

LEGISLATIVE ASSEMBLY

Read 1° 18 March 1987

(Brought in by Mr Jolly and Mr Fordham)

A BILL

to amend the *Coal Mines Act 1958*, to repeal the *State Coal Mines (Winding Up) Act 1968* and the *State Coal Mine Industrial Tribunal Act 1932* and for other purposes.

Coal Mines (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose

- 5 1. The purpose of this Act is to provide lump sum payments in place of allowances from the Victorian Coal Miners' Accidents Relief Fund, and to repeal legislation that is no longer required.

Commencement

2. This Act comes into operation on a day to be proclaimed.

PART 2—AMENDMENT OF *COAL MINES ACT 1958*

10 **Amendments**

3. The *Coal Mines Act 1958* is amended as follows:
(a) In section 1, after "*Coal Mines*" insert "*(Pensions)*";

No. 6221.
Reprinted to
No. 8953 and
amended by
Nos. 9427, 9576
9699, 9902,
9921, 9945,
10182, 10191,
10257, 16/1986,
59/1986 and
110/1986.

- (b) In section 1, all words and expressions from “, and is divided into Parts and Divisions” to the end of the section are repealed;
- (c) Sections 2, 3 and 4 are repealed;
- (d) In section 5, the definitions of “Boy”, “Check-inspector”, “Court”, “Naked-light mine”, “Overman”, “Part”, “Plan”, “Prescribed”, “Regulations”, “Safety-lamp mine”, “Shaft” and “Ventilating district” are repealed; 5
- (e) In Part I Divisions 1 to 14 (except section 68) are repealed;
- (f) Part IV is repealed; 10
- (g) The First, Second and Third Schedules are repealed.

Lump sum payments

4. (1) In this section “the Act” means the *Coal Mines Act 1958*.
- (2) The Treasurer must pay into the Victorian Coal Miners’ Accidents Relief Fund constituted under section 74 of the Act an amount which, together with any amount in the Fund, is equal to the amount sufficient to pay to each person receiving an allowance under section 78 of the Act a lump sum in accordance with sub-section (4). 15
- (3) The Consolidated Fund is, to the extent necessary to enable the Treasurer to make that payment, appropriated accordingly. 20
- (4) There is to be paid out of the Victorian Coal Miners’ Accidents Relief Fund to each person receiving an allowance under section 78 of the Act a lump sum of \$500 if the person is unmarried or widowed, or \$1000 if the person is married.
- (5) Upon payment of a lump sum to any person, the right of that person to receive any allowance under section 78 of the Act ceases. 25
- (6) When the Treasurer is satisfied that all lump sums have been paid in accordance with this section, the Victorian Coal Miners’ Accidents Relief Fund is to be closed.
- (7) Upon closure of the Victorian Coal Miners’ Accidents Relief Fund, section 68 and Division 15 of Part I of the Act are repealed. 30
- (8) The Treasurer must cause to be published in the *Government Gazette* notice of the date of closure of the Fund and of the repeal of section 68 and Division 15 of Part I of the Act.

Consequential amendments

5. (1) The Acts mentioned in the Schedule are amended as set out in the Schedule.
- (2) Any reference in any other Act or in any subordinate instrument within the meaning of the *Interpretation of Legislation Act 1984* to the *Coal Mines Act 1958* is to be deemed to refer to the *Coal Mines (Pensions) Act 1958*. 40

PART 3—REPEAL OF CERTAIN ACTS

Repeal of *State Coal Mine Industrial Tribunal Act 1932*

6. The *State Coal Mine Industrial Tribunal Act 1932* is repealed.

No. 4030
amended by
No. 9576.

Repeal of *State Coal Mines (Winding Up) Act 1968*

5 7. The *State Coal Mines (Winding Up) Act 1968* is repealed.

No. 7715.



SCHEDULE

Section 5 (1)

CONSEQUENTIAL AMENDMENTS

1. In Schedule 3 of the *Construction Safety Act 1979*, omit “6221 *Coal Mines Act 1958*”.
 2. The *Coroners Act 1985* is amended as follows:
 - (a) In section 45 (4) (a), omit “under section 50 of the *Coal Mines Act 1958* or”;
 - (b) In section 45 (4) (f), omit “the *Coal Mines Act 1958* or”.
 3. The *Dangerous Goods Act 1985* is amended as follows:
 - (a) In section 9 (b), omit “or the *Coal Mines Act 1958*”;
 - (b) In section 37 (4), omit “, the *Coal Mines Act 1958*”.
 4. The *Explosives Act 1960* is amended as follows:
 - (a) In section 36 (2) (c), omit “or of the regulations relating to explosives contained in the Third Schedule to the *Coal Mines Act 1958*”;
 - (b) In section 38, omit “or the *Coal Mines Act 1958*”;
 - (c) In section 45, omit “or the *Coal Mines Act 1958*”;
 - (d) In section 58 (1), omit “or the *Coal Mines Act 1958*”;
 - (e) In section 59 (a), omit “or the *Coal Mines Act 1958*”;
 - (f) In section 73 (1), omit “or the *Coal Mines Act 1958*”.
 5. The *Forests Act 1958* is amended as follows:
 - (a) In section 7 (2), omit “or the *Coal Mines Act 1958*”;
 - (b) In section 7 (2), for “either of the said Acts” substitute “that Act”.
 6. Section 386 (5) of the *Mines Act 1958* is repealed.
 7. In section 50 (4) of the *Summary Offences Act 1966*, omit “or the *Coal Mines Act 1958*”.
 8. In Part II of the Second Schedule of the *Superannuation Act 1958*, omit “General Manager of the State Coal Mine,”.
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