

COAL AND OIL SHALE MINE WORKERS (PENSIONS) AMENDMENT BILL.

*Schedule of the Amendments referred to in Message of 27th May, 1942.*

No. 1.—Page 2, clause 2. *After line 7 insert—*

- (ii) by omitting from paragraph (ii) of the proviso to the same definition the words “known as the colliery engineer” and by inserting in lieu thereof the words “described in the Sixth Schedule to the Coal Mines Regulation Act, 1912-1941, as the Mechanical Engineer.”

No. 2.—Page 3, clause 2, line 2. *Omit* “(iii), (v)”

No. 3.—Page 3, clause 2, line 4. *After* “definition” *insert* “and a person engaged in clerical work in connection with a coal or oil shale mine where such person is employed in or about a coal or oil shale mine by the owner of the mine.”

No. 4.—Page 3, clause 2, lines 9 and 10. *Omit* “any of the classes referred to in paragraphs (ii) and (v)” *insert* “the class referred to in paragraph (vi).”

No. 5.—Page 3, clause 2, lines 15 and 16. *Omit* “any of the classes referred to in paragraphs (iii) and (vi) of the said proviso” *insert* “the class referred to in paragraph (ii) of the said proviso or a person of the class referred to in subsection two of this section engaged in clerical work in connection with a coal or oil shale mine.”

No. 6.—Page 4, clause 2. *After line 29 insert—*

- (ii) by inserting next after the same subsection the following new subsection:—

(1A) Notwithstanding anything in subsection one of this section the Tribunal may refuse to award an addition to the pension of a mine worker in respect of his wife, or may cancel or suspend so much of any pension as consists of such addition, where it is satisfied that the wife is living apart from her husband and that the husband is not maintaining or contributing to the support of his wife.

No. 7.—Page 6, clause 2. *After line 23 insert—*

(1C) The amount of any pension awarded to a widow under subsection (1A) or subsection (1B) of this section shall be one pound ten shillings per week and such pension shall be payable until the death or remarriage of such widow.

- (iii) by inserting in subsection two of the same section after the words “subsection one” the words “or subsection (1A) or subsection (1B)”;

- (iv) by inserting in paragraph (a) of subsection three of the same section after the words “amount of the lump sum” the words “together with all amounts received by way of weekly payments of compensation in respect of the same injury”.

No. 8.—Page 8, clause 2, line 27. *Omit* all words on this line *insert—*

- (i) (i) by inserting in paragraph (b) of subsection two of section twelve after the words “amount of the lump sum” the words “together with all amounts received by way of weekly payments of compensation in respect of the same injury”;

- (ii) by inserting at the end of the same section the

No. 9.—Page 9, clause 2, line 24. *After* “and” *insert* “before”

No. 10.—Page 9, clause 2. *After line 26 insert—*

(2) The amendments made by subparagraph (ii) of paragraph (a), by subparagraph (iv) of paragraph (e), by subparagraph (i) of paragraph (i) and by paragraph (j) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

Faint header text at the top of the page, possibly including a date or reference number.

First main paragraph of text, containing several lines of faint, illegible characters.

Second main paragraph of text, continuing the faint, illegible content.

Third main paragraph of text, with faint, illegible characters.

Fourth main paragraph of text, containing faint, illegible text.

Fifth main paragraph of text, with faint, illegible characters.

Final paragraph of text at the bottom of the page, consisting of faint, illegible characters.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

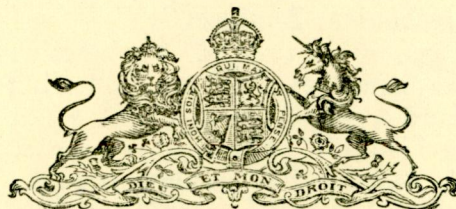
*Legislative Assembly Chamber,  
Sydney, 14 May, 1942.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 27th May, 1942.*

## New South Wales.



ANNO SEXTO

## GEORGII VI REGIS.

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Act No. , 1942.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, in certain respects; to validate certain matters; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales 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) Amendment Act, 1942." Short title.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1942.

1559 144—A

**2.**

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is amended—

Amendment of Act No. 45, 1941. Sec. 2. (Definitions.)

5 (a) (i) by omitting from paragraph (c) of the definition of "Mine worker" in section two the words "after the first day of February, one thousand nine hundred and thirty and";

10 (ii) by omitting from paragraph (ii) of the proviso to the same definition the words "known as the colliery engineer" and by inserting in lieu thereof the words "described in the Sixth Schedule to the Coal Mines Regulation Act, 1912-1941, as the Mechanical Engineer";

15 (iii) by inserting at the end of subsection three of the same section the following new proviso:—

20 Provided that where any mine worker, who is continued in employment as a mine worker under and in accordance with a certificate issued by the Tribunal under subsection four of section five of this Act, retires or is retired from such employment, a reference in any provision of this Act to the "date of retirement" shall, in the application of that provision to and in respect of that mine worker, be construed as a reference to the date upon which he so retires or is retired.

30 (b) by inserting next after section two the following new section:—

New sec. 2A.

35 2A. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1942, is signified.

Extension of definition of "Mine worker."

40 (2) As from the commencement of this section the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include the manager and under manager

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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5 manager of a mine and the classes of persons referred to in paragraphs (ii), ~~(iii)~~, ~~(v)~~ and (vi) of the proviso to that definition **and a person engaged in clerical work in connection with a coal or oil shale mine where such person is employed in or about a coal or oil shale mine by the owner of the mine.**

10 (3) (a) The retiring age of a person being a member of ~~any of the classes referred to in paragraphs (ii) and (v)~~ **the class referred to in paragraph (vi)** of the said proviso shall be sixty years.

15 (b) The retiring age of persons being the manager or under manager of a mine or a member of ~~any of the classes referred to in paragraphs (iii) and (vi)~~ of the said proviso **the class referred to in paragraph (ii)** of the said proviso or a person of the class referred to in subsection two of this section engaged in clerical work in connection with a coal or oil shale mine shall be sixty-five years.

20 (4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who are members of the classes referred to in subsection two of this section:

25 Provided that the provisions of this Act, in their application to and in respect of persons who are members of the classes referred to in paragraph (b) of subsection three of this section, shall be deemed to be modified to the following extent, that is to say—section five of this Act shall have and take effect as if the age of sixty-five years were substituted for the age of sixty years referred to therein, and references, express or implied, in that section, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the “date of retirement” shall be construed accordingly.

(c).

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

- (c) (i) by inserting in paragraph (a) of subsection one of section seven before the word "that" where firstly occurring the symbols "(i)";
- 5 (ii) by omitting from the same paragraph the word "and" where lastly occurring and by inserting in lieu thereof the words and symbols—
- "; or
- 10 (ii) that he has been incapacitated by injury arising out of and in the course of his employment as a mine worker and that such incapacity arose before the commencement of
- 15 this Part but after the first day of January, one thousand nine hundred and twenty, and that, before the date upon which he became so incapacitated, he had been engaged in the coal or oil
- 20 shale mining industries for a period of not less than twenty years; and"
- (d) (i) by inserting in paragraph (a) of subsection one of section nine, after the word "wife" where firstly occurring the words "or, where his wife is in receipt of or is eligible for an invalid or old age pension, an amount of one pound five shillings per week in respect of his wife";
- 25 (ii) by inserting next after the same subsection the following new subsection—
- (1a) Notwithstanding anything in subsection one of this section the Tribunal may refuse to award an addition to the pension of a mine worker in respect of his wife, or may cancel or suspend so much of any pension as consists of such addition, where it is satisfied that the wife is living apart from her husband and that the husband is not maintaining or contributing to the support of his wife.
- 30 (iii)
- 35
- 40

Sec. 7.

(Pensions—  
permanent  
incapacity.)

Sec. 9.

(Pensions—  
additional  
payments in  
respect of  
dependants.)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

(iii) by inserting at the end of the same section the following new subsections:—

5 (5) Where a mine worker, who becomes eligible for a pension under section six, section seven or section eight of this Act, proves to the satisfaction of the Tribunal that his wife is an invalid and that by reason thereof he employs a female over the age of  
10 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  
15 sixteen years, the Tribunal may, in lieu of the amount referred to in paragraph (a) or paragraph (c) of subsection one of this section, award to the mine worker an addition to his pension of an amount of one pound per week in respect of such female, or, where such female is in receipt of or is  
20 eligible for an old age pension, an amount of one pound five shillings per week in respect of such female.

25 (6) Where a pension is awarded to a mine worker pursuant to section six, section seven or section eight of this Act the Tribunal may, in its discretion, for the purpose of assisting in the further education of any child of the mine worker who is, at the date of the award, of or above the  
30 age of sixteen years, award an addition to such pension of an amount of eight shillings and sixpence per week in respect of such child for such period as it thinks fit not exceeding two years from the date of the  
35 award of the pension.

(e) (i) by omitting from subsection one of section ten the words "and four" and by inserting in lieu thereof the words "four and six";

Sec. 10.  
(Pension payable to dependants.)

(ii)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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(ii) by inserting next after the same subsection the following new subsections:—

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(1A) The Tribunal may award a pension to the widow of any mine worker who dies on or after the twenty-first day of November, one thousand nine hundred and forty-one (being the day appointed and notified for the commencement of Part II of this Act).

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(1B) The Tribunal may award a pension to the widow of any person who was, at any time after the first day of January, one thousand nine hundred and twenty, engaged in the coal or oil shale mining industries in New South Wales, and who died before the commencement of this Act, 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 a pension to such widow.

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(1c) The amount of any pension awarded to a widow under subsection (1a) or subsection (1b) of this section shall be one pound ten shillings per week and such pension shall be payable until the death or remarriage of such widow.

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(iii) by inserting in subsection two of the same section after the words "subsection one" the words "or subsection (1a) or subsection (1b)";

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(iv) by inserting in paragraph (a) of subsection three of the same section after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury."

(f)



*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

(f) by inserting next after section ten the following new section:—

10A. Where the Tribunal is satisfied that—

(a) at the date upon which a mine worker was awarded a pension under this Act; or

(b) at the date of the death of—

(i) a person who had been awarded a pension under section six, section seven or section eight of this Act; or

(ii) a mine worker whose death has been found to have been due to injury arising out of and in the course of his employment as a mine worker (not being an intentional self-inflicted injury),

any female was recognised as the wife of such mine worker or person although not legally married to him, the Tribunal may award an addition under section nine of this Act or a pension under section ten of this Act as if such female were the wife or widow of such mine worker or person:

Provided that no such award shall be made where an addition under section nine of this Act or a pension under section ten of this Act has been awarded to or in respect of the wife or widow of such mine worker or person.

(g) by omitting subsection four of section eleven;

(h) by inserting next after section eleven the following new sections:—

11A. (1) If any person to whom a pension has been awarded under section six of this Act engages in employment then the total amount payable

New sec.  
10A.

De facto  
wife.  
cf. Act No.  
No. 6,  
1920,  
(Cwth.),  
sec. 36.

Sec. 11.  
(Pensions—  
Special  
provi-  
visions.)

New secs.  
11A and 11B.

Earnings  
from  
employment.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

payable to him as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the sum of such total amount and the average weekly earnings of such person from such employment exceeds five pounds per week.

(2) If any widow or female dependant to whom a pension has been awarded under section ten of this Act engages in employment then the amount payable to her as pension shall be reduced by the amount by which the sum of such pension and the average weekly earnings from such employment exceeds two pounds ten shillings per week.

11b. (1) Where a person has been awarded a pension pursuant to section eight of this Act the Tribunal may, from time to time, review the case, and may, if satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable so to do, cancel the pension.

Power to  
cancel  
pensions.

(2) The Tribunal may cancel any pension awarded under this Act where it is satisfied that the award of the pension was improperly obtained or that the award of the pension was contrary to the provisions of this Act.

(i) by inserting at the end of section twelve the

(i) (i) by inserting in paragraph (b) of subsection two of section twelve after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury";

Sec. 12.  
(No pension  
where com-  
pensation  
payable.)

(ii) by inserting at the end of the same section the following new subsection:—

(4) Notwithstanding anything in the foregoing provisions of this section a mine worker who is eligible for a pension under section six of this Act and who is in receipt of

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

5 of weekly payments of compensation under the Workers' Compensation Act, 1926-1938, may be awarded such pension where the total amount payable to him by way of pension (including all additions for which he may be eligible under section nine of this Act) exceeds the amount of such weekly payments:

10 But the amount so payable by way of pension (including such additions) shall be reduced by the amount of such weekly payments.

15 (j) (i) by omitting from subsection one of section thirteen the words "old age or war" and by inserting in lieu thereof the words "or old age";

Sec. 13.  
(Deductions from pensions.)

(ii) by inserting at the end of the same subsection the following proviso:—

20 Provided that the Tribunal may dispense with any deduction under this subsection in respect of invalid or old age pension in the case of payments of pensions made after the date upon which the pension under this Act is awarded and before the date upon which the invalid or old age pension becomes payable.

30 (2) The amendments made by subparagraph (ii) of paragraph (a), by subparagraph (iv) of paragraph (e), by subparagraph (i) of paragraph (i) and by paragraph (j) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

35 3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is further amended—

Further amendment of Act No. 45, 1941.

(a) by omitting from subsection two of section six the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds";

Sec. 6.  
(Pensions—mine workers who are retired.)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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(b) by omitting from subsection three of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds."

5 (2) Subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

4. The following matters are hereby validated, that Validations.  
is to say—

10 (a) the action of the Tribunal in awarding and paying pensions as from the date of vacation of their employment to mine workers who were of or above the age of sixty years at the commencement of Part II of the Coal and Oil Shale Mine  
15 Workers (Pensions) Act, 1941, or who attained that age within the period of three months after such commencement and who were retired from and vacated their employment before the expiration of the period of three months after such  
20 commencement;

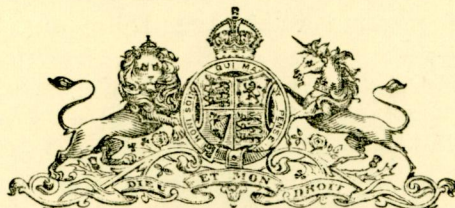
(b) the action of the Tribunal in awarding and paying pensions without regard to any deduction in respect of invalid or old age pensions where  
25 such payments were made between the date upon which the pension under this Act was awarded and the date upon which the invalid or old age pension became payable.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 14 May, 1942.*

## New South Wales.



ANNO SEXTO

## GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1942.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, in certain respects; to validate certain matters; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

**1.** (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1942." Short title.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by this Act, may be  
10 cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1942.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

**2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is amended—

Amendment  
of Act No.  
45, 1941.

(a) (i) by omitting from paragraph (c) of the definition of "Mine worker" in section two the words "after the first day of February, one thousand nine hundred and thirty and";

Sec. 2.  
(Defini-  
tions.)

(ii) by inserting at the end of subsection three of the same section the following new proviso:—

Provided that where any mine worker, who is continued in employment as a mine worker under and in accordance with a certificate issued by the Tribunal under subsection four of section five of this Act, retires or is retired from such employment, a reference in any provision of this Act to the "date of retirement" shall, in the application of that provision to and in respect of that mine worker, be construed as a reference to the date upon which he so retires or is retired.

(b) by inserting next after section two the following new section:—

New sec. 2A.

2A. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1942, is signified.

Extension  
of definition  
of "Mine  
worker."

(2) As from the commencement of this section the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include the manager and under manager of a mine and the classes of persons referred to in paragraphs (ii), (iii), (v) and (vi) of the proviso to that definition.

(3) (a) The retiring age of a person being a member of any of the classes referred to in paragraphs (ii) and (v) of the said proviso shall be sixty years.

(b)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

5 (b) The retiring age of persons being the manager or under manager of a mine or a member of any of the classes referred to in paragraphs (iii) and (vi) of the said proviso shall be sixty-five years.

10 (4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who are members of the classes referred to in subsection two of this section:

15 Provided that the provisions of this Act, in their application to and in respect of persons who are members of the classes referred to in paragraph (b) of subsection three of this section, shall be deemed to be modified to the following extent, that is to say—section five of this Act shall have and take effect as if the age of sixty-five years were substituted for the age of sixty years referred to therein, and references, express or implied, in that section, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the “date of retirement” shall be construed accordingly.

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(c) (i) by inserting in paragraph (a) of subsection Sec. 7.  
one of section seven before the word “that” (Pensions—  
where firstly occurring the symbols “(i)” ; permanent  
incapacity.)

30 (ii) by omitting from the same paragraph the word “and” where lastly occurring and by inserting in lieu thereof the words and symbols—

“; or

35 (ii) that he has been incapacitated by injury arising out of and in the course of his employment as a mine worker and that such incapacity  
arose

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

5 arose before the commencement of  
 this Part but after the first day  
 of January, one thousand nine  
 hundred and twenty, and that,  
 before the date upon which he  
 became so incapacitated, he had  
 been engaged in the coal or oil  
 shale mining industries for a  
 10 period of not less than twenty  
 years; and”

(d) (i) by inserting in paragraph (a) of subsection one of section nine, after the word “wife” where firstly occurring the words “or, where his wife is in receipt of or is eligible for an invalid or old age pension, an amount of one pound five shillings per week in respect of his wife”;

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Sec. 9.  
 (Pensions—  
 additional  
 payments in  
 respect of  
 dependants.)

(ii) by inserting at the end of the same section the following new subsections:—

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(5) Where a mine worker, who becomes eligible for a pension under section six, section seven or section eight of this Act, proves to the satisfaction 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, in lieu of the amount referred to in paragraph (a) or paragraph (c) of subsection one of this section, award to the mine worker an addition to his pension of an amount of one pound per week in respect of such female, or, where such female is in receipt of or is eligible for an old age pension, an amount of one pound five shillings per week in respect of such female.

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(6)



*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

5 (6) Where a pension is awarded to a mine worker pursuant to section six, section seven or section eight of this Act the Tribunal may, in its discretion, for the purpose of assisting in the further educa-  
10 tion of any child of the mine worker who is, at the date of the award, of or above the age of sixteen years, award an addition to such pension of an amount of eight shillings and sixpence per week in respect of such child for such period as it thinks fit not exceeding two years from the date of the award of the pension.

15 (e) (i) by omitting from subsection one of section ten the words "and four" and by inserting in lieu thereof the words "four and six";  
(ii) by inserting next after the same subsection the following new subsections:—

20 (1A) The Tribunal may award a pension to the widow of any mine worker who dies on or after the twenty-first day of November, one thousand nine hundred and forty-one (being the day appointed and notified for the commencement of Part II  
25 of this Act).

30 (1B) The Tribunal may award a pension to the widow of any person who was, at any time after the first day of January, one thousand nine hundred and twenty, engaged in the coal or oil shale mining industries in New South Wales, and who died before the commencement of this Act, where the Tribunal is satisfied that the granting of such a pension would not be inconsistent  
35 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 a pension to such widow.

(f)

Sec. 10.  
(Pension payable to dependants.)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

(f) by inserting next after section ten the following new section:—

New sec.  
10A.

10A. Where the Tribunal is satisfied that—

De facto  
wife.

5 (a) at the date upon which a mine worker was awarded a pension under this Act;

cf. Act No.  
No. 6,  
1920,  
(Cwth.),  
sec. 36.

or

(b) at the date of the death of—

10 (i) a person who had been awarded a pension under section six, section seven or section eight of this Act; or

15 (ii) a mine worker whose death has been found to have been due to injury arising out of and in the course of his employment as a mine worker (not being an intentional self-inflicted injury),

20 any female was recognised as the wife of such mine worker or person although not legally married to him, the Tribunal may award an addition under section nine of this Act or a pension under section ten of this Act as if such female were the wife or widow of such mine worker or person:

25 Provided that no such award shall be made where an addition under section nine of this Act or a pension under section ten of this Act has been awarded to or in respect of the wife or widow of such mine worker or person.

30 (g) by omitting subsection four of section eleven;

Sec. 11.  
(Pensions—  
Special  
provi-  
visions.)

(h) by inserting next after section eleven the following new sections:—

New secs.  
11A and 11B.

35 11A. (1) If any person to whom a pension has been awarded under section six of this Act engages in employment then the total amount payable

Earnings  
from  
employment.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

payable to him as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the sum of such total amount and the average weekly earnings of such person from such employment exceeds five pounds per week.

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(2) If any widow or female dependant to whom a pension has been awarded under section ten of this Act engages in employment then the amount payable to her as pension shall be reduced by the amount by which the sum of such pension and the average weekly earnings from such employment exceeds two pounds ten shillings per week.

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11B. (1) Where a person has been awarded a pension pursuant to section eight of this Act the Tribunal may, from time to time, review the case, and may, if satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable so to do, cancel the pension.

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Power to  
cancel  
pensions.

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(2) The Tribunal may cancel any pension awarded under this Act where it is satisfied that the award of the pension was improperly obtained or that the award of the pension was contrary to the provisions of this Act.

(i) by inserting at the end of section twelve the following new subsection:—

Sec. 12.  
(No pension  
where com-  
pensation  
payable.)

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(4) Notwithstanding anything in the foregoing provisions of this section a mine worker who is eligible for a pension under section six of this Act and who is in receipt of weekly payments of compensation under the Workers' Compensation Act, 1926-1938, may be awarded such pension where the total amount payable to him by way of pension (including all additions for which he may be eligible under section nine of this Act) exceeds the amount of such weekly payments:

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But

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

But the amount so payable by way of pension (including such additions) shall be reduced by the amount of such weekly payments.

5 (j) (i) by omitting from subsection one of section thirteen the words "old age or war" and by inserting in lieu thereof the words "or old age";

Sec. 13.  
(Deductions from pensions.)

(ii) by inserting at the end of the same subsection the following proviso:—

10            Provided that the Tribunal may dispense with any deduction under this subsection in respect of invalid or old age pension in the case of payments of pensions made after

15            the date upon which the pension under this Act is awarded and the date upon which the invalid or old age pension becomes payable.

3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is further amended—

Further amendment of Act No. 45, 1941.

20 (a) by omitting from subsection two of section six the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds";

Sec. 6.  
(Pensions—mine workers who are retired.)

25 (b) by omitting from subsection three of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds."

(2) Subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

30 4. The following matters are hereby validated, that is to say—

Validations.

35 (a) the action of the Tribunal in awarding and paying pensions as from the date of vacation of their employment to mine workers who were of or above the age of sixty years at the commencement of Part II of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, or who attained that

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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- 5 that age within the period of three months after  
such commencement and who were retired from  
and vacated their employment before the expira-  
tion of the period of three months after such  
commencement;
- 10 (b) the action of the Tribunal in awarding and pay-  
ing pensions without regard to any deduction  
in respect of invalid or old age pensions where  
such payments were made between the date  
upon which the pension under this Act was  
awarded and the date upon which the invalid  
or old age pension became payable.

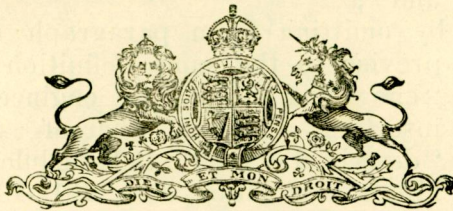
Sydney: Alfred Henry Pettifer, Acting Government Printer—1942.

[10d.]

144—B



New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

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Act No. 12, 1942.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 19th June, 1942.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales 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) Amendment Act, 1942." Short title.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1942.

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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Amendment  
of Act No.  
45, 1941.  
Sec. 2.  
(Defini-  
tions.)

**2.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is amended—

- (a) (i) by omitting from paragraph (c) of the definition of "Mine worker" in section two the words "after the first day of February, one thousand nine hundred and thirty and";
- (ii) by omitting from paragraph (ii) of the proviso to the same definition the words "known as the colliery engineer" and by inserting in lieu thereof the words "described in the Sixth Schedule to the Coal Mines Regulation Act, 1912-1941, as the Mechanical Engineer";
- (iii) by inserting at the end of subsection three of the same section the following new proviso:—

Provided that where any mine worker, who is continued in employment as a mine worker under and in accordance with a certificate issued by the Tribunal under subsection four of section five of this Act, retires or is retired from such employment, a reference in any provision of this Act to the "date of retirement" shall, in the application of that provision to and in respect of that mine worker, be construed as a reference to the date upon which he so retires or is retired.

New sec. 2A.

- (b) by inserting next after section two the following new section:—

Extension  
of definition  
of "Mine  
worker."

2A. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1942, is signified.

(2) As from the commencement of this section the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include the manager and under manager



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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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manager of a mine and the classes of persons referred to in paragraphs (ii) and (vi) of the proviso to that definition and a person engaged in clerical work in connection with a coal or oil shale mine where such person is employed in or about a coal or oil shale mine by the owner of the mine.

(3) (a) The retiring age of a person being a member of the class referred to in paragraph (vi) of the said proviso shall be sixty years.

(b) The retiring age of persons being the manager or under manager of a mine or a member of the class referred to in paragraph (ii) of the said proviso or a person of the class referred to in subsection two of this section engaged in clerical work in connection with a coal or oil shale mine shall be sixty-five years.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who are members of the classes referred to in subsection two of this section:

Provided that the provisions of this Act, in their application to and in respect of persons who are members of the classes referred to in paragraph (b) of subsection three of this section, shall be deemed to be modified to the following extent, that is to say—section five of this Act shall have and take effect as if the age of sixty-five years were substituted for the age of sixty years referred to therein, and references, express or implied, in that section, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the “date of retirement” shall be construed accordingly.

(c)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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Sec. 7.  
(Pensions—  
permanent  
incapacity.)

- (c) (i) by inserting in paragraph (a) of subsection one of section seven before the word “that” where firstly occurring the symbols “(i)”;
- (ii) by omitting from the same paragraph the word “and” where lastly occurring and by inserting in lieu thereof the words and symbols—

“; or

- (ii) that he has been incapacitated by injury arising out of and in the course of his employment as a mine worker and that such incapacity arose before the commencement of this Part but after the first day of January, one thousand nine hundred and twenty, and that, before the date upon which he became so incapacitated, he had been engaged in the coal or oil shale mining industries for a period of not less than twenty years; and”

Sec. 9.  
(Pensions—  
additional  
payments in  
respect of  
dependants.)

- (d) (i) by inserting in paragraph (a) of subsection one of section nine, after the word “wife” where firstly occurring the words “or, where his wife is in receipt of or is eligible for an invalid or old age pension, an amount of one pound five shillings per week in respect of his wife”;
- (ii) by inserting next after the same subsection the following new subsection:—

(1a) Notwithstanding anything in subsection one of this section the Tribunal may refuse to award an addition to the pension of a mine worker in respect of his wife, or may cancel or suspend so much of any pension as consists of such addition, where it is satisfied that the wife is living apart from her husband and that the husband is not maintaining or contributing to the support of his wife.

(iii)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

(iii) by inserting at the end of the same section the following new subsections:—

(5) Where a mine worker, who becomes eligible for a pension under section six, section seven or section eight of this Act, proves to the satisfaction 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, in lieu of the amount referred to in paragraph (a) or paragraph (c) of subsection one of this section, award to the mine worker an addition to his pension of an amount of one pound per week in respect of such female, or, where such female is in receipt of or is eligible for an old age pension, an amount of one pound five shillings per week in respect of such female.

(6) Where a pension is awarded to a mine worker pursuant to section six, section seven or section eight of this Act the Tribunal may, in its discretion, for the purpose of assisting in the further education of any child of the mine worker who is, at the date of the award, of or above the age of sixteen years, award an addition to such pension of an amount of eight shillings and sixpence per week in respect of such child for such period as it thinks fit not exceeding two years from the date of the award of the pension.

(e) (i) by omitting from subsection one of section ten the words "and four" and by inserting in lieu thereof the words "four and six";

Sec. 10.  
(Pension payable to dependants.)

B

(ii)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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- (ii) by inserting next after the same subsection the following new subsections:—

(1A) The Tribunal may award a pension to the widow of any mine worker who dies on or after the twenty-first day of November, one thousand nine hundred and forty-one (being the day appointed and notified for the commencement of Part II of this Act).

(1B) The Tribunal may award a pension to the widow of any person who was, at any time after the first day of January, one thousand nine hundred and twenty, engaged in the coal or oil shale mining industries in New South Wales, and who died before the commencement of this Act, 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 a pension to such widow.

(1C) The amount of any pension awarded to a widow under subsection (1A) or subsection (1B) of this section shall be one pound ten shillings per week and such pension shall be payable until the death or remarriage of such widow.

- (iii) by inserting in subsection two of the same section after the words "subsection one" the words "or subsection (1A) or subsection (1B)";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury";

(f)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

(f) by inserting next after section ten the following new section:—

New sec.  
10A.

10A. Where the Tribunal is satisfied that—

De facto  
wife.

(a) at the date upon which a mine worker was awarded a pension under this Act;

cf. Act No.  
No. 6,  
1920,  
(Cwth.),  
sec. 36.

or

(b) at the date of the death of—

(i) a person who had been awarded a pension under section six, section seven or section eight of this Act; or

(ii) a mine worker whose death has been found to have been due to injury arising out of and in the course of his employment as a mine worker (not being an intentional self-inflicted injury),

any female was recognised as the wife of such mine worker or person although not legally married to him, the Tribunal may award an addition under section nine of this Act or a pension under section ten of this Act as if such female were the wife or widow of such mine worker or person:

Provided that no such award shall be made where an addition under section nine of this Act or a pension under section ten of this Act has been awarded to or in respect of the wife or widow of such mine worker or person.

(g) by omitting subsection four of section eleven;

Sec. 11.  
(Pensions—  
Special  
provi-  
visions.)

(h) by inserting next after section eleven the following new sections:—

New secs.  
11A and 11B.

11A. (1) If any person to whom a pension has been awarded under section six of this Act engages in employment then the total amount payable

Earnings  
from  
employment.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

payable to him as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the sum of such total amount and the average weekly earnings of such person from such employment exceeds five pounds per week.

(2) If any widow or female dependant to whom a pension has been awarded under section ten of this Act engages in employment then the amount payable to her as pension shall be reduced by the amount by which the sum of such pension and the average weekly earnings from such employment exceeds two pounds ten shillings per week.

Power to  
cancel  
pensions.

11B. (1) Where a person has been awarded a pension pursuant to section eight of this Act the Tribunal may, from time to time, review the case, and may, if satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable so to do, cancel the pension.

(2) The Tribunal may cancel any pension awarded under this Act where it is satisfied that the award of the pension was improperly obtained or that the award of the pension was contrary to the provisions of this Act.

Sec. 12.  
(No pension  
where com-  
pensation  
payable.)

(i) (i) by inserting in paragraph (b) of subsection two of section twelve after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury";

(ii) by inserting at the end of the same section the following new subsection:—

(4) Notwithstanding anything in the foregoing provisions of this section a mine worker who is eligible for a pension under section six of this Act and who is in receipt

of

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

of weekly payments of compensation under the Workers' Compensation Act, 1926-1938, may be awarded such pension where the total amount payable to him by way of pension (including all additions for which he may be eligible under section nine of this Act) exceeds the amount of such weekly payments:

But the amount so payable by way of pension (including such additions) shall be reduced by the amount of such weekly payments.

(j) (i) by omitting from subsection one of section thirteen the words "old age or war" and by inserting in lieu thereof the words "or old age";

Sec. 13.  
(Deductions  
from  
pensions.)

(ii) by inserting at the end of the same subsection the following proviso:—

Provided that the Tribunal may dispense with any deduction under this subsection in respect of invalid or old age pension in the case of payments of pensions made after the date upon which the pension under this Act is awarded and before the date upon which the invalid or old age pension becomes payable.

(2) The amendments made by subparagraph (ii) of paragraph (a), by subparagraph (iv) of paragraph (e), by subparagraph (i) of paragraph (i) and by paragraph (j) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

**3.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is further amended—

Further  
amendment  
of Act No.  
45, 1941.

(a) by omitting from subsection two of section six the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds";

Sec. 6.  
(Pensions—  
mine  
workers  
who are  
retired.)

(b)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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(b) by omitting from subsection three of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds."

(2) Subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

Validations. 4. The following matters are hereby validated, that is to say—

- (a) the action of the Tribunal in awarding and paying pensions as from the date of vacation of their employment to mine workers who were of or above the age of sixty years at the commencement of Part II of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, or who attained that age within the period of three months after such commencement and who were retired from and vacated their employment before the expiration of the period of three months after such commencement;
- (b) the action of the Tribunal in awarding and paying pensions without regard to any deduction in respect of invalid or old age pensions where such payments were made between the date upon which the pension under this Act was awarded and the date upon which the invalid or old age pension became payable.

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By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1942.

[6d.]

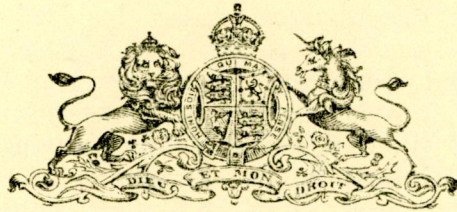


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 June, 1942.*

## New South Wales.



ANNO SEXTO

# GEORGII VI REGIS.

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## Act No. 12, 1942.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 19th June, 1942.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales 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) Amendment Act, 1942." Short title.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1942.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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Amendment  
of Act No.  
45, 1941.  
Sec. 2.  
(Defini-  
tions.)

**2.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is amended—

- (a) (i) by omitting from paragraph (c) of the definition of "Mine worker" in section two the words "after the first day of February, one thousand nine hundred and thirty and";
- (ii) by omitting from paragraph (ii) of the proviso to the same definition the words "known as the colliery engineer" and by inserting in lieu thereof the words "described in the Sixth Schedule to the Coal Mines Regulation Act, 1912-1941, as the Mechanical Engineer";
- (iii) by inserting at the end of subsection three of the same section the following new proviso:—

Provided that where any mine worker, who is continued in employment as a mine worker under and in accordance with a certificate issued by the Tribunal under subsection four of section five of this Act, retires or is retired from such employment, a reference in any provision of this Act to the "date of retirement" shall, in the application of that provision to and in respect of that mine worker, be construed as a reference to the date upon which he so retires or is retired.

New sec. 2A.

- (b) by inserting next after section two the following new section:—

Extension  
of definition  
of "Mine  
worker."

2A. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1942, is signified.

(2) As from the commencement of this section the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include the manager and under manager

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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manager of a mine and the classes of persons referred to in paragraphs (ii) and (vi) of the proviso to that definition and a person engaged in clerical work in connection with a coal or oil shale mine where such person is employed in or about a coal or oil shale mine by the owner of the mine.

(3) (a) The retiring age of a person being a member of the class referred to in paragraph (vi) of the said proviso shall be sixty years.

(b) The retiring age of persons being the manager or under manager of a mine or a member of the class referred to in paragraph (ii) of the said proviso or a person of the class referred to in subsection two of this section engaged in clerical work in connection with a coal or oil shale mine shall be sixty-five years.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who are members of the classes referred to in subsection two of this section:

Provided that the provisions of this Act, in their application to and in respect of persons who are members of the classes referred to in paragraph (b) of subsection three of this section, shall be deemed to be modified to the following extent, that is to say—section five of this Act shall have and take effect as if the age of sixty-five years were substituted for the age of sixty years referred to therein, and references, express or implied, in that section, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the “date of retirement” shall be construed accordingly.

(c)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*


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## Sec. 7.

(Pensions—  
permanent  
incapacity.)

- (c) (i) by inserting in paragraph (a) of subsection one of section seven before the word “that” where firstly occurring the symbols “(i)”;
- (ii) by omitting from the same paragraph the word “and” where lastly occurring and by inserting in lieu thereof the words and symbols—

“; or

- (ii) that he has been incapacitated by injury arising out of and in the course of his employment as a mine worker and that such incapacity arose before the commencement of this Part but after the first day of January, one thousand nine hundred and twenty, and that, before the date upon which he became so incapacitated, he had been engaged in the coal or oil shale mining industries for a period of not less than twenty years; and”

## Sec. 9.

(Pensions—  
additional  
payments in  
respect of  
dependants.)

- (d) (i) by inserting in paragraph (a) of subsection one of section nine, after the word “wife” where firstly occurring the words “or, where his wife is in receipt of or is eligible for an invalid or old age pension, an amount of one pound five shillings per week in respect of his wife”;

- (ii) by inserting next after the same subsection the following new subsection:—

(1a) Notwithstanding anything in subsection one of this section the Tribunal may refuse to award an addition to the pension of a mine worker in respect of his wife, or may cancel or suspend so much of any pension as consists of such addition, where it is satisfied that the wife is living apart from her husband and that the husband is not maintaining or contributing to the support of his wife.

(iii)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

---

(iii) by inserting at the end of the same section the following new subsections:—

(5) Where a mine worker, who becomes eligible for a pension under section six, section seven or section eight of this Act, proves to the satisfaction 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, in lieu of the amount referred to in paragraph (a) or paragraph (c) of subsection one of this section, award to the mine worker an addition to his pension of an amount of one pound per week in respect of such female, or, where such female is in receipt of or is eligible for an old age pension, an amount of one pound five shillings per week in respect of such female.

(6) Where a pension is awarded to a mine worker pursuant to section six, section seven or section eight of this Act the Tribunal may, in its discretion, for the purpose of assisting in the further education of any child of the mine worker who is, at the date of the award, of or above the age of sixteen years, award an addition to such pension of an amount of eight shillings and sixpence per week in respect of such child for such period as it thinks fit not exceeding two years from the date of the award of the pension.

(e) (i) by omitting from subsection one of section ten the words "and four" and by inserting in lieu thereof the words "four and six";

Sec. 10.  
(Pension payable to dependants.)

(ii)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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- (ii) by inserting next after the same subsection the following new subsections:—

(1A) The Tribunal may award a pension to the widow of any mine worker who dies on or after the twenty-first day of November, one thousand nine hundred and forty-one (being the day appointed and notified for the commencement of Part II of this Act).

(1B) The Tribunal may award a pension to the widow of any person who was, at any time after the first day of January, one thousand nine hundred and twenty, engaged in the coal or oil shale mining industries in New South Wales, and who died before the commencement of this Act, 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 a pension to such widow.

(1C) The amount of any pension awarded to a widow under subsection (1A) or subsection (1B) of this section shall be one pound ten shillings per week and such pension shall be payable until the death or remarriage of such widow.

- (iii) by inserting in subsection two of the same section after the words "subsection one" the words "or subsection (1A) or subsection (1B)";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury";

(f)

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

- (f) by inserting next after section ten the following new section:—
- 10A. Where the Tribunal is satisfied that—
- (a) at the date upon which a mine worker was awarded a pension under this Act; or
- (b) at the date of the death of—
- (i) a person who had been awarded a pension under section six, section seven or section eight of this Act; or
- (ii) a mine worker whose death has been found to have been due to injury arising out of and in the course of his employment as a mine worker (not being an intentional self-inflicted injury),
- any female was recognised as the wife of such mine worker or person although not legally married to him, the Tribunal may award an addition under section nine of this Act or a pension under section ten of this Act as if such female were the wife or widow of such mine worker or person:
- Provided that no such award shall be made where an addition under section nine of this Act or a pension under section ten of this Act has been awarded to or in respect of the wife or widow of such mine worker or person.
- (g) by omitting subsection four of section eleven;
- (h) by inserting next after section eleven the following new sections:—
- 11A. (1) If any person to whom a pension has been awarded under section six of this Act engages in employment then the total amount payable

New sec.  
10A.De facto  
wife.  
cf. Act No.  
No. 6,  
1920,  
(Cwth.),  
sec. 36.Sec. 11.  
(Pensions—  
Special  
provi-  
visions.)New secs.  
11A and 11B.Earnings  
from  
employment.

*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

payable to him as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the sum of such total amount and the average weekly earnings of such person from such employment exceeds five pounds per week.

(2) If any widow or female dependant to whom a pension has been awarded under section ten of this Act engages in employment then the amount payable to her as pension shall be reduced by the amount by which the sum of such pension and the average weekly earnings from such employment exceeds two pounds ten shillings per week.

Power to  
cancel  
pensions.

11B. (1) Where a person has been awarded a pension pursuant to section eight of this Act the Tribunal may, from time to time, review the case, and may, if satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable so to do, cancel the pension.

(2) The Tribunal may cancel any pension awarded under this Act where it is satisfied that the award of the pension was improperly obtained or that the award of the pension was contrary to the provisions of this Act.

Sec. 12. —  
(No pension  
where com-  
pensation  
payable.)

(i) (i) by inserting in paragraph (b) of subsection two of section twelve after the words "amount of the lump sum" the words "together with all amounts received by way of weekly payments of compensation in respect of the same injury";

(ii) by inserting at the end of the same section the following new subsection:—

(4) Notwithstanding anything in the foregoing provisions of this section a mine worker who is eligible for a pension under section six of this Act and who is in receipt

of



*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

of weekly payments of compensation under the Workers' Compensation Act, 1926-1938, may be awarded such pension where the total amount payable to him by way of pension (including all additions for which he may be eligible under section nine of this Act) exceeds the amount of such weekly payments:

But the amount so payable by way of pension (including such additions) shall be reduced by the amount of such weekly payments.

- (j) (i) by omitting from subsection one of section thirteen the words "old age or war" and by inserting in lieu thereof the words "or old age";

Sec. 13.  
(Deductions from pensions.)

- (ii) by inserting at the end of the same subsection the following proviso:—

Provided that the Tribunal may dispense with any deduction under this subsection in respect of invalid or old age pension in the case of payments of pensions made after the date upon which the pension under this Act is awarded and before the date upon which the invalid or old age pension becomes payable.

(2) The amendments made by subparagraph (ii) of paragraph (a), by subparagraph (iv) of paragraph (e), by subparagraph (i) of paragraph (i) and by paragraph (j) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

**3.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by omitting from subsection two of section six the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds";

Sec. 6.  
(Pensions—mine workers who are retired.)

- (b)

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*Coal and Oil Shale Mine Workers (Pensions) Amendment.*

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(b) by omitting from subsection three of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds."

(2) Subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

**Validations.** 4. The following matters are hereby validated, that is to say—

- (a) the action of the Tribunal in awarding and paying pensions as from the date of vacation of their employment to mine workers who were of or above the age of sixty years at the commencement of Part II of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941, or who attained that age within the period of three months after such commencement and who were retired from and vacated their employment before the expiration of the period of three months after such commencement;
- (b) the action of the Tribunal in awarding and paying pensions without regard to any deduction in respect of invalid or old age pensions where such payments were made between the date upon which the pension under this Act was awarded and the date upon which the invalid or old age pension became payable.

*In the name and on behalf of His Majesty I assent to this Act.*

WAKEHURST,  
*Governor.*

*Government House,  
Sydney, 19th June, 1942.*