

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 15 April, 1948.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. , 1948.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947, in certain respects; to validate certain matters; and for purposes connected therewith.

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, 1948." Short title and citation.

Coal and Oil Shale Mine Workers (Pensions) Amendment.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may
5 be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1948.

2. (1) The principal Act is amended—

(a) by inserting at the end of section six the following new subsection:—

Amendment
of Act No.
45, 1941.

Sec. 6.

10 (5) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the pension pay period next following the date upon which His Majesty's Assent to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948, has been
15 signified, been awarded a pension pursuant to subsection one, two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this
20 section be two pounds twelve shillings and sixpence.

(Pensions—
mine
workers who
are retired.)

(b) The amount of pension per week payable to any mine worker who, on or after the commencement of the pension pay period,
25 referred to in paragraph (a) of this subsection, becomes eligible for a pension pursuant to subsection one, two or three of this section, shall as from the date of retirement and notwithstanding anything contained in this
30 section be two pounds twelve shillings and sixpence.

(b) by omitting from subsection one of section seven the words "two pounds five shillings" and by
35 inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 7.

(Pension—
permanent
incapacity.)

(c) by omitting from subsection one of section eight the words "two pounds five shillings" and by
inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 8.

(Hard luck
cases.)

(d)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

- (d) by omitting from subsection one of section nine the words "one pound ten shillings" wherever occurring and by inserting in lieu thereof the words "one pound seventeen shillings and sixpence";
- (e) by omitting from section ten the words "one pound fifteen shillings" wherever occurring and by inserting in lieu thereof the words "two pounds";
- (f) by omitting from subsection three of section eleven the words "four pounds five shillings and sixpence" and by inserting in lieu thereof the words "five pounds ten shillings and sixpence."

Sec. 9.

(Pensions—
additional
payments in
respect of
dependants.)

Sec. 10.

(Pension
payable to
dependants.)

Sec. 11.

(Pensions—
special
provisions.)

- (2) The amendments made by paragraphs (b), (c), (d) and (f) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all mine workers who were immediately before such commencement in receipt of a pension pursuant to section six, seven or eight or an addition to a pension pursuant to section nine of the Principal Act, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

- (3) The amendments made by paragraph (e) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten of the Principal Act, as well as to persons becoming eligible for any such pension after such commencement.

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

(a) by omitting subsection one of section 11A and by inserting in lieu thereof the following subsection:—

Further
amendment
of Act No.
45, 1941.
Sec. 11A.
(Earnings
from
employ-
ment.)

5 (1) If any person to whom a pension has
been awarded under section six of this Act (in
this section hereinafter referred to as the
“pensioner”) or any persons in respect of
whom such pensioner may be eligible for an
10 addition to such pension under section nine of
this Act (in this section hereinafter referred to
as the “dependants”) engage in employment
then the total amount payable to such pensioner
as pension (including all additions for which he
15 may be eligible under section nine of this Act)
shall be reduced by the amount by which the
average weekly earnings of such pensioner and
of such dependants exceeds two pounds ten
shillings per week:

20 Provided that where the average weekly
earnings of any such dependant exceeds the
amount of the addition for which such pensioner
may be eligible under section nine of this Act
in respect of such dependant the average weekly
25 earnings of such dependant shall for the
purposes of this subsection be deemed to be the
amount of such addition.

30 (b) (i) by omitting from subparagraph (i) of
paragraph (b) of subsection three of section
nineteen the words “two-seventh parts”
and by inserting in lieu thereof the words
“two-ninth parts”;

35 (ii) by omitting from subparagraph (ii) of the
same paragraph the words “five-seventh
parts” and by inserting in lieu thereof the
words “seven-ninth parts”;

(c)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

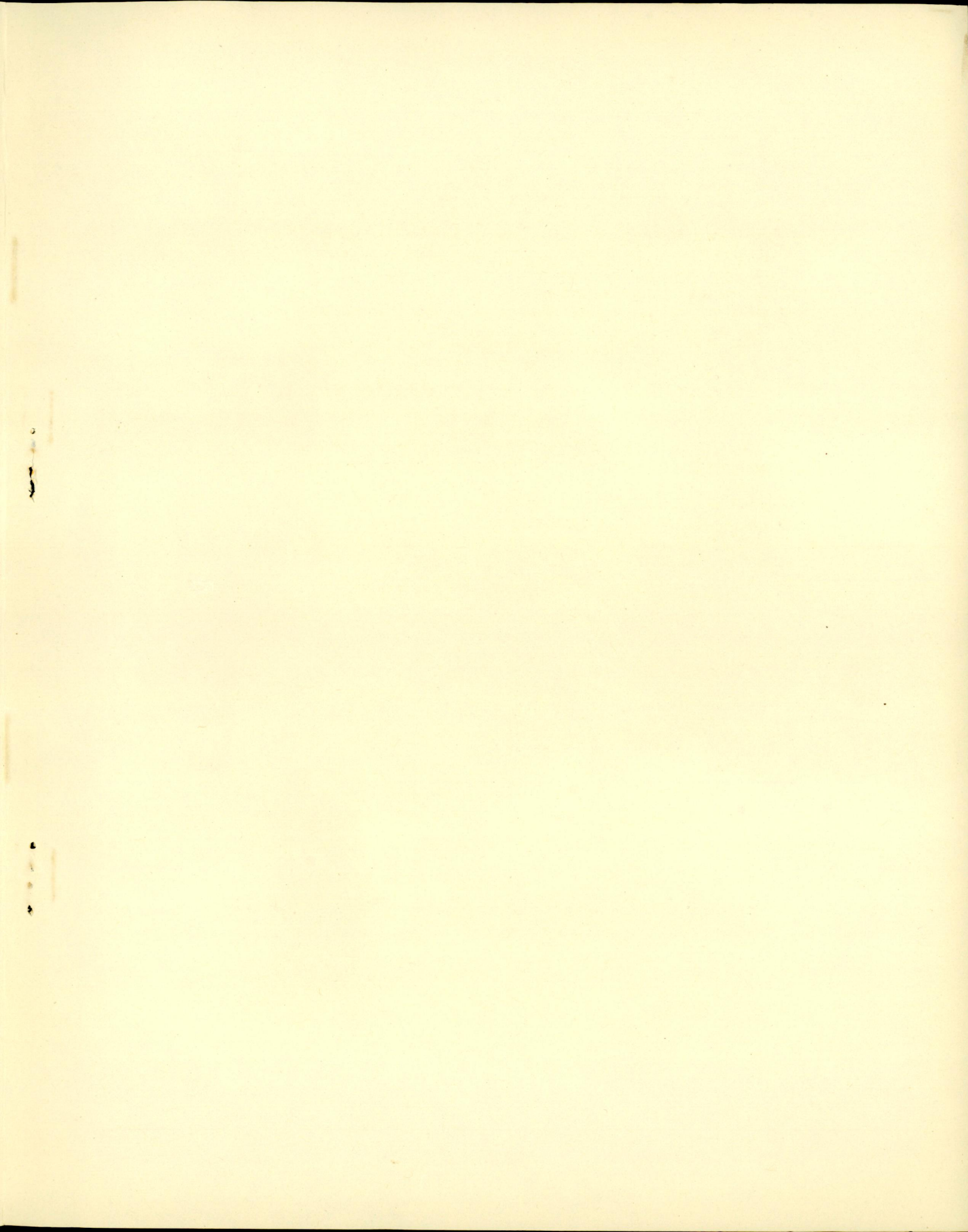
- (c) by inserting at the end of subsection two of section twenty-one the following new paragraphs:—
- (b) Where any person, who upon the death of a mine worker is eligible for or has been awarded a pension under section ten of this Act, becomes an insane patient within the meaning of the Lunacy Act, 1898-1947, the pension rights of such person pursuant to this Act shall be suspended while such person continues to be such an insane patient.
- (c) Notwithstanding the foregoing provisions of this subsection the period during which the pension rights of any insane patient shall be suspended as aforesaid shall not, if the Tribunal so directs, include any period during which such patient is on leave from any institution for the insane prior to his discharge.
- (d) Upon any direction by the Tribunal under paragraph (c) of this subsection the eligibility of any person for a pension in accordance with section ten of this Act and the rights conferred upon any such person by the operation of the foregoing provisions of this subsection shall cease and determine.
- (2) The amendment made by paragraph (a) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified.
- (3) The estimate made by the Pensions Tribunal constituted under the Principal Act, in accordance with section nineteen of the Principal Act, of the amount required by the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and forty-seven, shall be

Sec. 21.
(Suspension of pension rights in certain events— alternative pensions to dependants.)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

be deemed to be varied to the extent necessary to include
the amount required for payment of pensions increased
by the operation of this Act, and the estimate as so
varied shall for all purposes of the Principal Act, as
5 amended by this Act, be deemed to be the estimate of
the amount required by each such Fund for the aforesaid
period of twelve months for payment of pensions and
other sums chargeable upon or payable out of that Fund
and for the provision of a reserve in connection with
10 that Fund.

4. The action of the Pensions Tribunal in awarding Validation.
and paying as an addition to the pension of the invalid
widow of a mine worker an amount equivalent to the
amount which would have been paid to such mine worker
15 in accordance with the provisions of subsection five of
section nine of the Principal Act, had such mine worker
not predeceased his invalid wife, is hereby validated.



No. , 1948.

A BILL

To amend the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947, in certain respects; to validate certain matters; and for purposes connected therewith.

[MR. BADDELEY;—13 April, 1948.]

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, 1948." Short title and citation.

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(2)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1948.

2. (1) The principal Act is amended—

(a) by inserting at the end of section six the following new subsection:—

Amendment of Act No. 45, 1941. Sec. 6.

10 (5) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the pension pay period next following the date upon which His Majesty's Assent to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948, has been signified, been awarded a pension pursuant to subsection one, two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

(Pensions—mine workers who are retired.)

15 (b) The amount of pension per week payable to any mine worker who, on or after the commencement of the pension pay period, referred to in paragraph (a) of this subsection, becomes eligible for a pension pursuant to subsection one, two or three of this section, shall as from the date of retirement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

25 (b) by omitting from subsection one of section seven the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 7. (Pension—permanent incapacity.)

30 (c) by omitting from subsection one of section eight the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 8. (Hard luck cases.)

(d)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

- 5 (d) by omitting from subsection one of section nine the words "one pound ten shillings" wherever occurring and by inserting in lieu thereof the words "one pound seventeen shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (e) by omitting from section ten the words "one pound fifteen shillings" wherever occurring and by inserting in lieu thereof the words "two pounds"; Sec. 10.
(Pension
payable to
dependants.)
- 10 (f) by omitting from subsection three of section eleven the words "four pounds five shillings and sixpence" and by inserting in lieu thereof the words "five pounds ten shillings and sixpence." Sec. 11.
(Pensions—
special
provisions.)

15 (2) The amendments made by paragraphs (b), (c), (d) and (f) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commence-
20 ment apply in respect of all mine workers who were immediately before such commencement in receipt of a pension pursuant to section six, seven or eight or an addition to a pension pursuant to section nine of the Principal Act, as well as to mine workers becoming
25 eligible for any such pension or addition thereto after such commencement.

(3) The amendments made by paragraph (e) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next
30 following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to
35 section ten of the Principal Act, as well as to persons becoming eligible for any such pension after such commencement.

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

Further
amendment
of Act No.
45, 1941.
Sec. 11A.
(Earnings
from
employ-
ment.)

- (a) by omitting subsection one of section 11A and by inserting in lieu thereof the following subsection:—

5 (1) If any person to whom a pension has
been awarded under section six of this Act (in
this section hereinafter referred to as the
“pensioner”) or any persons in respect of
whom such pensioner may be eligible for an
10 addition to such pension under section nine of
this Act (in this section hereinafter referred to
as the “dependants”) engage in employment
then the total amount payable to such pensioner
as pension (including all additions for which he
15 may be eligible under section nine of this Act)
shall be reduced by the amount by which the
average weekly earnings of such pensioner and
of such dependants exceeds two pounds ten
shillings per week:

20 Provided that where the average weekly
earnings of any such dependant exceeds the
amount of the addition for which such pensioner
may be eligible under section nine of this Act
25 in respect of such dependant the average weekly
earnings of such dependant shall for the
purposes of this subsection be deemed to be the
amount of such addition.

- 30 (b) (i) by omitting from subparagraph (i) of
paragraph (b) of subsection three of section
nineteen the words “two-seventh parts”
and by inserting in lieu thereof the words
“two-ninth parts”;

Sec. 19.
(Contribu-
tions.)

- 35 (ii) by omitting from subparagraph (ii) of the
same paragraph the words “five-seventh
parts” and by inserting in lieu thereof the
words “seven-ninth parts”;

(c)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

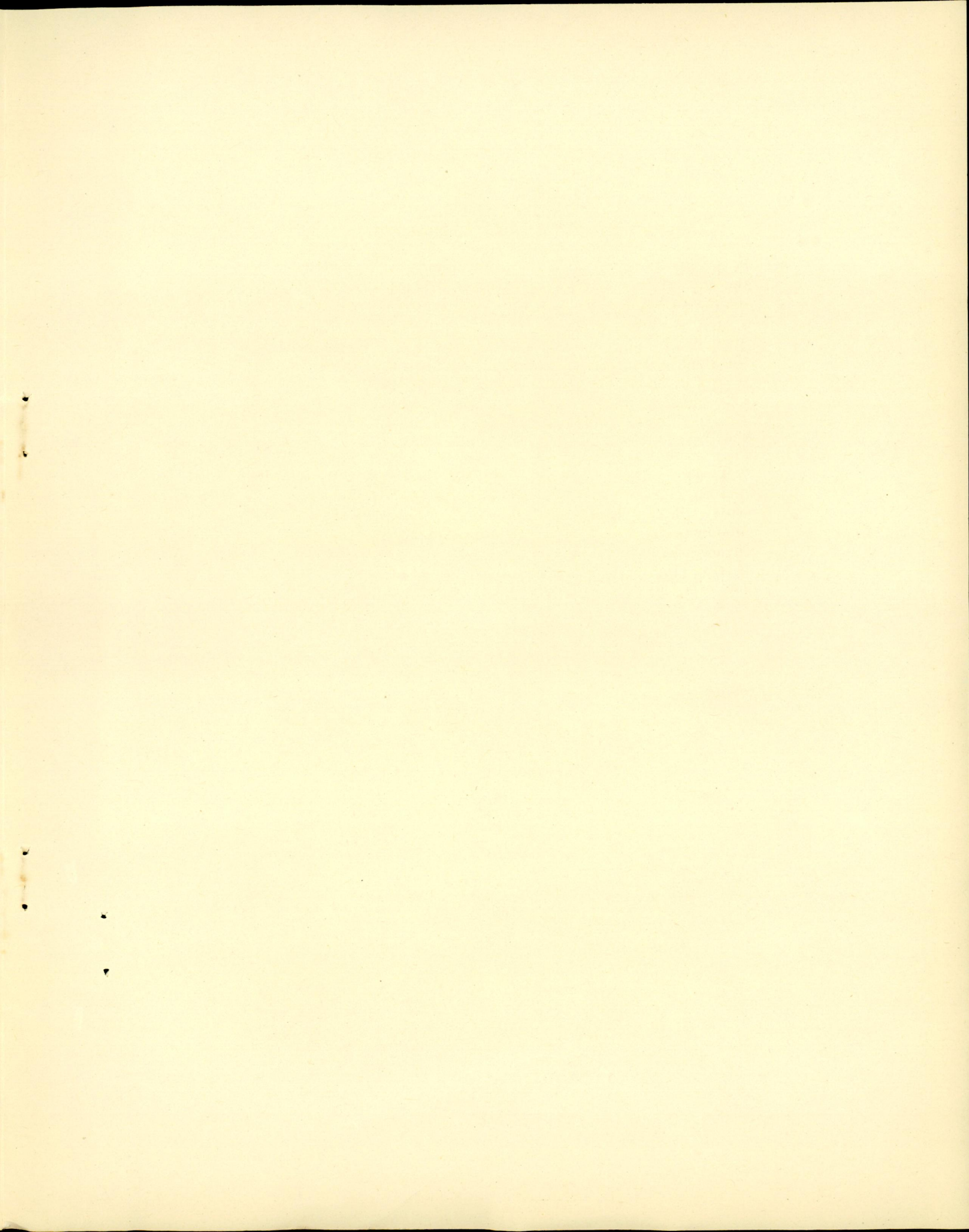
- (c) by inserting at the end of subsection two of section twenty-one the following new paragraphs:—
- 5 (b) Where any person, who upon the death of a mine worker is eligible for or has been awarded a pension under section ten of this Act, becomes an insane patient within the meaning of the Lunacy Act, 1898-1947, the pension rights of such person pursuant to this Act shall be suspended while such person continues to be such an insane patient.
- 10
- (c) Notwithstanding the foregoing provisions of this subsection the period during which the pension rights of any insane patient shall be suspended as aforesaid shall not, if the Tribunal so directs, include any period during which such patient is on leave from any institution for the insane prior to his discharge.
- 15
- 20
- (d) Upon any direction by the Tribunal under paragraph (c) of this subsection the eligibility of any person for a pension in accordance with section ten of this Act and the rights conferred upon any such person by the operation of the foregoing provisions of this subsection shall cease and determine.
- 25
- (2) The amendment made by paragraph (a) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified.
- 30
- (3) The estimate made by the Pensions Tribunal constituted under the Principal Act, in accordance with section nineteen of the Principal Act, of the amount required by the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund for the period of twelve months commencing on the first day of
- 35
- 40 July, one thousand nine hundred and forty-seven, shall be

Sec. 21.
(Suspension of pension rights in certain events— alternative pensions to dependants.)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

be deemed to be varied to the extent necessary to include
the amount required for payment of pensions increased
by the operation of this Act, and the estimate as so
varied shall for all purposes of the Principal Act, as
5 amended by this Act, be deemed to be the estimate of
the amount required by each such Fund for the aforesaid
period of twelve months for payment of pensions and
other sums chargeable upon or payable out of that Fund
and for the provision of a reserve in connection with
10 that Fund.

4. The action of the Pensions Tribunal in awarding Validation.
and paying as an addition to the pension of the invalid
widow of a mine worker an amount equivalent to the
amount which would have been paid to such mine worker
15 in accordance with the provisions of subsection five of
section nine of the Principal Act, had such mine worker
not predeceased his invalid wife, is hereby validated.



New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. 7, 1948.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 22nd April, 1948.]

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, 1948." Short title and citation.

Coal and Oil Shale Mine Workers (Pensions) Amendment.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1948.

Amendment
of Act No.
45, 1941.
Sec. 6.
(Pensions—
mine
workers who
are retired.)

2. (1) The principal Act is amended—

(a) by inserting at the end of section six the following new subsection:—

(5) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the pension pay period next following the date upon which His Majesty's Assent to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948, has been signified, been awarded a pension pursuant to subsection one, two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

(b) The amount of pension per week payable to any mine worker who, on or after the commencement of the pension pay period referred to in paragraph (a) of this subsection, becomes eligible for a pension pursuant to subsection one, two or three of this section, shall as from the date of retirement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

Sec. 7.
(Pension—
permanent
incapacity.)

(b) by omitting from subsection one of section seven the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 8.
(Hard luck
cases.)

(c) by omitting from subsection one of section eight the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

(d)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

- (d) by omitting from subsection one of section nine the words "one pound ten shillings" wherever occurring and by inserting in lieu thereof the words "one pound seventeen shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (e) by omitting from section ten the words "one pound fifteen shillings" wherever occurring and by inserting in lieu thereof the words "two pounds"; Sec. 10.
(Pension
payable to
dependants.)
- (f) by omitting from subsection three of section eleven the words "four pounds five shillings and sixpence" and by inserting in lieu thereof the words "five pounds ten shillings and sixpence." Sec. 11.
(Pensions—
special
provisions.)

(2) The amendments made by paragraphs (b), (c), (d) and (f) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all mine workers who were immediately before such commencement in receipt of a pension pursuant to section six, seven or eight or an addition to a pension pursuant to section nine of the Principal Act, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

(3) The amendments made by paragraph (e) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten of the Principal Act, as well as to persons becoming eligible for any such pension after such commencement.

Coal and Oil Shale Mine Workers (Pensions) Amendment.

Further amendment of Act No. 45, 1941. Sec. 11A. (Earnings from employment.)

3. (1) The principal Act is further amended—

- (a) by omitting subsection one of section 11A and by inserting in lieu thereof the following subsection:—

(1) If any person to whom a pension has been awarded under section six of this Act (in this section hereinafter referred to as the “pensioner”) or any persons in respect of whom such pensioner may be eligible for an addition to such pension under section nine of this Act (in this section hereinafter referred to as the “dependants”) engage in employment then the total amount payable to such pensioner 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 average weekly earnings of such pensioner and of such dependants exceeds two pounds ten shillings per week:

Provided that where the average weekly earnings of any such dependant exceeds the amount of the addition for which such pensioner may be eligible under section nine of this Act in respect of such dependant the average weekly earnings of such dependant shall for the purposes of this subsection be deemed to be the amount of such addition.

Sec. 19. (Contributions.)

- (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection three of section nineteen the words “two-seventh parts” and by inserting in lieu thereof the words “two-ninth parts”;

- (ii) by omitting from subparagraph (ii) of the same paragraph the words “five-seventh parts” and by inserting in lieu thereof the words “seven-ninth parts”;

(c)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

(c) by inserting at the end of subsection two of section twenty-one the following new paragraphs:—

Sec. 21.
(Suspension of pension rights in certain events— alternative pensions to dependants.)

(b) Where any person, who upon the death of a mine worker is eligible for or has been awarded a pension under section ten of this Act, becomes an insane patient within the meaning of the Lunacy Act, 1898-1947, the pension rights of such person pursuant to this Act shall be suspended while such person continues to be such an insane patient.

(c) Notwithstanding the foregoing provisions of this subsection the period during which the pension rights of any insane patient shall be suspended as aforesaid shall not, if the Tribunal so directs, include any period during which such patient is on leave from any institution for the insane prior to his discharge.

(d) Upon any direction by the Tribunal under paragraph (c) of this subsection the eligibility of any person for a pension in accordance with section ten of this Act and the rights conferred upon any such person by the operation of the foregoing provisions of this subsection shall cease and determine.

(2) The amendment made by paragraph (a) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified.

(3) The estimate made by the Pensions Tribunal constituted under the Principal Act, in accordance with section nineteen of the Principal Act, of the amount required by the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and forty-seven, shall be

Coal and Oil Shale Mine Workers (Pensions) Amendment.

be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased by the operation of this Act, and the estimate as so varied shall for all purposes of the Principal Act, as amended by this Act, be deemed to be the estimate of the amount required by each such Fund for the aforesaid period of twelve months for payment of pensions and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

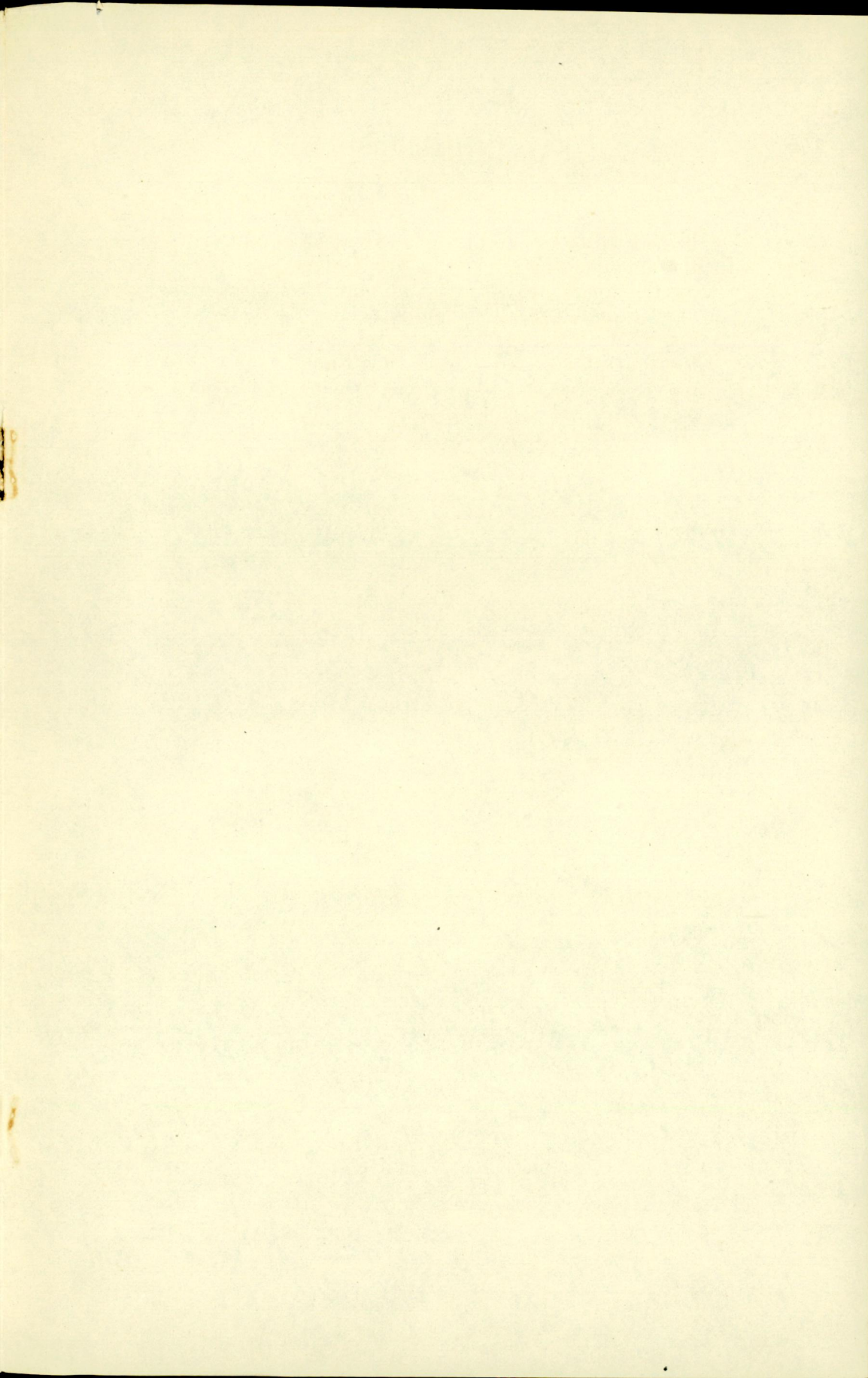
Validation.

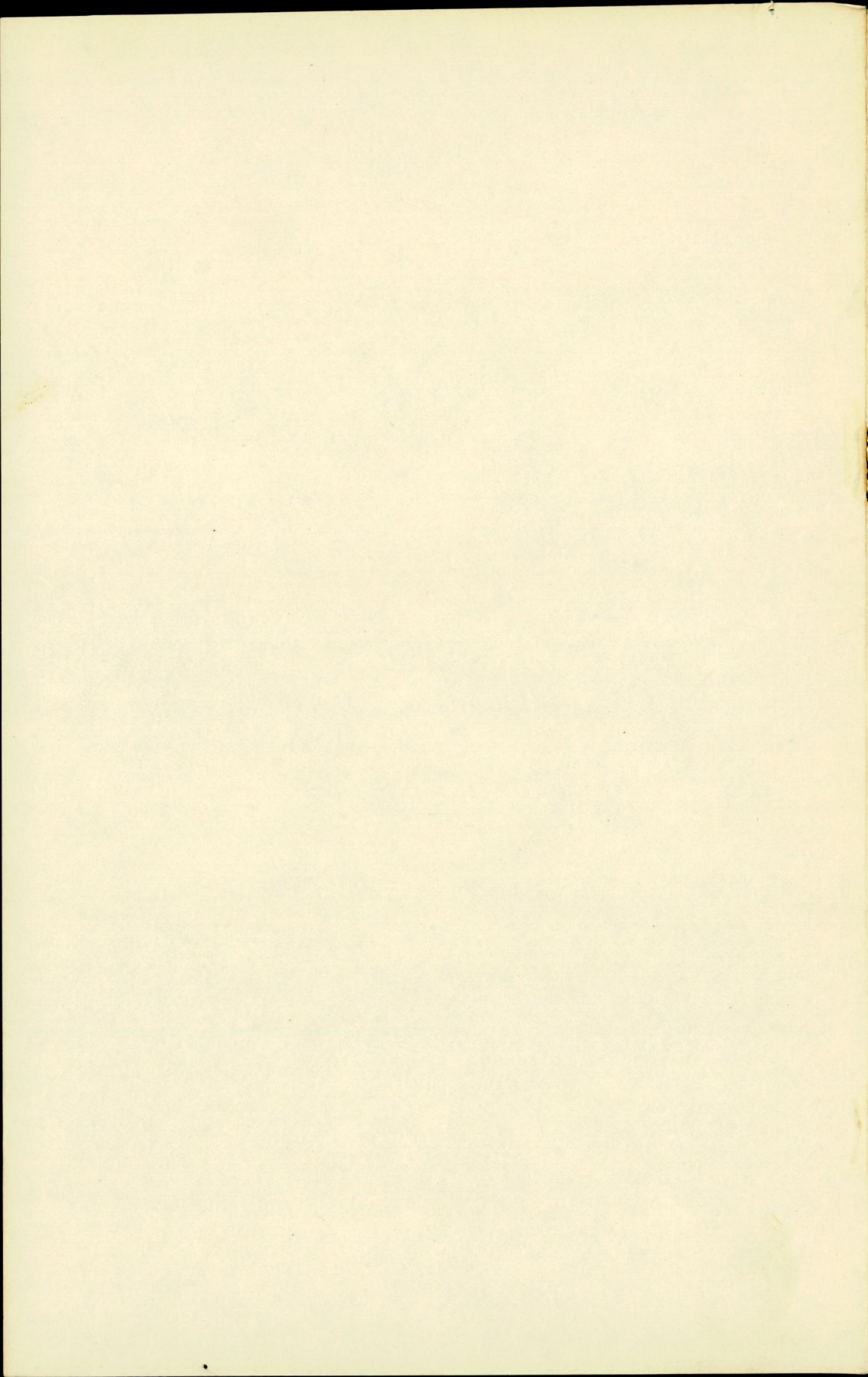
4. The action of the Pensions Tribunal in awarding and paying as an addition to the pension of the invalid widow of a mine worker an amount equivalent to the amount which would have been paid to such mine worker in accordance with the provisions of subsection five of section nine of the Principal Act, had such mine worker not predeceased his invalid wife, is hereby validated.

By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1948.

[3d.]





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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 21 April, 1948.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. 7, 1948.

An Act to amend the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 22nd April, 1948.]

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, 1948." Short title and citation.

(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.

Coal and Oil Shale Mine Workers (Pensions) Amendment.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1948.

Amendment
of Act No.
45, 1941.

Sec. 6.

(Pensions—
mine
workers who
are retired.)

2. (1) The principal Act is amended—

(a) by inserting at the end of section six the following new subsection:—

(5) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the pension pay period next following the date upon which His Majesty's Assent to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948, has been signified, been awarded a pension pursuant to subsection one, two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

(b) The amount of pension per week payable to any mine worker who, on or after the commencement of the pension pay period, referred to in paragraph (a) of this subsection, becomes eligible for a pension pursuant to subsection one, two or three of this section, shall as from the date of retirement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence.

Sec. 7.

(Pension—
permanent
incapacity.)

(b) by omitting from subsection one of section seven the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

Sec. 8.

(Hard luck
cases.)

(c) by omitting from subsection one of section eight the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence";

(d)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

- (d) by omitting from subsection one of section nine the words "one pound ten shillings" wherever occurring and by inserting in lieu thereof the words "one pound seventeen shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (e) by omitting from section ten the words "one pound fifteen shillings" wherever occurring and by inserting in lieu thereof the words "two pounds"; Sec. 10.
(Pension
payable to
dependants.)
- (f) by omitting from subsection three of section eleven the words "four pounds five shillings and sixpence" and by inserting in lieu thereof the words "five pounds ten shillings and sixpence." Sec. 11.
(Pensions—
special
provisions.)

(2) The amendments made by paragraphs (b), (c), (d) and (f) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all mine workers who were immediately before such commencement in receipt of a pension pursuant to section six, seven or eight or an addition to a pension pursuant to section nine of the Principal Act, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

(3) The amendments made by paragraph (e) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten of the Principal Act, as well as to persons becoming eligible for any such pension after such commencement.

Coal and Oil Shale Mine Workers (Pensions) Amendment.

Further
amendment
of Act No.
45, 1941.
Sec. 11A.
(Earnings
from
employ-
ment.)

3. (1) The principal Act is further amended—

- (a) by omitting subsection one of section 11A and by inserting in lieu thereof the following subsection:—

(1) If any person to whom a pension has been awarded under section six of this Act (in this section hereinafter referred to as the "pensioner") or any persons in respect of whom such pensioner may be eligible for an addition to such pension under section nine of this Act (in this section hereinafter referred to as the "dependants") engage in employment then the total amount payable to such pensioner 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 average weekly earnings of such pensioner and of such dependants exceeds two pounds ten shillings per week:

Provided that where the average weekly earnings of any such dependant exceeds the amount of the addition for which such pensioner may be eligible under section nine of this Act in respect of such dependant the average weekly earnings of such dependant shall for the purposes of this subsection be deemed to be the amount of such addition.

Sec. 19.
(Contribu-
tions.)

- (b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection three of section nineteen the words "two-seventh parts" and by inserting in lieu thereof the words "two-ninth parts";
- (ii) by omitting from subparagraph (ii) of the same paragraph the words "five-seventh parts" and by inserting in lieu thereof the words "seven-ninth parts";

(c)

Coal and Oil Shale Mine Workers (Pensions) Amendment.

- (c) by inserting at the end of subsection two of section twenty-one the following new paragraphs:—
- (b) Where any person, who upon the death of a mine worker is eligible for or has been awarded a pension under section ten of this Act, becomes an insane patient within the meaning of the Lunacy Act, 1898-1947, the pension rights of such person pursuant to this Act shall be suspended while such person continues to be such an insane patient.
- (c) Notwithstanding the foregoing provisions of this subsection the period during which the pension rights of any insane patient shall be suspended as aforesaid shall not, if the Tribunal so directs, include any period during which such patient is on leave from any institution for the insane prior to his discharge.
- (d) Upon any direction by the Tribunal under paragraph (c) of this subsection the eligibility of any person for a pension in accordance with section ten of this Act and the rights conferred upon any such person by the operation of the foregoing provisions of this subsection shall cease and determine.

Sec. 21.
(Suspension of pension rights in certain events— alternative pensions to dependants.)

(2) The amendment made by paragraph (a) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified.

(3) The estimate made by the Pensions Tribunal constituted under the Principal Act, in accordance with section nineteen of the Principal Act, of the amount required by the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and forty-seven, shall be

Coal and Oil Shale Mine Workers (Pensions) Amendment.

be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased by the operation of this Act, and the estimate as so varied shall for all purposes of the Principal Act, as amended by this Act, be deemed to be the estimate of the amount required by each such Fund for the aforesaid period of twelve months for payment of pensions and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

Validation.

4. The action of the Pensions Tribunal in awarding and paying as an addition to the pension of the invalid widow of a mine worker an amount equivalent to the amount which would have been paid to such mine worker in accordance with the provisions of subsection five of section nine of the Principal Act, had such mine worker not predeceased his invalid wife, is hereby validated.

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

F. R. JORDAN,

By deputation from His Excellency the Governor.

*Government House,
Sydney, 22nd April, 1948.*

