

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, 10 December, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. , 1947.

An Act to provide for the payment of a subsidy to certain coal and oil shale mine workers incapacitated by reason of the inhalation of dust; for this purpose to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947; 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) Further Amendment Act, 1947."

Short title
citation,
and com-
mencement.

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

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947.

5 (3) This Act shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947, is amended—

Amendment of Act No. 45, 1941.

10 (a) by inserting next after Part IV the following new Part:—

New Part IVA.

PART IVA.

COAL AND OIL SHALE MINE WORKERS
COMPENSATION SUBSIDIES.

15 19A. Any mine worker who, in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales,

Eligibility of mine workers for subsidies.

20 (a) has at any time before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, been awarded compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or

25 (b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer within the meaning of the
30 Workers' Compensation Act, 1926-1947,

shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

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

5 19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.

Amount of
subsidy.

10 (2) The deductions which shall be made from any subsidy per week payable to a mine worker under this Part of this Act shall be:—

15 (a) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);

20 (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;

25 (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;

30 (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and

(e).

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

5 (e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act—the amount of such weekly payments:

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

15 (3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

20 The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

25 19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

Coal and Oil
Shale Mine
Workers
Compensa-
tion Subsidy
Fund.

(2)

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

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

5 (3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

10 (4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

15 (5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the Subsidy Fund.

20 19D. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

Contributions to Subsidy Fund.

35 The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

(2)

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

5 (2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period of twelve months for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

10 The amount to be allocated in any year for the reserve shall be such amount as the Governor, upon the recommendation of the Tribunal, may direct at the close of any such year.

15 Each estimate under this subsection shall be made not later than the thirty-first day of March next preceding the commencement of the period to which the estimate relates.

20 (3) The amount estimated by the Tribunal pursuant to subsection one or subsection two of this section shall be paid to the Tribunal by the owners.

25 (4) The moneys payable by the owners under this section shall be of such amounts and shall be paid in such manner and at such times as may be prescribed.

30 Without prejudice to the generality of the foregoing provisions of this subsection regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

Different amounts and different bases of contribution may be prescribed in respect of different individual owners.

35 19E. (1) Where any mine worker has been awarded a subsidy under this Part of this Act the subsidy shall, subject to this Act, be payable to him until his death or the repeal of this Part of this Act, whichever is the earlier. (2)

Subsidies—
special
provisions.

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

(2) Upon the death of any mine worker who has been awarded a subsidy under this Part of this Act no payment from the Subsidy Fund shall be paid to any dependant of such mine worker.

No mine worker shall be paid more than one subsidy under this Part of this Act.

19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

Conditions attaching to and suspension of subsidies.

(a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.

(b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;

(c) make application for an age or invalid pension or a pension under this Act;

(d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or the Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

(2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

(3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable to

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

to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

- 5 19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act. Application of provisions of this Act to subsidies.
- 10 19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be. Suspension of subsidy rights in certain events.
- 15
- 20 (b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:— Sec. 1. (Consequential.)
- 25 PART IVA.—COAL AND OIL SHALE MINE WORKERS COMPENSATION SUBSIDIES—S.S. 19A-19H.
- 30 (c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”; Sec. 18. (The Funds.) (Consequential.)
- (ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”; 002
- (d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19D”; Sec. 24. (Unpaid contributions recoverable as debt.)
- 35 (e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19C”; Sec. 27. (Actuarial investigation of funds.)
- (f)

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

- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word "pensions" wherever occurring the words "or subsidies";
- 5 (ii) by inserting in paragraph (f) of the same subsection after the word "pension" wherever occurring the words "or subsidy".
- (2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated.
- 10
- Sec. 32.
(Regulations.)
- Validation.

Sydney: Thomas Henry Tennant, Government Printer—1947.

[10d.]

The first part of the report is devoted to a description of the
 various species of plants and animals which were observed during
 the expedition. The second part contains a list of the names of
 the individuals who accompanied the expedition, and a list of the
 names of the various places visited. The third part is a list of
 the names of the various objects which were collected during the
 expedition. The fourth part is a list of the names of the
 various objects which were observed during the expedition.



No. , 1947.

A BILL

To provide for the payment of a subsidy to certain coal and oil shale mine workers incapacitated by reason of the inhalation of dust; for this purpose to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947; to validate certain matters; and for purposes connected therewith.

[MR. BADDELEY;—9 *December*, 1947.]

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
5 the same, as follows:—

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947."

Short title
citation,
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mencement.

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

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947.

5 (3) This Act shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947, is amended—

10 (a) by inserting next after Part IV the following new Part:—

Amendment
of Act No.
45, 1941.

New Part
IV.A.

PART IV.A.

COAL AND OIL SHALE MINE WORKERS
COMPENSATION SUBSIDIES.

15 19A. Any mine worker who, in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales,

Eligibility
of mine
workers for
subsidies.

20 (a) has at any time before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, been awarded compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or

25 (b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer within the meaning of the
30 Workers' Compensation Act, 1926-1947,

shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

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

- 5 19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.
- 10
- (2) The deductions which shall be made from any subsidy per week payable to a mine worker under this Part of this Act shall be:—
- 15 (a) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);
- 20 (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;
- 25 (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;
- 30 (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and
- (e)

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

5 (e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act—the amount of such weekly payments:

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

15 (3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

20 The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

30 35 40 19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

Coal and Oil
Shale Mine
Workers
Compensa-
tion Subsidy
Fund.

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

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

5 (3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

10 (4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

15 (5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the Subsidy Fund.

20 19d. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

Contributions to Subsidy Fund.

25 The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

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

5

(2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period of twelve months for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

10

The amount to be allocated in any year for the reserve shall be such amount as the Governor, upon the recommendation of the Tribunal, may direct at the close of any such year.

15

Each estimate under this subsection shall be made not later than the thirty-first day of March next preceding the commencement of the period to which the estimate relates.

20

(3) The amount estimated by the Tribunal pursuant to subsection one or subsection two of this section shall be paid to the Tribunal by the owners.

25

(4) The moneys payable by the owners under this section shall be of such amounts and shall be paid in such manner and at such times as may be prescribed.

30

Without prejudice to the generality of the foregoing provisions of this subsection regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

35

Different amounts and different bases of contribution may be prescribed in respect of different individual owners.

19E. (1) Where any mine worker has been awarded a subsidy under this Part of this Act the subsidy shall, subject to this Act, be payable to him until his death or the repeal of this Part of this Act, whichever is the earlier. (2)

Subsidies—
special
provisions.

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

(2) Upon the death of any mine worker who has been awarded a subsidy under this Part of this Act no payment from the Subsidy Fund shall be paid to any dependant of such mine worker.

No mine worker shall be paid more than one subsidy under this Part of this Act.

19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

Conditions attaching to and suspension of subsidies.

(a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.

(b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;

(c) make application for an age or invalid pension or a pension under this Act;

(d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or the Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

(2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

(3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable to

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

to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

5 19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act. Application of provisions of this Act to subsidies.

10 19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be. Suspension of subsidy rights in certain events.

20 (b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:— Sec. 1. (Consequential.)

25 PART IVA.—COAL AND OIL SHALE MINE WORKERS COMPENSATION SUBSIDIES—SS. 19A-19H.

(c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”; Sec. 18. (The Funds.) (Consequential.)

30 (ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”;

(d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19D”; Sec. 24. (Unpaid contributions recoverable as debt.)

35 (e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19C”;

(f)

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

- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word "pensions" wherever occurring the words "or subsidies";
- 5 (ii) by inserting in paragraph (f) of the same subsection after the word "pension" wherever occurring the words "or subsidy".

Sec. 32.
(Regulations.)

(2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker
10 who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated.

Validation.

Sydney: Thomas Henry Tennant, Government Printer—1947.

[10d.]

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...

...

Coal and Oil Shale Mine Workers (Pensions) Further Amendment Bill, 1947.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to pay certain mine workers incapacitated by the inhalation of dust a subsidy which together with earnings, miner's pension, compensation payments, age or invalid pension and service pension payable in respect of him and his dependants would amount to the maximum weekly rate of compensation which would have been payable to or in respect of such mine worker by way of worker's compensation had his incapacity been total;
- (b) to establish a Subsidy Fund for the payment of subsidies under this Act and to require owners of coal and oil shale mines to make contributions to the Fund of such amounts as may be prescribed;
- (c) to require a mine worker eligible for or in receipt of subsidy to register with specified Employment Agencies and to accept available employment;
- (d) to make incidental and ancillary provisions.

God and the World (London: Faber
and Faber, 1937)

EXPLANATORY NOTE

The following is a list of the works referred to in the text of the book. The list is given in the order in which they are mentioned in the text. The list is not intended to be exhaustive, but it is intended to give a general idea of the range of material referred to. The list is given in the order in which they are mentioned in the text. The list is not intended to be exhaustive, but it is intended to give a general idea of the range of material referred to.

No. , 1947.

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Amendment of Act No. 45, 1941.

10 (a) by inserting next after Part IV the following new Part:—

New Part IVA.

PART IVA.

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COMPENSATION SUBSIDIES.

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Eligibility of mine workers for subsidies.

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25 (b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer within the meaning of the

30 Workers' Compensation Act, 1926-1947, shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

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

- 19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.
- (2) The deductions which shall be made from any subsidy per week payable to a mine worker under this Part of this Act shall be:—
- (a) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);
- (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;
- (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;
- (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and
- (e)
- Amount of
subsidy.

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

(e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act—the amount of such weekly payments:

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

(3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

Coal and Oil
Shale Mine
Workers
Compensa-
tion Subsidy
Fund.

(2)

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

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

5 (3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

10 (4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

15 (5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the
20 Subsidy Fund.

25 19D. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

Contributions to Subsidy Fund.

35 The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

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

5 (2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period of twelve months for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

The amount to be allocated in any year for the reserve shall be such amount as the Governor, upon the recommendation of the Tribunal, may direct at the close of any such year.

15 Each estimate under this subsection shall be made not later than the thirty-first day of March next preceding the commencement of the period to which the estimate relates.

20 (3) The amount estimated by the Tribunal pursuant to subsection one or subsection two of this section shall be paid to the Tribunal by the owners.

25 (4) The moneys payable by the owners under this section shall be of such amounts and shall be paid in such manner and at such times as may be prescribed.

30 Without prejudice to the generality of the foregoing provisions of this subsection regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

Different amounts and different bases of contribution may be prescribed in respect of different individual owners.

35 19E. (1) Where any mine worker has been awarded a subsidy under this Part of this Act the subsidy shall, subject to this Act, be payable to him until his death or the repeal of this Part of this Act, whichever is the earlier. (2)

Subsidies—
special
provisions.

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

5 (2) Upon the death of any mine worker who has been awarded a subsidy under this Part of this Act no payment from the Subsidy Fund shall be paid to any dependant of such mine worker.

No mine worker shall be paid more than one subsidy under this Part of this Act.

10 19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

Conditions attaching to and suspension of subsidies.

15 (a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.

(b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;

20 (c) make application for an age or invalid pension or a pension under this Act;

25 (d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

30 (2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

35 (3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable to

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

to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

5 19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act. Application of provisions of this Act to subsidies.

10 19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be. Suspension of subsidy rights in certain events.

20 (b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:— Sec. 1. (Consequential.)

25 PART IVA.—COAL AND OIL SHALE MINE WORKERS COMPENSATION SUBSIDIES—SS. 19A-19H.

(c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”; Sec. 18. (The Funds.) (Consequential.)

30 (ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”;

(d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19b”; Sec. 24. (Unpaid contributions recoverable as debt.)

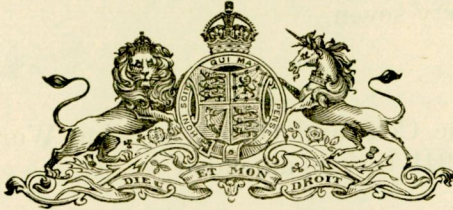
35 (e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19c”; Sec. 27. (Actuarial investigation of funds.)

(f)

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

- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word "pensions" wherever occurring the words "or subsidies";
- 5 (ii) by inserting in paragraph (f) of the same subsection after the word "pension" wherever occurring the words "or subsidy".
- (2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker
10 who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated.
- Validation.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. 39, 1947.

An Act to provide for the payment of a subsidy to certain coal and oil shale mine workers incapacitated by reason of the inhalation of dust; for this purpose to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947; to validate certain matters; and for purposes connected therewith. [Assented to, 19th December, 1947.]

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) Further Amendment Act, 1947."

Short title,
citation,
and com-
mencement,

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

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947.

(3) This Act shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

Amendment
of Act No.
45, 1941.

New Part
IVA.

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947, is amended—

(a) by inserting next after Part IV the following new Part:—

PART IVA.

COAL AND OIL SHALE MINE WORKERS COMPENSATION SUBSIDIES.

Eligibility
of mine
workers for
subsidies.

19A. Any mine worker who, in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales,

(a) has at any time before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, been awarded compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or

(b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer within the meaning of the Workers' Compensation Act, 1926-1947,

shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

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

19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.

Amount of
subsidy.

(2) The deductions which shall be made from any subsidy per week payable to a mine worker under this Part of this Act shall be:—

- (a) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);
- (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;
- (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;
- (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and

(e)

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

- (e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act—the amount of such weekly payments:

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

(3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

Coal and Oil
Shale Mine
Workers
Compensa-
tion Subsidy
Fund.

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

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

(3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

(4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

(5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the Subsidy Fund.

19D. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

Contributions to Subsidy Fund.

The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

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

(2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period of twelve months for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

The amount to be allocated in any year for the reserve shall be such amount as the Governor, upon the recommendation of the Tribunal, may direct at the close of any such year.

Each estimate under this subsection shall be made not later than the thirty-first day of March next preceding the commencement of the period to which the estimate relates.

(3) The amount estimated by the Tribunal pursuant to subsection one or subsection two of this section shall be paid to the Tribunal by the owners.

(4) The moneys payable by the owners under this section shall be of such amounts and shall be paid in such manner and at such times as may be prescribed.

Without prejudice to the generality of the foregoing provisions of this subsection regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

Different amounts and different bases of contribution may be prescribed in respect of different individual owners.

19E. (1) Where any mine worker has been awarded a subsidy under this Part of this Act the subsidy shall, subject to this Act, be payable to him until his death or the repeal of this Part of this Act, whichever is the earlier. (2)

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

(2) Upon the death of any mine worker who has been awarded a subsidy under this Part of this Act no payment from the Subsidy Fund shall be paid to any dependant of such mine worker.

No mine worker shall be paid more than one subsidy under this Part of this Act.

19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

Conditions
attaching to
and suspen-
sion of
subsidies.

- (a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.
- (b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;
- (c) make application for an age or invalid pension or a pension under this Act;
- (d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or the Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

(2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

(3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable

to

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

to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

Application of provisions of this Act to subsidies.

19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act.

Suspension of subsidy rights in certain events.

19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be.

Sec. 1.
(Consequential.)

(b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:—

PART IVA.—COAL AND OIL SHALE MINE WORKERS COMPENSATION SUBSIDIES—SS. 19A-19H.

Sec. 18.
(The Funds.)
(Consequential.)

(c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”;

(ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”;

Sec. 24.
(Unpaid contributions recoverable as debt.)

(d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19D”;

Sec. 27.
(Actuarial investigation of funds.)

(e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19C”;

(f)

Act No. 39, 1947.

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

- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word "pensions" wherever occurring the words "or subsidies";
- (ii) by inserting in paragraph (f) of the same subsection after the word "pension" wherever occurring the words "or subsidy".

Sec. 32.
(Regulations.)

(2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated.

Validation.

By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1948

[6d.]

Section 10. (Section 10 of Act No. 39, 1947)

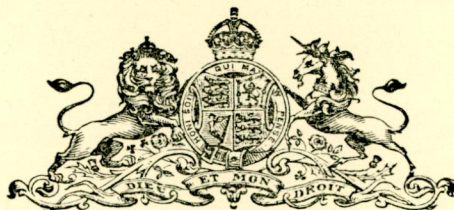
- (1) (i) by inserting in paragraph (a), (b) and (c) of subsection two of section thirty two after the word "persons" wherever occurring the words "or subsidiaries";
- (ii) by inserting in paragraph (1) of the same subsection after the word "person" wherever occurring the words "or subsidiary";
- (2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker who had after the first day of July, one thousand nine hundred and twenty six received compensation in respect of his services in the industry of coal or oil or gas in New South Wales is hereby validated.

Section 11. (Section 11 of Act No. 39, 1947)

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, 18 December, 1947.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. 39, 1947.

An Act to provide for the payment of a subsidy to certain coal and oil shale mine workers incapacitated by reason of the inhalation of dust; for this purpose to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947; to validate certain matters; and for purposes connected therewith. [Assented to, 19th December, 1947.]

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) Further Amendment Act, 1947." Short title citation, and commencement.

(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) Further Amendment.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947.

(3) This Act shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

Amendment
of Act No.
45, 1941.

New Part
IVA.

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947, is amended—

(a) by inserting next after Part IV the following new Part:—

PART IVA.

**COAL AND OIL SHALE MINE WORKERS
COMPENSATION SUBSIDIES.**

Eligibility
of mine
workers for
subsidies.

19A. Any mine worker who, in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales,

(a) has at any time before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, been awarded compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or

(b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer within the meaning of the Workers' Compensation Act, 1926-1947,

shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

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

19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.

Amount of
subsidy.

(2) The deductions which shall be made from any subsidy per week payable to a mine worker under this Part of this Act shall be:—

- (a) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);
- (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;
- (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;
- (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and

(e)

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

- (e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act—the amount of such weekly payments:

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

(3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

(2)

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

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

(3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

(4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

(5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the Subsidy Fund.

19b. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

Contribu-
tions to
Subsidy
Fund.

The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

(2)

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

(2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period of twelve months for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

The amount to be allocated in any year for the reserve shall be such amount as the Governor, upon the recommendation of the Tribunal, may direct at the close of any such year.

Each estimate under this subsection shall be made not later than the thirty-first day of March next preceding the commencement of the period to which the estimate relates.

(3) The amount estimated by the Tribunal pursuant to subsection one or subsection two of this section shall be paid to the Tribunal by the owners.

(4) The moneys payable by the owners under this section shall be of such amounts and shall be paid in such manner and at such times as may be prescribed.

Without prejudice to the generality of the foregoing provisions of this subsection regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

Different amounts and different bases of contribution may be prescribed in respect of different individual owners.

19E. (1) Where any mine worker has been awarded a subsidy under this Part of this Act the subsidy shall, subject to this Act, be payable to him until his death or the repeal of this Part of this Act, whichever is the earlier. (2)

Subsidies—
special
provisions.

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

(2) Upon the death of any mine worker who has been awarded a subsidy under this Part of this Act no payment from the Subsidy Fund shall be paid to any dependant of such mine worker.

No mine worker shall be paid more than one subsidy under this Part of this Act.

19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

Conditions attaching to and suspension of subsidies.

- (a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.
- (b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;
- (c) make application for an age or invalid pension or a pension under this Act;
- (d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or the Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

(2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

(3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable to

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

to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

Application of provisions of this Act to subsidies.

19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act.

Suspension of subsidy rights in certain events.

19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be.

Sec. 1.
(Consequential.)

(b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:—

PART IVA.—COAL AND OIL SHALE MINE
WORKERS COMPENSATION SUBSIDIES—SS.
19A-19H.

Sec. 18.
(The Funds.)
(Consequential.)

(c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”;

(ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”;

Sec. 24.
(Unpaid contributions recoverable as debt.)

(d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19D”;

Sec. 27.
(Actuarial investigation of funds.)

(e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19C”;

(f)

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

- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word "pensions" wherever occurring the words "or subsidies"; Sec. 32.
(Regulations.)
- (ii) by inserting in paragraph (f) of the same subsection after the word "pension" wherever occurring the words "or subsidy".

(2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated. Validation.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 19th December, 1947.*

