coal Miners' Welfare Fund.

The amendments implement the recommendations of the October 2002 Review, which was carried out in response to the Report of the Machinery of Government Taskforce.

Clause 1 – Short title

The short title for the amending legislation is the *Coal Miners' Welfare Amendment Act 2005*.

Clause 2 – Commencement

This clause provides that the amendments will come into operation on 1 January 2005 or the 1 January after the Act receives the Royal Assent, whichever is the later.

Clause 3 – The Act amended

The amendments contained the Amendment Act are to the *Coal Miners' Welfare Act 1947*.

Clause 4 – Section 4 amended

Section 4 contains the definitions of terms used in the *Coal Miners' Welfare Act 1947*.

Paragraph (a) is effectively a restructure of the definition of “*Board*” to delete the term “*a member of the Board*” and to replace that term with “*any other Member*”.

Paragraph (b) inserts a new definition of “*coal miner*” to include persons who work for hire or reward in the industry.

Paragraph (c) inserts a semicolon to allow for a further definition in the section.

Paragraph (d) inserts a new definition of “*Member*” of the Board.

Paragraph (e) inserts a new definition of “*Secretary*” of the Board.

Clause 5 – Section 6 amended

Section 6 establishes the Coal Miners' Welfare Fund

Subclause (1) and (2) make amendments to ensure gender-neutral text.

Subclauses (3) and (4) insert new subsections, which impose penalties for non-payments to the Fund.

Clause 6 – Section 7 replaced.

Section 7 Inspection of books and records

Replaces the existing clause and provides for the Secretary or a person appointed in writing by the Board to examine such records of a company as are necessary to determine the amount of levy payable.

Clause 7 – Section 8 amended.

Subclause (2) replaces the term “Such board” with “The Board”.

Subclause (3) replaces the term “member of the Board” with “*Member*”

Clause 8 – Sections 9 to 12 replaced.

Section 9 Membership of the Board

Membership of the Board is prescribed in the Act and two of the three Members do not require appointment annually by the Governor. The Governor appoints one Member for a period of up to 3 years.

Section 10 Deputy and temporary Members

Provision is made to allow the Vice Presidents of each of the nominated organisations to be the alternate or deputy for each member appointed.

Subclause (3) provides that a deputy Member can act in place of the member if the Member is unable to act because of sickness, absence or other cause.

Subclause (4) provides that where the member appointed by the governor is unable to act because of sickness, absence or other cause the Minister may appoint another person as a temporary member.

Subclause (5) provides for remuneration while acting as a member.

Section 11 Removal and resignation

Provides procedures for resignation of Members of the Board and for the removal of Members who do not perform or become incapable of performing their duties.

Section 12 Replacement of Members

Provides procedures for the replacement of Members who cease to hold office in the relevant organisation.

Clause 9 – Section 13 amended

Section 13 Remuneration of members

Subclause (1) is amended by deleting the word “members of the Board” and inserting “Members”.

Clause 10 – Section 14 amended

Section 14 Meetings of the Board

Subclause (1) is repealed and new subsections inserted which provide that the Board will determine meetings. The Chairman or 2 other Members will convene meetings.

Clause 11 – Section 16 amended

Section 16 Functions of the Board

Subclause (1a)(a) is repealed to reflect the current situation that the home for the aged in Collie is operated by the Riverview Residence (Incorporated).

Clause 12 – Section 23 amended

Section 23 Offences and general penalties

Penalties increased from \$100 to \$10,000.

Clause 13 – Section 25 amended

Section 25 How legal proceedings taken

Reference to secretary to be amended to “Secretary”.

Clause 14 – Section 27 amended

Section 27 Regulations

Subclause (3) amended to increase the penalty that can be imposed from “\$20” to a fine not exceeding “\$5,000”.