

MINERS' PENSIONS.

No. 11 of 1956.

AN ACT to consolidate and amend the law relating to the payment of pensions to miners and their dependants.
[16 May 1956.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

Short title and commencement.

1—(1) This Act may be cited as the *Miners' Pensions Act 1956*.

(2) Subsection (1) of section twenty-seven and the second schedule shall be deemed to have commenced on the twenty-seventh day of October 1955, and the remaining provisions of this Act shall commence on the day on which the Governor assents to this Act.

Repeal.

2—(1) The Acts that are specified in the first schedule are repealed.

(2) Where by any enactment that is repealed by this section—

- (a) any payment, act, matter, or thing was declared to be lawful or valid; or
- (b) any person was released from any claims, actions, suits, or proceedings in respect of any payment out of the Fund, or provision was made to bar any action, suit, or proceeding for the recovery of any such payment,

the payment, act, matter, or thing so declared to be lawful or valid continues to be lawful or valid, or, as the case may be, the release so granted continues, and the action, suit, or proceeding so barred continues to be barred, to the same extent in all respects as if that enactment had not been repealed.

(3) The provisions of subsection (2) of this section are in aid of, and not in derogation from, the provisions of section sixteen of the *Acts Interpretation Act 1931*.

- 3—(1)** In this Act, unless the contrary intention appears—
- “age for retirement” means the age of sixty years, or, in the case of a manager, an under-manager, a colliery engineer, or a clerical worker, the age of sixty-five years;
- “Board” means the Miners’ Pensions Board, being the Board that is continued by section six;
- “Fund” means the Miners’ Pension Fund, being the Fund that is continued by section fifteen;
- “injury” means a personal injury arising out of and in the course of employment as a miner, and includes a disease so arising, whether of sudden onset or contracted by a gradual process;
- “mine” means a coal mine or oil-shale mine in this State, and includes a quarry in this State from which coal or oil-shale is obtained, and all the land at or near the entrance to the workings in such a mine or quarry and occupied by the owner in connection with the winning of coal or oil-shale therefrom;
- “miner” means a person who is ordinarily employed wholly in or at a mine by the owner thereof, but does not include a person who was or is first employed in or at a mine on or after the date of the commencement of the repealed Act and who, when he became or becomes so employed, was or is over the age of forty years;
- “organization” means any union or association of, or including, owners or miners that is registered as an organization under the *Conciliation and Arbitration Act 1904-1952* of the Commonwealth;
- “owner” means an owner as defined in the *Mines and Works Regulation Act 1915*;
- “registrar” means the person who is appointed as the registrar of the Board pursuant to section fourteen;
- “repealed Act” means the *Miner’s Pensions Act 1944*;
- “tributer” means a tributer as defined in the *Mining Act 1929*.

Interpretation.
 Cf. 7 and 8
 Geo. VI
 No. 98 (Tas.),
 s. 2,
 No. 45 of 1941
 (N.S.W.), s.
 2,
 5 Geo. VI No.
 24 (Qld.), s.
 2.

(2) For the purposes of this Act—

(a) a—

(i) tributer; and

(ii) member of a partnership that owns a mine and who works in the mine,

shall be deemed to be a miner, notwithstanding that he may also be a part-owner of the mine; and

- (b) a person who is engaged in the transport of coal or oil-shale from a mine to the point of delivery by the owner at a railway or other public transport service, or at the storage depot that is nearest to the mine, shall be deemed to be employed at the mine.

Continuity of employment and residence. **4**—(1) For the purposes of this Act, the continuity of a miner's employment is not affected by reason only of his absence from his employment—

Tas., s. 3.
N.S.W., s. 3.
Qld., s. 3.

- (a) on war service in any of the naval, military, or air forces of the Commonwealth;
- (b) in the performance of any work or service in connection with a war in which the Commonwealth is at any time engaged;
- (c) on leave duly granted for or on account of—
- (i) annual recreational leave;
 - (ii) sickness or accident; or
 - (iii) any other lawful occasion;
- (d) during his holding of office as an elected official of a miners' organization; or
- (e) during a period of unemployment, if he loses his employment as a miner through no fault of his own and his failure to obtain other employment is through no fault on his part.

(2) Where a miner who loses his employment as a miner through no fault of his own engages, during the period during which he is unable to obtain employment as a miner, in casual employment otherwise than as a miner, that casual employment shall not be deemed to interrupt his employment as a miner.

(3) Where by this Act a period of residence in this State is prescribed, that period shall not be deemed to have been interrupted by reason only of absence for—

- (a) any of the purposes mentioned in paragraphs (a) and (b) of subsection (1) of this section; or
- (b) any occasional purposes, if the aggregate of the absences does not exceed one-tenth of the period so prescribed.

Prohibition of employment after age for retirement. **5**—(1) Except as provided in this section, no person shall—

Tas., s. 4.
N.S.W., s. 5.
Qld., s. 5.

- (a) engage or retain in his employment as a miner any person who has attained the age for retirement; or
- (b) accept or continue in employment as a miner after attaining the age for retirement.

Penalty: Fifty pounds, together with a daily penalty of five pounds.

(2) The Board, at any time on special cause being shown to its satisfaction, may suspend the operation of subsection (1) of this section on such conditions, if any, as the Board may think fit in respect of—

- (a) any specified employment of a miner; or
- (b) the employment in or about a specified mine of—
 - (i) all miners; or
 - (ii) any specified class of miners,

and shall issue a certificate of exemption in respect of the suspension.

(3) A certificate of exemption under subsection (2) of this section shall set forth full particulars of the extent and application of the suspension to which it relates and the period for which it is issued, and shall specify the conditions, if any, to which it is subject.

(4) The Governor, on being satisfied that any person is, in good faith and not with a view to obtaining exemption, a member of a—

- (a) partnership; or
- (b) private company,

that is the owner of a mine, may suspend the operation of subsection (1) of this section in relation to that person on such conditions, if any, as the Governor may impose.

(5) The registrar shall issue a certificate of exemption, as prescribed, to a person in respect of whom a suspension has been granted under subsection (4) of this section.

(6) During the period of a suspension made under subsection (2) or subsection (4) of this section, a person who complies with the conditions specified in the certificate of exemption issued by the Board or the registrar, as the case may be, is not subject to the provisions of subsection (1) of this section.

PART II.

ADMINISTRATION.

6—(1) There shall be a Board, to be known as the Miners' Pensions Board. The Miners' Pensions Board.

(2) The Board shall consist of three members appointed by the Governor, of whom— Tas., ss. 7 and 8. N.S.W., s. 15. Qld., s. 14.

- (a) one shall be appointed as the chairman of the Board;
- (b) one shall be a person (not being a miner) nominated as prescribed, by the organizations of owners; and
- (c) one shall be a person nominated as prescribed, by the organizations of miners.

(3) A nomination that is required by subsection (2) of this section is sufficient if it is made by such organizations of owners or miners, respectively, as the Minister deems sufficient.

(4) In default of an effective nomination being made by an organization within the prescribed time the Minister may nominate some person to fill the relevant position on the Board, and that person may be appointed accordingly.

(5) An officer of the Public Service may be appointed as a member of the Board and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(6) The chairman and members of the Board shall be paid such remuneration and travelling allowances, respectively, as the Governor may determine.

(7) The members of the Board are not, as such, subject to the provisions of the *Public Service Act* 1923.

(8) A member of the Board shall be appointed for a term of three years.

(9) Subject to this Act—

(a) the Board established under the repealed Act is continued, and is the Board for the purposes of this Act;

(b) the persons appointed under that Act as members of the Board and holding office as such at the commencement of this Act are entitled to continue in office for the terms for which they were respectively appointed under that Act, and may be re-appointed under this Act; and

(c) the common seal used by the Board for the purposes of that Act shall be deemed to be, and may be used as, the common seal of the Board for the purposes of this Act.

Incorporation of Board.
Tas., s. 14.

7—(1) The Board is a body corporate with perpetual succession and a common seal.

(2) The seal of the Board shall be affixed to a document only in pursuance of a resolution of the Board, and the sealing of documents by the Board shall be authenticated by the signatures of two members of the Board and the registrar.

Casual vacancies.
Tas., s. 9.
N.S.W., s. 15
(10).
Qld., s. 14
(10).

8—(1) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of the term for which he is appointed, the Governor may appoint a person as a member of the Board in his stead for the remainder of that member's term of office.

(2) If a member whose office so becomes vacant was a person nominated by organizations of owners or organizations of miners, the person so appointed in his stead shall be a person nominated by those organizations.

9—(1) In the case of the illness, absence, or suspension of a member of the Board the Governor may, without a nomination by the organizations of owners or of miners, as the case may be, appoint a person to act as the deputy of that member during that illness, absence, or suspension.

Deputies of
members.
Tas., s. 10.

(2) A person who is so appointed, while so acting, has all the powers and authority of the member for whom he is appointed deputy.

10—(1) The office of a member of the Board becomes vacant if he—

Vacation of
office.
Tas., s. 11.
N.S.W., s. 15
(9).
Qld., s. 14
(9).

(a) dies;

(b) applies to take or takes advantage of any law relating to bankruptcy, or compounds, or enters into an arrangement, with his creditors, or makes an assignment of his remuneration under this Act for their benefit;

(c) resigns his office by writing under his hand addressed to the Governor, and the resignation is accepted by the Governor; or

(d) is removed from office by the Governor pursuant to subsection (2) of this section.

(2) If a member of the Board—

(a) except on leave granted by the Board, absents himself from three consecutive meetings of the Board, or from five meetings in any period of twelve months;

(b) in the opinion of the Governor, has been guilty of misconduct or has shown incompetence; or

(c) in the opinion of the Governor, has become of unsound mind or permanently incapable of performing his duties,

the Governor may remove him from office.

11—(1) The chairman, if present, shall preside at all meetings of the Board, and may exercise a deliberative vote.

Proceedings
of Board.
Tas., s. 13.
N.S.W., s. 15
(6), (7).
Qld., s. 14 (6),
(7).

(2) Any two members of the Board constitute a quorum for the transaction of the business of a meeting of which due notice has been given personally or by post to all the members.

(3) Where the voting on a question is equal, the decision of that question shall be postponed until the next meeting of the Board, and notice of the question and of the fact that the voting thereon was equal shall be given in the notice calling that meeting, and if, at the next meeting, the voting on that question is again equal, the chairman may exercise a second or casting vote.

(4) Subject to this section, the Board may regulate its own procedure.

Delegation.
Tas., s. 15.

12 The Board may, by resolution under seal, authorize the chairman to determine any matter specified in the resolution and may, in like manner, at any time revoke that authority.

Annual
report.
Tas., s. 16.

13 The Board shall submit to the Minister annually a report on the administration of this Act, and the Minister shall cause copies of the report to be laid on the table of each House of Parliament within the first seven sitting days of the House after the report is received by him.

Officers.
Tas., s. 12.
N.S.W., s. 16.
Qld., s. 15.

14—(1) The Governor may, under and in accordance with the provisions of the *Public Service Act* 1923, appoint a registrar of the Board and such other officers as may be necessary to assist the Board in the administration of this Act.

(2) An officer of the Public Service may be appointed under this section, and may hold office under this Act in conjunction with his office as an officer of the Public Service.

PART III.

THE MINERS' PENSION FUND.

The Miners'
Pension
Fund.

Tas., s. 5.
N.S.W., s. 18.
Qld., s. 17.

15—(1) There shall be a fund, to be known as the Miners' Pension Fund.

(2) The fund established under the repealed Act is continued, and is the Fund for the purposes of this Act.

(3) The Fund is under the management and control of the Board.

(4) There shall be paid into the Fund all—

- (a) contributions by owners and miners under this Act;
- (b) payments required to be made by the Treasurer under this Act; and
- (c) income derived from the investments of the Fund.

(5) All moneys payable into the Fund shall be paid to the Board, and all benefits under this Act shall be paid from the Fund by the Board.

(6) The accounts relating to the Fund are subject to the provisions of the *Audit Act* 1918.

(7) The Fund is not liable to taxation imposed by or under any Act.

(8) The moneys belonging to the Fund from time to time—

- (a) shall, so far as is practicable, be invested by the Board in any investments authorized by law for the investment of trust funds; or
- (b) may be placed by the Board to the credit of a special deposit account in the Treasury.

(9) Where moneys are placed to the credit of a deposit account pursuant to paragraph (b) of subsection (8) of this section, the Treasurer may allow interest thereon at such rate, not exceeding three pounds five shillings per cent per annum, as he may determine.

16—(1) The Board shall cause an investigation as to the state and efficiency of the Fund to be made by an actuary at the expiration of each period of three years.

Actuarial
investiga-
tions of
Fund.

Tas., s. 6.
N.S.W., s. 27.
Qld., s. 26.

(2) The first investigation under this section shall be made at the expiration of the period of three years after the date on which the last investigation was made under the repealed Act.

(3) The actuary by whom an investigation is made under this section shall report to the Board on the result of the investigation, and the Board shall, as soon as practicable after receipt of the report, submit copies thereof to the Minister, who shall cause them to be laid upon the table of each House of Parliament within the first seven sitting days of the House after they are received by him.

PART IV.

CONTRIBUTIONS.

17—(1) The Treasurer shall pay to the Board in each year an amount equal to the total amount of the contributions made by owners in pursuance of section eighteen.

Contribu-
tions by
Treasurer.

Tas., s. 18.
N.S.W., s. 19.
Qld., s. 18.

(2) The payments by the Treasurer to the Fund under this section shall be made out of the Consolidated Revenue which, to the necessary extent, is appropriated accordingly.

(3) The payments by the Treasurer to the Fund under this section shall be made at such times and in such manner as may be prescribed.

18—(1) Each owner and miner shall pay contributions to the Fund as and when prescribed.

Contribu-
tions by
owners and
miners.

Tas., s. 19.
N.S.W., s. 19.
Qld., s. 18.

(2) Contributions under this section shall be paid to the Board and shall be calculated as prescribed.

(3) The regulations may provide for the deduction, as prescribed, by owners, from the wages of miners, of the contributions payable under this section by miners, and for the payment to the Board of all moneys so deducted.

PART V.

PENSIONS AND BENEFITS.

19—(1) Subject to this Act, a miner is entitled, on retirement, to a pension if he—

Qualification
for pension.

Tas., s. 20.
N.S.W., s. 6.
Qld., s. 6.

(a) has reached the age for retirement and—

(i) has been resident in this State—

- (A) during the whole of the five years; or
- (B) for at least five years out of the seven years,
immediately before the date of his application for a pension;
- (ii) has worked as a miner for at least sixty days during the twelve months immediately before the date of his application for a pension, and also—
 - (A) in this State for not less than three hundred days, in the case of a miner to whom clause (A) of sub-paragraph (i) of paragraph (a) of this section applies; or
 - (B) in Australia for not less than five hundred days, in any other case; and
- (iii) has paid the prescribed contributions to the Fund;
- (b) has reached the age for retirement and has fulfilled either of the residential qualifications prescribed in paragraph (a) of this subsection and has been engaged as a miner in this State for an aggregate period of not less than twenty years;
- (c) satisfies the Board that he is suffering from physical incapacity and that the incapacity is—
 - (i) such as to preclude his working as a miner; and
 - (ii) likely to be permanent; or
- (d) satisfies the Board that, at the date of his retirement, he has reached the age for retirement, and—
 - (i) within the twelve months immediately before that date has been employed in good faith, and has actually worked, as a miner in this State for at least sixty days in the aggregate;
 - (ii) during the ten years immediately before that date, has been engaged as a miner in this State and actually worked as such for not less than six hundred days in the aggregate; or
 - (iii) has worked as a miner in this State for not less than twenty years in the aggregate.

(2) No pension shall be paid under subsection (1) of this section unless the Board is satisfied that the employment was not arranged solely or mainly to enable the applicant to qualify for a pension under this Act.

20—(1) Subject to this Act, a miner to whom a pension is payable under section nineteen is entitled to be paid, in addition to that pension, a weekly sum—

Additional payments to pensioners in certain cases.

Tas., s. 21.
N.S.W., s. 9.
Qld., s. 8.

- (a) in respect of his wife, if any;
 - (b) if he has not a wife, in respect of one unmarried female person over the age of sixteen years who is wholly or mainly dependent on his earnings and who is—
 - (i) an adult and is caring for his child or stepchild under the age of sixteen years; or
 - (ii) a member of his family;
 - (c) in respect of each child or stepchild of his (whether the child or stepchild is legitimate or illegitimate) under the age of sixteen years who is wholly or mainly dependent on his earnings, until that child or stepchild attains the age of sixteen years; and
 - (d) if no amount is payable under paragraph (c) of this subsection, in respect of each brother or sister of his who is under the age of sixteen years and is wholly or mainly dependent on him, until the brother or sister attains the age of sixteen years.
- (2) The Board in its discretion may—
- (a) award or continue a payment prescribed by paragraph (c) or paragraph (d) of subsection (1) of this section, notwithstanding that the person in respect of whom the payment is to be made is over the age of sixteen years if that person, by reason of any physical or mental defect, is totally incapacitated from earning his or her own living;
 - (b) pay to the pensioner the amount prescribed by paragraph (c) of that subsection in respect of any child who is maintained as a member of his family as if that child were a child of the pensioner; or
 - (c) for the purpose of assisting in the further education of a child in respect of whom any such payment is being made, continue the payment for any period not exceeding two years after the child has attained the age of sixteen years.

21—(1) Upon the death of a miner—

Pensions to dependants.

- (a) to whom a pension has been awarded under section nineteen; or
- (b) whose death has been found to be due to injury and who, if he had lived, would have been entitled to a pension under this Act,

Tas., s. 22.
N.S.W., s. 10.
Qld., s. 9.

a pension shall be paid to his dependants, if any, as provided in this section.

(2) A pension under this section is payable—

- (a) to the widow, if any, of the deceased miner, so long as she remains his widow;
- (b) if the deceased miner is not survived by a widow, to the person, if any, in respect of whom payment has been, or if the deceased miner had survived would have been, made under paragraph (b) of subsection (1) of section twenty, so long as that person remains unmarried;
- (c) to each of the children or stepchildren, if any, in respect of whom payments have been, or if the deceased miner had survived would have been, made under paragraph (c) of subsection (1) of section twenty, so long as those children or stepchildren respectively are under the age of sixteen years; and
- (d) to each of the persons, if any, in respect of whom payments have been, or if the deceased miner had survived, would have been, made under paragraph (d) of subsection (1) of section twenty, so long as those persons respectively are under the age of sixteen years.

Suspension of pension in certain cases. Tas., s. 23. N.S.W., s. 12. Qld., s. 11.

22—(1) Except as provided in this section, no pension that is payable to a person under paragraph (c) of subsection (1) of section nineteen or under section twenty-one shall be paid to that person if, in respect of the incapacity or death upon which that pension is contingent, any person has at any time received, or is receiving, or would on application be entitled to receive, payments under the *Workers' Compensation Act 1927* (in this section referred to as "the said Act").

(2) Payment of a pension under any provision referred to in subsection (1) of this section shall be suspended and the sum payable by way of pension ceases to be payable until—

- (a) the right to any weekly payments accepted by or awarded to the pensioner under the said Act has ceased; or
- (b) the expiration of the period over which the aggregate of the amounts payable to the pensioner as provided by the relevant section of this Act would be equal to the total amount of the compensation payable under the said Act to the pensioner if that pension had been paid from the date on which the compensation became payable,

and, if application under the said Act has not been made, payment of pension shall be suspended pending the making of the application and the determination thereof.

23—(1) If a person who has qualified for payment of a pension under section nineteen or section twenty-one engages in any paid employment, the total amount of the pension payable to that person shall be reduced by the amount by which the average weekly earnings of that person from that employment exceeds the prescribed amount.

Earnings
from employ-
ment.
Tas., s. 24.

(2) In this section—

“pension” includes a weekly sum under section twenty;

“prescribed amount” means the sum of two pounds ten shillings per week or such other sum as may be prescribed in lieu thereof.

24—(1) There shall be deducted from every instalment of pension payable under this Act the total amount received by or payable to the pensioner or any of his dependants by way of—

Deduction
from pension
in certain
cases.
Tas., s. 25.
N.S.W., s. 13.
Qld., s. 12.

(a) invalid or old-age pension under any law of the Commonwealth; or

(b) earnings of the pensioner if he is an incapacitated miner under the age for retirement in any available employment that he has accepted, or, in the opinion of the Board, should have accepted,

in respect of the period for which the instalment is payable, and if the total amount is equal to, or exceeds, the amount of the instalment no pension is payable for that period.

(2) In this section, “pension” includes a weekly sum under section twenty.

25—(1) Pensions and other benefits under this Act shall be granted by the Board on application as prescribed by—

Granting of
pension.
Tas., s. 27.
Qld., s. 13.

(a) the pensioner or beneficiary personally, if he is an adult; or

(b) a parent or guardian, if any, of the pensioner or beneficiary in any other case, or, if there is no parent or guardian, by the person having the custody or control of the child entitled to a pension or other benefit.

(2) If an application is rejected by the Board, the applicant may appeal, as prescribed, to a police magistrate, who shall confirm or reverse the decision of the Board, and may make such order as to the costs of the appeal as he may think just.

26—(1) Except where otherwise provided in this Part, a pension payable under this Act is payable until the death of the pensioner.

Payment of
pension.
Tas., s. 28.
N.S.W., s. 11.
Qld., s. 10.

(2) No person shall be paid for his own benefit more than one pension under this Act.

(3) Where a pensioner is, in the opinion of the Board, too young to receive his pension personally, the Board may pay it to such person for his benefit as the Board thinks best, and the receipt of that person is a sufficient discharge to the Board for any payment so made.

Rates of
benefits.

27—(1) The—

- (a) rates of pensions and other benefits under this Part; and
- (b) total amount payable to any one pensioner under this Part,

are as respectively specified in the second schedule.

(2) Subject to this section, the Minister may, by order—

- (a) prescribe other rates of pensions and payments in lieu of the rates specified in the second schedule; and
- (b) vary the total amount payable to any one pensioner, as specified in that schedule.

(3) An order under this section—

- (a) shall prescribe a new schedule replacing the second schedule to this Act;
- (b) may be made so as to take effect from a date either before or after the date of the order;
- (c) is a statutory rule within the meaning of the *Rules Publication Act 1953*; and
- (d) upon being notified in the *Gazette* as provided by that Act, has effect as if it were enacted in this Act.

(4) No order shall be made under the authority of this section—

- (a) unless the making of the order has been approved by a resolution of both Houses of Parliament; or
- (b) so as to take effect from a date other than a date specified in the resolution.

(5) Where the Minister proposes to make an order under this section, he shall cause a draft of the proposed order to be laid upon the table of each House of Parliament, and a resolution under subsection (4) of this section may—

- (a) approve of the making of the order in accordance with that draft; or
- (b) approve of the making of the order, subject to such amendments (if any) of that draft as may be specified in the resolution.

(6) If an order under this section is made—

- (a) otherwise than in conformity with a resolution of both Houses of Parliament as provided in this section; or
- (b) so as to take effect from a date other than the date specified in that behalf in the resolution,

that order shall be deemed to be void.

PART VI.

MISCELLANEOUS.

28—(1) A person to whom this section applies may, with the express approval, in writing, of the Board, qualify for payment of a pension under this Act, upon and subject to all or any of the following conditions, that is to say:—

Participation in benefits in certain cases by persons not otherwise eligible.

Tas., s. 19A.
N.S.W., s. 8.

- (a) That that person shall, on and from such date as the Board may fix in that behalf, pay to the Fund contributions at such rate (in excess of the rate prescribed under section eighteen) as the Board may determine and as may be notified to him in writing;
- (b) That the pension or other benefit payable to that person upon his retirement or incapacity, or, as the case may be, to his dependants in the case of his death, shall be at such rates respectively (being less than the appropriate rates of pension or other benefit prescribed in sections nineteen, twenty, and twenty-one) as the Board may determine and as may be notified to him in writing; and
- (c) That that person shall comply with such other conditions (if any) as the Board may determine, or as may be prescribed for the purpose of this section.

(2) Where an approval in respect of a person to whom this section applies is given by the Board under subsection (1) of this section, the contributions payable to the Fund in respect of that person by the owner by whom he is employed and by the Treasurer, respectively, are payable at a rate not exceeding the rate of the contributions that would have been payable by that owner and the Treasurer, respectively, if that person were a miner required to pay contributions to the Fund under section eighteen.

(3) Subject to the foregoing provisions of this section, the provisions of this Act, so far as they are applicable, apply to and in respect of a person in respect of whom an approval under this section is given as if that person were a miner, as defined in section three.

(4) In this section, the expression "person to whom this section applies" means a person who was or is first employed in or about a mine in this State after the commencement of the repealed Act, and who, when he became or becomes so employed, was or is over the age of forty years.

29—(1) Where the Governor is satisfied that—

- (a) legislation substantially similar to this Act and providing benefits for miners and their dependants substantially equivalent to those provided under this Act is in force in any other State; and

Reciprocity with other States.

Tas., s. 29.
N.S.W., s. 4.
Qld., s. 4.

- (b) the Minister has entered into an agreement with the appropriate Minister of that State for the reciprocal application of this Act as provided in this section,

the Governor may, by order-in-council, declare that State to be a reciprocating State for the purposes of this Act.

(2) The Minister, on behalf of this State, may enter into an agreement with the appropriate Minister of another State, acting on behalf of that State, for the reciprocal application of the provisions relating to benefits for miners and their dependants.

(3) An agreement under this section may provide for—

- (a) the recognition, in specified cases and circumstances, of residence and work as a miner in either State for the purposes of qualification for pension;
- (b) the mutual acceptance of certificates by specified officers as evidence of facts or qualifications relating to pension rights;
- (c) the cases in which, and the conditions under which—
- (i) pensions shall be paid wholly or in part from the Fund; and
 - (ii) payments shall be made from the Fund to the corresponding Fund of the other State;
- (d) ensuring that no miner shall be entitled to, or paid, a pension under this Act, and also under the legislation of the other State;
- (e) any adjustments that may be required if and when the agreement is terminated; and
- (f) such other matters, if any, as may be prescribed or as the Minister may think desirable.

(4) During the continuance of an agreement under this section, the provisions of this Act, so far as they relate to matters arising under the agreement, shall be construed with such modifications, if any, as may be necessary to give effect to the agreement.

Expenses of administration.

Tas., s. 30.

Pensions not assignable.

Tas., s. 31.

N.S.W., s. 20.

Qld., s. 19.

30 The expenses incurred in the administration of this Act shall be defrayed out of the Fund.

31—(1) A pension or benefit under this Act is not capable of being assigned, charged, taken in execution, or passed by operation of law to any person other than the pensioner or beneficiary to or for whose benefit it is payable.

(2) The moneys payable under this Act upon the death of a person are not assets for the payment of the debts or liabilities of that person.

32—(1) Where the payments of a miner who is a contributor are, for any reason, in arrear, the amount in arrear may be deducted from his wages in such instalments as the Board may determine, and the owner shall cause them to be deducted accordingly and paid to the Board.

Recovery of
overdue con-
tributions.
Tas., s. 32.
N.S.W., s. 24.
Qld., s. 23.

(2) The Board may at any time recover any amounts payable to it by any owner or miner in any court of competent jurisdiction, or may deduct them from any moneys payable under this Act to, or in relation to, that miner.

33—(1) An owner shall furnish to the Board such returns with respect to employees and such other information as the Board may at any time require.

Returns.
Tas., s. 33.

(2) The Board may require a miner or pensioner at any time to furnish such evidence of age as the Board may consider sufficient, and such other information as the Board may require for the purposes of this Act.

(3) Any owner, miner, or pensioner who fails to comply with a requirement of the Board under this section is liable to a penalty of twenty pounds unless he proves that he had reasonable excuse for that failure.

34—(1) The Governor may, on the recommendation of the Board, make regulations for the purposes of this Act.

Regulations.
Tas., s. 34.
N.S.W., s. 32.
Qld., s. 31.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the regulations may—

(a) provide for and prescribe—

- (i) the bases on which contributions from owners and miners respectively shall be calculated and the times at which and the manner in which they shall be collected and paid;
- (ii) the mode of payment of pensions, either generally or in particular cases or classes of cases;
- (iii) the cases in which, and the conditions under which, contributions made by miners shall be refunded to them if they have ceased to be miners or to their estates if they have died without dependants, with provision for any necessary adjustment where a miner has died leaving only dependants who are children;
- (iv) the keeping by owners of such records as may be prescribed and the returns to be furnished by them;
- (v) the requirements that shall be fulfilled by a pensioner whose pension was granted on the ground of incapacity and who engages in any employment, and the extent to which his pension shall be reduced by reason of any earnings in that employment; and

- (vi) the cases in which a person who is aggrieved by a decision of the Board may appeal, the mode of the appeal, and the procedure in relation thereto; and
- (b) provide that contributions to the Fund by owners may be calculated at a prescribed rate upon coal sold or supplied by them to other persons.

THE FIRST SCHEDULE.

(Section 2.)

ACTS REPEALED.

Year and number of Act.	Short title of Act.
7 & 8 Geo. VI No. 98	<i>Miners' Pensions Act 1944</i>
8 Geo. VI No. 7	<i>Miners' Pensions Act (No. 2) 1944</i>
9 & 10 Geo. VI No. 55	<i>Miners' Pensions Act 1946</i>
10 Geo. VI No. 48	<i>Miners' Pensions Act 1946</i>
11 Geo. VI No. 2	<i>Miners' Pensions Act 1947</i>
No. 30 of 1948	<i>Miners' Pensions Act 1948</i>
No. 3 of 1950	<i>Miners' Pensions Act 1950</i>
No. 31 of 1951	<i>Miners' Pensions Act 1951</i>
No. 43 of 1952	<i>Miners' Pensions Act 1952</i>
No. 13 of 1953	<i>Miners' Pensions Act 1953</i>
No. 15 of 1954	<i>Miners' Pensions Act 1954</i>
No. 23 of 1955	<i>Miners' Pensions Act 1955</i>

THE SECOND SCHEDULE.

(Section 27.)

Rates of pensions and other benefits under Part V.

- 1** For the purposes of Part V of this Act—
- (a) the rates of pensions and other benefits payable to or in relation to miners and their dependants under that Part, are the rates respectively specified in paragraphs 2, 3, and 4 of this schedule; and
- (b) the total amount payable under that Part to any one pensioner is the amount specified in paragraph 5 of this schedule.
- 2** A pension payable to a miner under section 19 is payable at the rate of five pounds two shillings and sixpence per week.
- 3** The weekly sums payable to a miner under section 20 are payable—
- (a) in the case of a sum payable under paragraph (a) of subsection (1) of that section, at the rate of four pounds seven shillings and sixpence;
- (b) in the case of a sum payable under paragraph (b) of that subsection, at the rate of three pounds seventeen shillings and sixpence;

(c) in the case of a sum payable under paragraph (c) of that subsection, at the rate of—

- (i) ten shillings in respect of one child or stepchild; and
- (ii) eight shillings and sixpence in respect of each other child or stepchild,

in respect of whom they are payable; and

(d) in the case of a sum payable under paragraph (d) of that subsection, at the rate of eight shillings and sixpence.

4 Pensions payable to the dependants of deceased miners under section twenty-one are payable—

(a) in the case of a pension under paragraph (a) of subsection (2) of that section, at the rate of four pounds twelve shillings and sixpence per week;

(b) in the case of a pension under paragraph (b) of that subsection, at the rate of three pounds seventeen shillings and sixpence per week;

(c) in the case of a pension under paragraph (c) of that subsection, at the rate of—

(i) ten shillings per week in respect of one child or stepchild; and

(ii) eight shillings and sixpence per week in respect of each other child or stepchild,

in respect of whom they are payable; and

(d) in the case of a pension under paragraph (d) of that subsection, at the rate of eight shillings and sixpence per week.

5 The total amount payable to any one pensioner under Part V of this Act is ten pounds seventeen shillings per week.

FORTH RIVER DEFENCES.

No. 12 of 1956.

AN ACT to provide for the defence of certain lands on the estuary of the Forth River against flooding.

[16 May 1956.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Forth River Defences Act* Short title. 1956.

2 The lands described in the first, second, third, and fourth schedules together constitute the Forth Defended District for the purposes of this Act. Forth Defended District.