

1 ELIZ. II. No. 48, 1952. *Coal and Oil Shale Mine Workers, Etc., Act.*

PART VII.—
MISCELLANEOUS.

67. (1.) This Act shall not bind the Crown.

Crown not bound.

(2.) Unless otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of any other Act, or of any regulations, ordinances, or by-laws thereunder, and nothing in this Act shall affect or prevent the doing or exercise of, any powers, authorities, functions, or jurisdiction conferred or imposed upon any person by any other Act or any regulations, ordinances, or by-laws thereunder, or prevent the enforcement and recovery of any penalty, fee, fine, or forfeiture which is enforceable and recoverable under any other Act or any regulations, ordinances, or by-laws thereunder :

Saving of other Acts, &c.

Provided that where any act or omission constitutes the same offence both under this Act and under any other Act or any regulations, ordinances, or by-laws thereunder, any person doing or omitting to do such act may be proceeded against either under this Act or under such other Act, regulations, ordinances, or by-laws, but so that no person shall be twice punished for the same offence.

MINING.

An Act to Amend "The Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1951," in certain particulars.

1 ELIZ. II.
NO. 48.
THE COAL
AND OIL
SHALE MINE
WORKERS
(PENSIONS)
ACTS
AMENDMENT
ACT OF
1952.

[ASSENTED TO 11TH DECEMBER, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Act of 1952*," and shall be read as one with *"*The Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1951*," herein referred to as the Principal Act.

Short title and construction.

The Principal Act and this Act may collectively be cited as "*The Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1952*."

Collective title.

* 5 G. 6 No. 24 and amending Acts.

Coal and Oil Shale Mine Workers, Etc., Act. 1 ELIZ. II. No. 48,

Commence-
ment of
this Act.

(2.) This Act shall be deemed to have come into operation on the second day of October, one thousand nine hundred and fifty-two, and, subject to the provisions of subsection two of section nine of this Act, shall have retrospective operation and effect accordingly.

Amendment
of s. 2 (1).

2. Subsection one of section two of the Principal Act is amended by adding to the proviso to the definition of the term "mine worker" therein (being that proviso commencing with the words "Provided further that as from the commencement") the words "or has at such time been engaged in the coal or oil shale mining industries in Queensland for a period of not less than twenty years in all".

Amendments
of s. 2A.

3. Section 2A of the Principal Act is amended—

(i.) By repealing in subsection three thereof all words following the words "owner of the mine," and by inserting, in lieu of those repealed words, the words "any person who is a member of any of the classes referred to in subsection two of this section may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired".

(ii.) By inserting in subsection four thereof after the words "sixty-five years" the words "or, where such person retires or is retired after attaining the age of sixty years but before the age of sixty-five years, the age at which such person retires or is retired".

Amendments
of s. 6.

4. Section six of the Principal Act is amended—

(i.) By repealing in subsection one thereof the words "three pounds seventeen shillings and six pence" and by inserting, in lieu of those repealed words, the words "four pounds ten shillings".

(ii.) By repealing subsection two thereof and by inserting, in lieu of that repealed subsection, the following subsection :—

"(2.) Notwithstanding anything to the contrary in this Part of this Act the Tribunal may award a pension of four pounds ten shillings per week to any mine worker

1952. *Coal and Oil Shale Mine Workers, Etc., Act.*

even though he may not possess the qualifications required by any other provision of this Part where the Tribunal is satisfied that the granting of such a pension would not be inconsistent with the general scope and purpose of this Part and that, having regard to all the circumstances of the particular case, it is just and equitable to award such a pension to such mine worker."

(iii.) By repealing in subsection three thereof the words "three pounds seventeen shillings and six pence" and by inserting, in lieu of those repealed words, the words "four pounds ten shillings".

5. Section seven of the Principal Act is amended— Amendments of s. 7.

(i.) By repealing in subsection one thereof the words "three pounds seventeen shillings and six pence" and by inserting, in lieu of those repealed words, the words "four pounds ten shillings".

(ii.) By repealing in subsection 1A thereof the words "three pounds seventeen shillings and six pence" and by inserting, in lieu of those repealed words, the words "four pounds ten shillings".

6. Section eight of the Principal Act is amended— Amendments of s. 8.

(i.) By repealing in paragraph (a) of subsection one thereof the words "three pounds two shillings and six pence" and by inserting, in lieu of those repealed words, the words "three pounds fifteen shillings".

(ii.) By repealing in paragraph (c) of subsection one thereof the words "three pounds two shillings and six pence" and by inserting, in lieu of those repealed words, the words "three pounds fifteen shillings" and by adding to the proviso to the same paragraph (c) the following subparagraph:—

" or

(iii.) Is in the opinion of the Tribunal recognised as the wife of the mine worker although not legally married to him."

(iii.) By adding to that section the following subsections:—

"(5.) Where a mine worker who becomes eligible for or who has been awarded a pension under section six or section seven of this Act, proves to the satisfaction

Coal and Oil Shale Mine Workers, Etc., Act. 1 ELIZ. II. No. 48,

of the Tribunal that his wife is an invalid and that by reason thereof he employs a female over the age of sixteen years (whether or not such female is a member of the mine worker's family) to care for his wife or for any child or step-child of the mine worker under the age of sixteen years, the Tribunal may award to the mine worker an addition to his pension of an amount of three pounds seven shillings and sixpence per week in respect of such female but the amount of any addition to his pension pursuant to paragraph (a) or paragraph (c) of subsection one of this section shall be reduced by such amount of three pounds seven shillings and sixpence per week.

(6.) Where a mine worker who becomes eligible for or who has been awarded a pension under section six or section seven of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or paragraph (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension, the Tribunal may award an addition to his pension of an amount of three pounds seven shillings and sixpence per week in respect of such female relative."

**Amendment
of s. 9 (1).**

7. Subsection one of section nine of the Principal Act is amended by repealing therein the words "three pounds two shillings and sixpence" and by inserting, in lieu of those repealed words, the words "four pounds".

**Amendments
of s. 18.**

8. Section eighteen of the Principal Act is amended—

(i.) By repealing in subparagraph (i.) of the first paragraph of subsection three thereof the words "two-ninth parts" and by inserting, in lieu of those repealed words, the words "two-eleventh parts".

(ii.) By repealing in subparagraph (ii.) of the first paragraph of subsection three thereof the words "seven-ninth parts" and by inserting, in lieu of those repealed words, the words "nine-eleventh parts".

1952. *Coal and Oil Shale Mine Workers, Etc., Act.*

9. (1.) The Tribunal constituted under the Principal Act shall, as soon as practicable after the date of the passing of this Act, alter the estimate made by it of the amount required by the Fund for the period of twelve months commenced on the first day of July, one thousand nine hundred and fifty-two, by adding such additional sum as it estimates will be required for payment of increases made by this Act in pensions and other sums chargeable upon or payable out of the Fund and, having regard to such increases, for additional provision for the reserve in connection with the Fund, and such estimate as so altered shall be deemed to be the estimate duly made by the Tribunal of the amount required by the Fund for the aforesaid period of twelve months.

Alteration of estimate of amount required by Fund for financial year 1952/53.

(2.) Subsection three of section eighteen of the Principal Act as amended by this Act shall apply, on and from a date to be fixed by the Tribunal (which date the Tribunal is hereby authorised to fix), as respects payments in respect of the Fund by the mine workers and owners respectively and every individual mine worker and individual owner shall be liable to contribute accordingly to the Fund :

Provided that the provisions of section eighteen of the Principal Act as in force immediately prior to the passing of this Act shall continue in operation both as respects payments in respect of the Fund by the mine workers and owners respectively and as respects contributions by individual mine workers and individual owners to the Fund in respect of the period commenced on the first day of July, one thousand nine hundred and fifty-two, and ending on (and including) the day next preceding the date fixed by the Tribunal under this subsection.

QUEENSLAND LAW SOCIETY.

See SUPREME COURT.