

*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.*

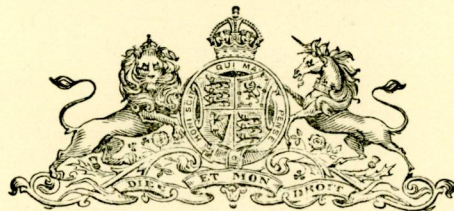
H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 9 November, 1950.*

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

*Clerk of the Parliaments.  
Legislative Council Chamber,  
Sydney, November, 1950.*

## New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

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Act No. , 1950.

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith.

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

**1.** (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950."

Short title, commencement and citation.

62161 44—

(2)

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

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

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5 (3) 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 (Superannuation) Act, 1941-1950.

10 **2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended— Amendment of Act No. 45, 1941.

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation"; Sec. 1. (Short title.)

15 (b) by inserting next after section 2B the following new section:— New sec. 2c.

20 2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950. Further extension of definition of "Mine worker."

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

25 (a) a person ~~not being a body corporate~~ who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport **and who in the course of such engagement uses not more than one vehicle at any one time;**

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(b) a person—

40 (i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the

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

the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

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(ii) who is principally engaged in such transport;

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(c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;

15

(d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill Proprietary Company Limited or of Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclamation published in the Gazette declares not to be mine workers, and who on the sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and had attained the age of fifty-five years.

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For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

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(3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

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(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

5            Provided that any person to whom this paragraph applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision  
10 of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so  
15 retires or is retired.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section  
20 are mine workers:

Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references,  
25 express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section:

30            Provided further that the provisions of this Act in their application to and in respect of any person who is a member of the class referred to in paragraph (d) of subsection two of this section shall be deemed to be modified to the following extent, that is to say—sections five and  
35 six of this Act shall have and take effect as if the age of sixty-five years or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is

retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

5 (5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is a mine worker shall be deemed to be employed by the owner of the mine from which such person transports coal or oil shale.

10 (c) by inserting in subsection six of section three after the word "Act" where thirdly occurring the words and symbols "and in subsection two of section 2c of this Act."

Sec. 3.  
(Special provisions as to calculation of periods of employment.)  
Further amendment of Act No. 45, 1941.

15 3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

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

20 (7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

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

25 (b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

30 (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

35 Sec. 7.  
(Pension—permanent incapacity.)

(c)

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- (c) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence";
- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- 10 (ii) by omitting from subsection five of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds five shillings";
- 15 (iii) by inserting next after subsection five of the same section the following new subsection:—
- (5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.
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- 35 (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

Sec. 8.  
(Hard luck cases.)

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

Sec. 10.  
(Pension payable to dependants.)

(ii)

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

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- (ii) by inserting next after subsection (1D) of the same section the following new subsection:—

5                   (1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of  
10 sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an  
15 amount of two pounds five shillings per week.

- (iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:—

20                   (1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons  
25 referred to in paragraphs (b) and (d) of subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been  
30 eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and sub-  
35 sections and for the periods specified in those paragraphs and subsections.

- (iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

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- (f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- 5
- (ii) by inserting at the end of the same section the following new subsection:—
- (5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.
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- (2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this ~~Act~~ **section** apply in respect of all mine workers who
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- 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.
- (b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to
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- 40
- extend to and from the commencement of this ~~Act~~ **section** apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons becoming eligible for any such pension after such commencement.

Sec. 10A.  
(De facto  
wife.)



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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

5 (4) The amendments made by subparagraph (iii) of paragraph (d), subparagraphs (ii) and (iv) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall commence upon the day appointed and notified pursuant to subsection  
10 two of section one of this Act.

(5) This section shall, except where otherwise expressly provided, commence or be deemed to have commenced upon the date upon which any increase in age, invalid or widow's pension granted after the date  
15 upon which His Majesty's assent to this Act is signified under any legislation of the Commonwealth relating to Social Services takes effect.

4. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

- 20 (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";
- 25 (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";
- 30 (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";
- 35 (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after

Sec. 12. (No pension while compensation payable.)

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

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- 5 after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him”;
- 10 (v) by inserting in paragraph (c) of the same subsection after the figures “1938” where firstly occurring the words “other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act”;
- 15 (vi) by inserting next after the same subsection the following new subsection:—
- (2A) The disqualification under subsection one of this section shall not apply to—
- 20 (a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers’ Compensation Act, 1926-1948;
- 25 (b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.
- 30 (vii) by inserting in subsection three of the same section after the word “injury” the words “not being an injury mentioned in the first column of the table to section sixteen of that Act”;
- 35 (viii) by omitting from subsection four of the same section the words “is eligible” and by inserting in lieu thereof the words “would, but for such provisions, be eligible to receive”;
- (ix)

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

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

5 (5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—

10 (a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;

15 (b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.

20 (b) by omitting from section thirteen the words “or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers’ Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof.” Sec. 13. (Deductions from pensions.)

25 (2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers’ Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.

30 (b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.

35 **5.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended— Further amendment of Act No. 45, 1941.

(a) (i) by omitting from subsection two of section fifteen the words “each of whom other than the Chairman” and by inserting in lieu thereof the word “who”; Sec. 15. (The Tribunal.)

(ii)

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

- (ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—
- 5 (a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;
- (iii) by omitting subsection (3A) of the same section;
- 10 (iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—
- 15 (a) The member appointed Chairman of the Tribunal shall, subject to this Act, hold office as such for such period as may be specified in and by the instrument of his appointment, and shall be eligible for re-appointment.
- 20 (b) by inserting at the end of subsection one of section 19B the following words:—
- 25 For the purposes only of this section the maximum amount per week which would be payable by way of compensation as aforesaid shall, in respect of a mine worker whose incapacity due to the inhalation of dust arose at any time before the date of commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, be
- 30 calculated as though the average weekly earnings of such mine worker had been not less than five pounds seven shillings.
- 35 (c) by inserting at the end of subsection three of the same section the words “less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his
- his

Sec. 19B.  
(Amount of  
subsidy.)

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

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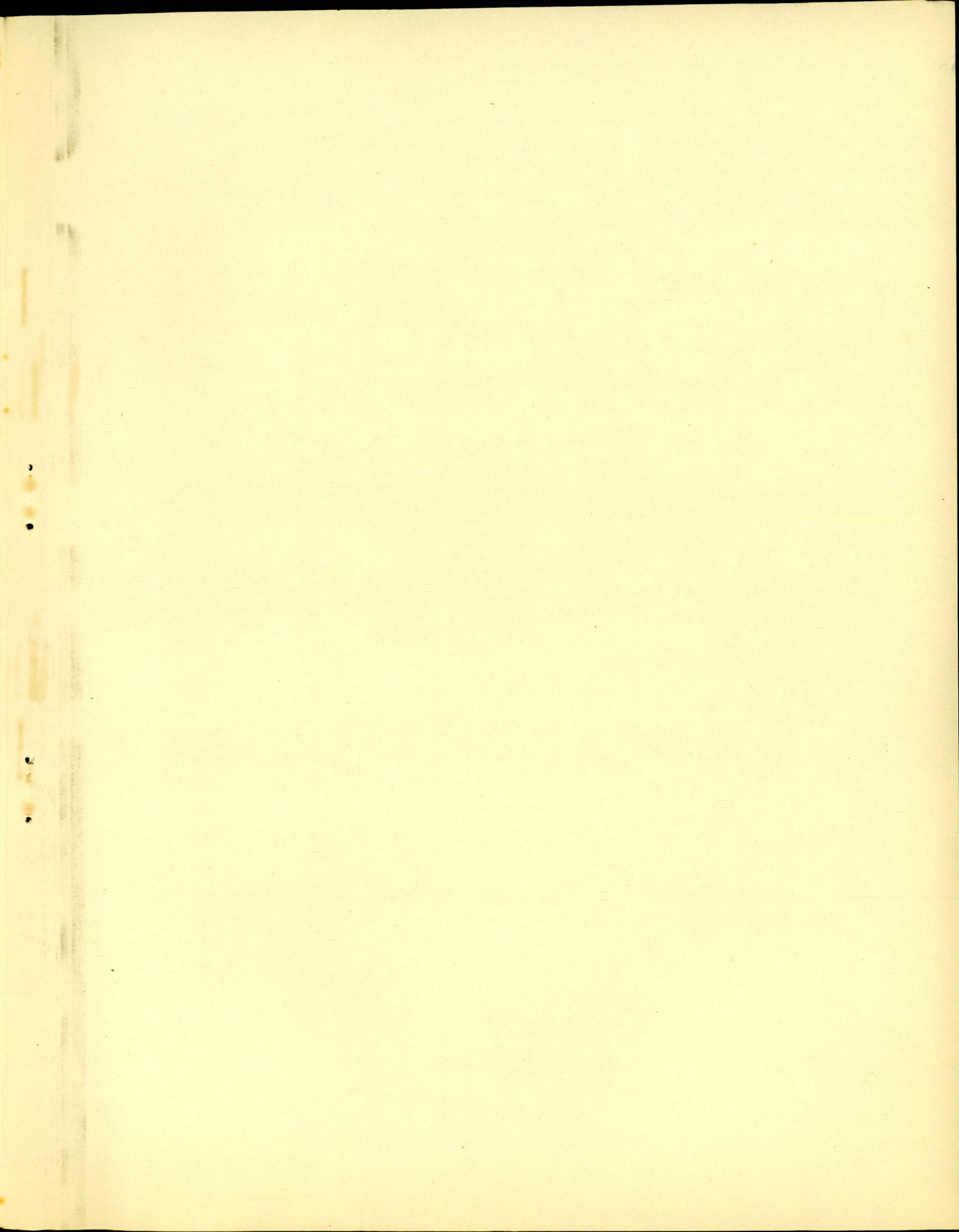
his home, redeeming any mortgage on his home, or payment of medical expenses in connection with incapacity due to the inhalation of dust.”

(2) The estimate made by the Pensions Tribunal  
5 constituted under the Coal and Oil Shale Mine Workers  
(Pensions) Act, 1941-1949, in accordance with section  
nineteen of that 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  
10 commencing on the first day of July, one thousand nine  
hundred and fifty, shall be deemed to be varied to the  
extent necessary to include the amount required for  
payment of pensions increased or other sums payable by  
virtue of the operation of this Act, and the estimate as so  
15 varied shall for all purposes of the Coal and Oil Shale  
Mine Workers (Superannuation) Act, 1941-1950, 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  
20 upon or payable out of that Fund and for the provision  
of a reserve in connection with that Fund.

(3) The amendment made by paragraph (b) of sub-  
section one of this section shall be deemed to have  
commenced upon the fifth day of November, one thousand  
25 nine hundred and forty-seven.

(4) The amendment made to subsection three of  
section 19B of the Coal and Oil Shale Mine Workers  
(Pensions) Act, 1941-1949, by paragraph (c) of sub-  
section one of this section shall not operate to entitle any  
30 mine worker to payment of subsidy in respect of any  
period before the commencement of this Act in respect  
of which he was disqualified from receiving payment of  
subsidy by reason of the operation of that subsection as  
enacted immediately before such commencement.







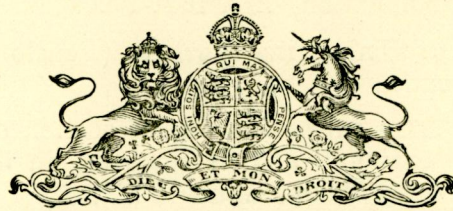


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 9 November, 1950.*

## New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

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Act No. , 1950.

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950."

Short title, commencement and citation.

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

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5 (3) 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 (Superannuation) Act, 1941-1950.

10 **2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended— Amendment of Act No. 45, 1941.

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation"; Sec. 1. (Short title.)

15 (b) by inserting next after section 2B the following new section:— New sec. 2c.

20 2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950. Further extension of definition of "Mine worker."

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

25 (a) a person not being a body corporate who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of  
30 delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport;

(b) a person—

35 (i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for  
the

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5 the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

(ii) who is principally engaged in such transport;

10 (c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;

15 (d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill Proprietary Company Limited or of  
20 Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclamation published in the Gazette declares not to be mine workers, and who on the  
25 sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and had attained the age of fifty-five years.

30 For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

35 (3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

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(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

5            Provided that any person to whom this  
paragraph applies may retire or be retired at any  
time after he attains the age of sixty years and  
before he attains the age of sixty-five years,  
10            and in any such case a reference in any provision  
of this Act to the "date of retirement" shall,  
notwithstanding anything elsewhere contained  
in this Act, in the application of that provision  
to and in respect of such person be construed  
15            as a reference to the date upon which he so  
retires or is retired.

(4) As from the commencement of this  
section the provisions of this Act shall, subject  
to this section, apply to and in respect of persons  
who by virtue of subsection two of this section  
20            are mine workers:

Provided that the provisions of this Act in  
their application to and in respect of such  
persons shall be deemed to be modified to the  
25            following extent, that is to say—references,  
express or implied, in this Act, to the commence-  
ment of Part II of this Act, shall be construed  
as references to the commencement of this  
section:

30            Provided further that the provisions of this  
Act in their application to and in respect of any  
person who is a member of the class referred to  
in paragraph (d) of subsection two of this  
section shall be deemed to be modified to the  
35            following extent, that is to say—sections five and  
six of this Act shall have and take effect as if the  
age of sixty-five years or, where such person  
retires or is retired before the age of sixty-five  
years, the age at which such person retires or is

retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

5 (5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is a mine worker shall be deemed to be employed by  
10 the owner of the mine from which such person transports coal or oil shale.

3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

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

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

20 (7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

25 (b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

30 (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 7. (Pension—permanent incapacity.)

(c)

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

- (c) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence"; Sec. 8.  
(Hard luck cases.)
- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence"; Sec. 9.  
(Pensions—additional payments in respect of dependants.)
- 10 (ii) by omitting from subsection five of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds five shillings";
- 15 (iii) by inserting next after subsection five of the same section the following new subsection:—
- (5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.
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- 35 (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence"; Sec. 10.  
(Pension payable to dependants.)

(ii)

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

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- (ii) by inserting next after subsection (1D) of the same section the following new subsection:—

5 (1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of  
10 sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an  
15 amount of two pounds five shillings per week.

- (iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:—

20 (1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons referred to in paragraphs (b) and (d) of  
25 subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been  
30 eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and sub-  
35 sections and for the periods specified in those paragraphs and subsections.

- (iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

(f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

Sec. 10A.  
(De facte  
wife.)

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

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(5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.

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(2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this Act 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

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(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons becoming eligible for any such pension after such commencement.

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(3)



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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

5 **4.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

10 (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

Sec. 12. (No pension while compensation payable.)

15 (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";

20 (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";

25 (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him";

30 (v) by inserting in paragraph (c) of the same subsection after the figures "1938" where firstly occurring the words "other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

(vi)

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

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- (vi) by inserting next after the same subsection the following new subsection:—
- 5 (2A) The disqualification under subsection one of this section shall not apply to—
- 10 (a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers' Compensation Act, 1926-1948;
- 15 (b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.
- 20 (vii) by inserting in subsection three of the same section after the word "injury" the words "not being an injury mentioned in the first column of the table to section sixteen of that Act";
- 25 (viii) by omitting from subsection four of the same section the words "is eligible" and by inserting in lieu thereof the words "would, but for such provisions, be eligible to receive";
- 30 (ix) by inserting at the end of the same section the following new subsection:—
- 35 (5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—
- (a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;
- (b).

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

5 (b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.

10 (b) by omitting from section thirteen the words "or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof." Sec. 13.  
(Deductions from pensions.)

15 (2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers' Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.

20 (b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.

5. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended— Further amendment of Act No. 45, 1941.

25 (a) (i) by omitting from subsection two of section fifteen the words "each of whom other than the Chairman" and by inserting in lieu thereof the word "who"; Sec. 15.  
(The Tribunal.)

30 (ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—

(a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;

35 (iii) by omitting subsection (3A) of the same section;

(iv)

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

(iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—

5 (a) The member appointed Chairman of the Tribunal shall, subject to this Act, hold office as such for such period as may be specified in and by the instrument of his appointment, and shall be eligible for re-appoint-  
10 ment.

(b) by inserting at the end of subsection one of section 19B the following words:—

Sec. 19B.  
(Amount of  
subsidy.)

15 For the purposes only of this section the maximum amount per week which would be payable by way of compensation as aforesaid shall, in respect of a mine worker whose incapacity due to the inhalation of dust arose at any time before the date of commencement of the Coal and Oil Shale Mine Workers  
20 (Pensions) Further Amendment Act, 1947, be calculated as though the average weekly earnings of such mine worker had been not less than five pounds seven shillings.

25 (c) by inserting at the end of subsection three of the same section the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been  
30 applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with incapacity due to the inhalation of dust."

35 (2) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, in accordance with section nineteen of that 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

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

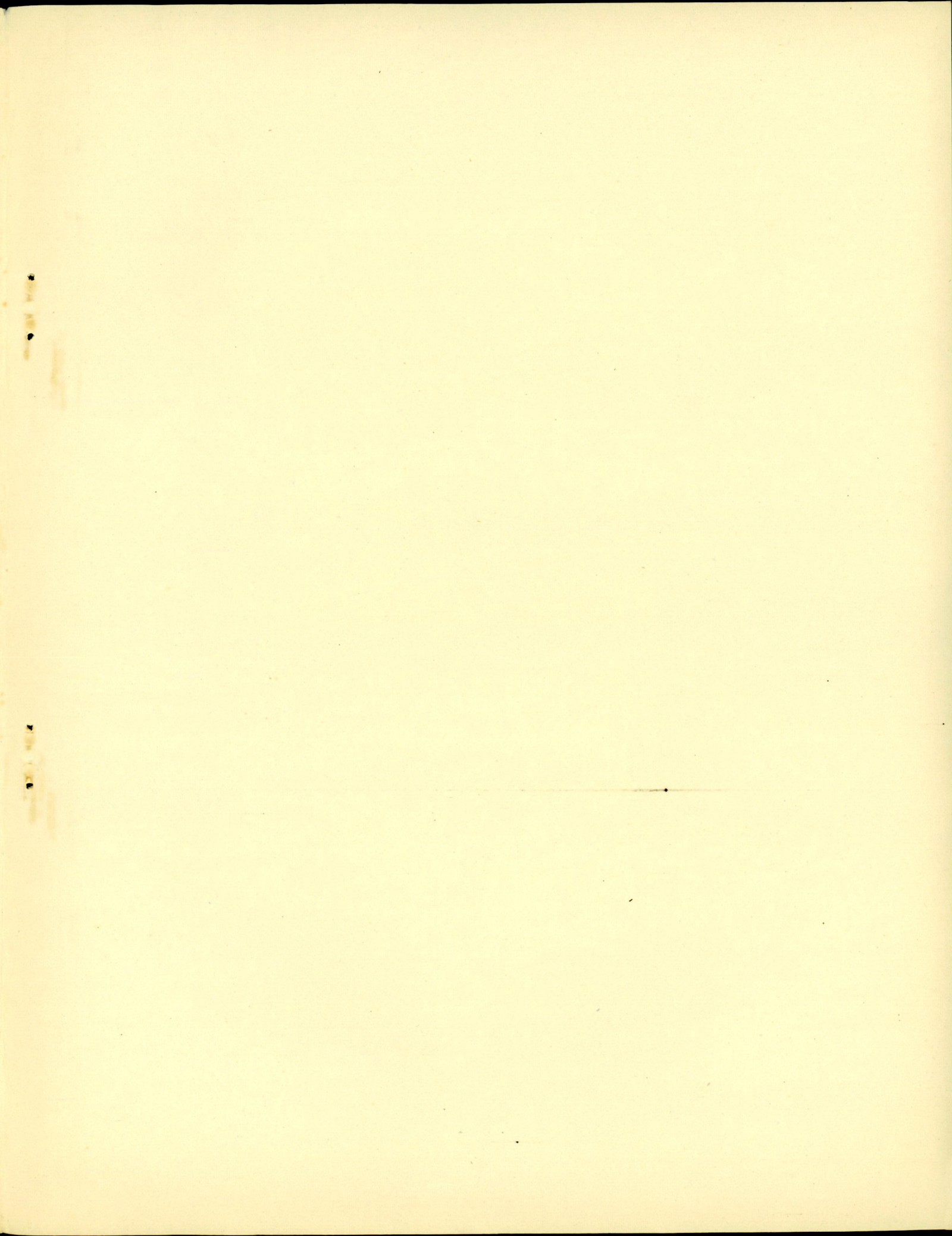
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commencing on the first day of July, one thousand nine hundred and fifty, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by  
5 virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, be deemed to be the estimate of the amount required by each  
10 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.

(3) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have  
15 commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

(4) The amendment made to subsection three of section 19B of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, by paragraph (c) of subsection one of this section shall not operate to entitle any  
20 mine worker to payment of subsidy in respect of any period before the commencement of this Act in respect of which he was disqualified from receiving payment of subsidy by reason of the operation of that subsection as  
25 enacted immediately before such commencement.









No. , 1950.

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## A BILL

To increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith.

[MR. ARTHUR;—7 November, 1950.]

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**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 (Superannuation) Amendment Act, 1950."

Short title, commencement and citation.

62161

44—(2)

(2)

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

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5 (3) 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 (Superannuation) Act, 1941-1950.

10 **2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended—

Amendment  
of Act No.  
45, 1941.

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 1.  
(Short  
title.)

15 (b) by inserting next after section 2B the following new section:—

New sec. 2c.

20 2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950.

Further  
extension  
of defini-  
tion of  
"Mine  
worker."

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

25 (a) a person not being a body corporate who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport;

(b) a person—

35 (i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for  
the

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

5 the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

(ii) who is principally engaged in such transport;

10 (c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;

15 (d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill Proprietary Company Limited or of Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclamation published in the Gazette declares not to be mine workers, and who on the 20 sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and had attained 25 the age of fifty-five years.

30 For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

35 (3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

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(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

5        Provided that any person to whom this paragraph applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

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20        (4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section are mine workers:

25        Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section:

30        Provided further that the provisions of this Act in their application to and in respect of any person who is a member of the class referred to in paragraph (d) of subsection two of this section shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age of sixty-five years or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

- 5 (5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is  
10 a mine worker shall be deemed to be employed by the owner of the mine from which such person transports coal or oil shale.

3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

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

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

- 20 (7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

- 25 (b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

- 30 (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 7.  
(Pension—permanent incapacity.)

(c)

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

- (e) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence";
- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- 10 (ii) by omitting from subsection five of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds five shillings";
- 15 (iii) by inserting next after subsection five of the same section the following new subsection:—
- (5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.
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- 35 (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

Sec. 8.  
(Hard luck cases.)

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

Sec. 10.  
(Pension payable to dependants.)

(ii)

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

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(ii) by inserting next after subsection (1D) of the same section the following new subsection:—

5 (1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of  
10 sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an  
15 amount of two pounds five shillings per week.

(iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:—

20 (1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons referred to in paragraphs (b) and (d) of subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been  
25 eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and sub-  
30 sections and for the periods specified in those paragraphs and subsections.  
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(iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

- (f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- 5 (ii) by inserting at the end of the same section the following new subsection:—
- (5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.
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- 15
- 20 (2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this Act apply in respect of all mine workers who were
- 25 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any
- 30 such pension or addition thereto after such commencement.
- (b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to
- 35 extend to and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons
- 40 becoming eligible for any such pension after such commencement.

Sec. 10A.  
(De facto  
wife.)



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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

5 **4.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

Sec. 12.

(No pension while compensation payable.)

10 (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

15 (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";

20 (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";

25 (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him";

30 (v) by inserting in paragraph (c) of the same subsection after the figures "1938" where firstly occurring the words "other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

(vi)

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

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- (vi) by inserting next after the same subsection the following new subsection:—
- 5 (2A) The disqualification under subsection one of this section shall not apply to—
- 10 (a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers' Compensation Act, 1926-1948;
- 15 (b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.
- 20 (vii) by inserting in subsection three of the same section after the word "injury" the words "not being an injury mentioned in the first column of the table to section sixteen of that Act";
- 25 (viii) by omitting from subsection four of the same section the words "is eligible" and by inserting in lieu thereof the words "would, but for such provisions, be eligible to receive";
- 30 (ix) by inserting at the end of the same section the following new subsection:—
- 35 (5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—
- (a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;
- (b)

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

- 5 (b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.
- 10 (b) by omitting from section thirteen the words "or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof." Sec. 13.  
(Deductions from pensions.)
- 15 (2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers' Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.
- 20 (b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.
- 25 **5.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended— Further amendment of Act No. 45, 1941.
- (a) (i) by omitting from subsection two of section fifteen the words "each of whom other than the Chairman" and by inserting in lieu thereof the word "who"; Sec. 15.  
(The Tribunal.)
- 30 (ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—
- (a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;
- 35 (iii) by omitting subsection (3A) of the same section;
- (iv)

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

(iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—

5 (a) The member appointed Chairman of the Tribunal shall, subject to this Act, hold office as such for such period as may be specified in and by the instrument of his appointment, and shall be eligible for re-appoint-  
10 ment.

(b) by inserting at the end of subsection one of section 19B the following words:—

Sec. 19B.  
(Amount of  
subsidy.)

15 For the purposes only of this section the maximum amount per week which would be payable by way of compensation as aforesaid shall, in respect of a mine worker whose incapacity due to the inhalation of dust arose at any time before the date of commencement  
20 of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, be calculated as though the average weekly earnings of such mine worker had been not less than five pounds seven shillings.

25 (c) by inserting at the end of subsection three of the same section the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been  
30 applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with incapacity due to the inhalation of dust."

35 (2) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, in accordance with section nineteen of that 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

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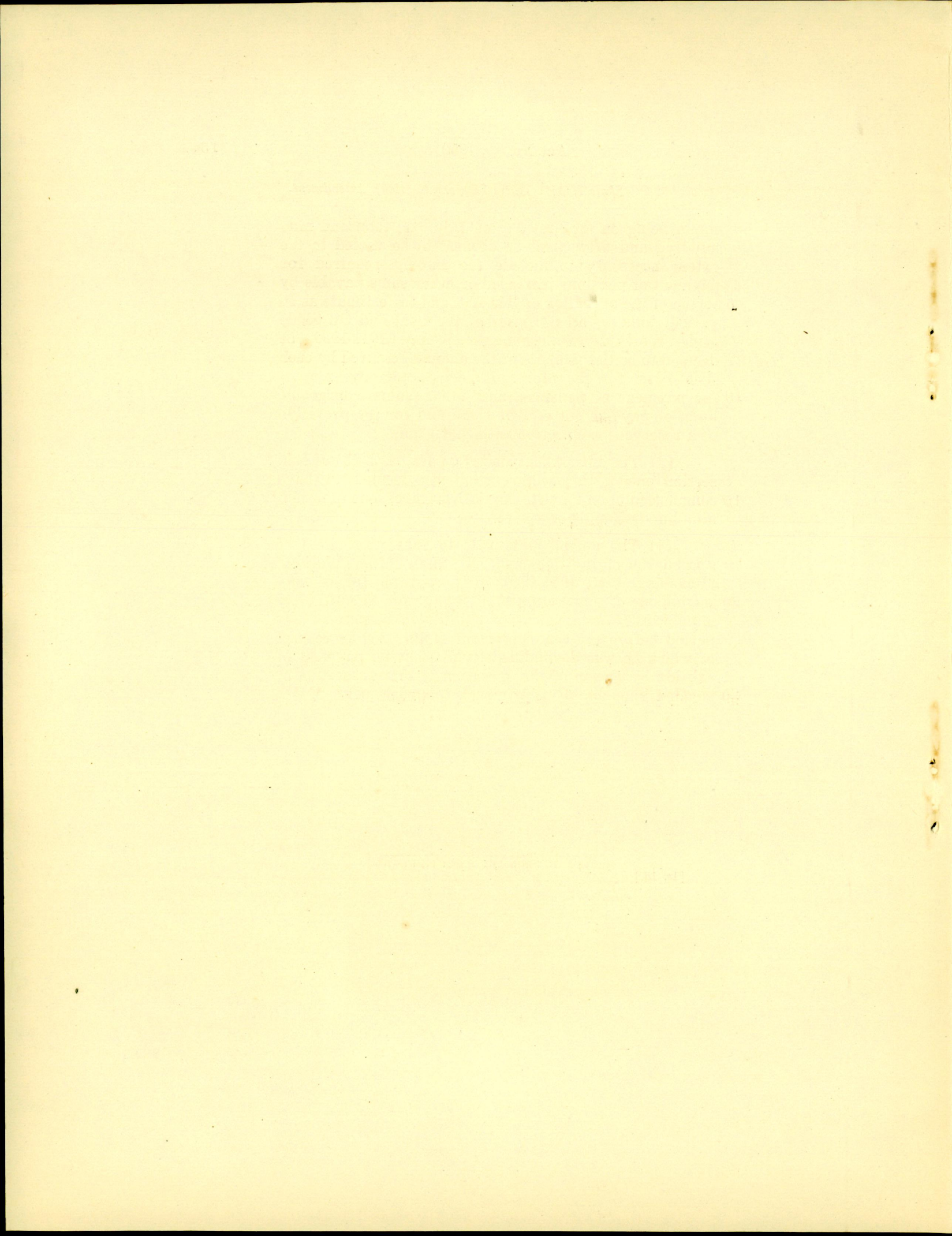
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

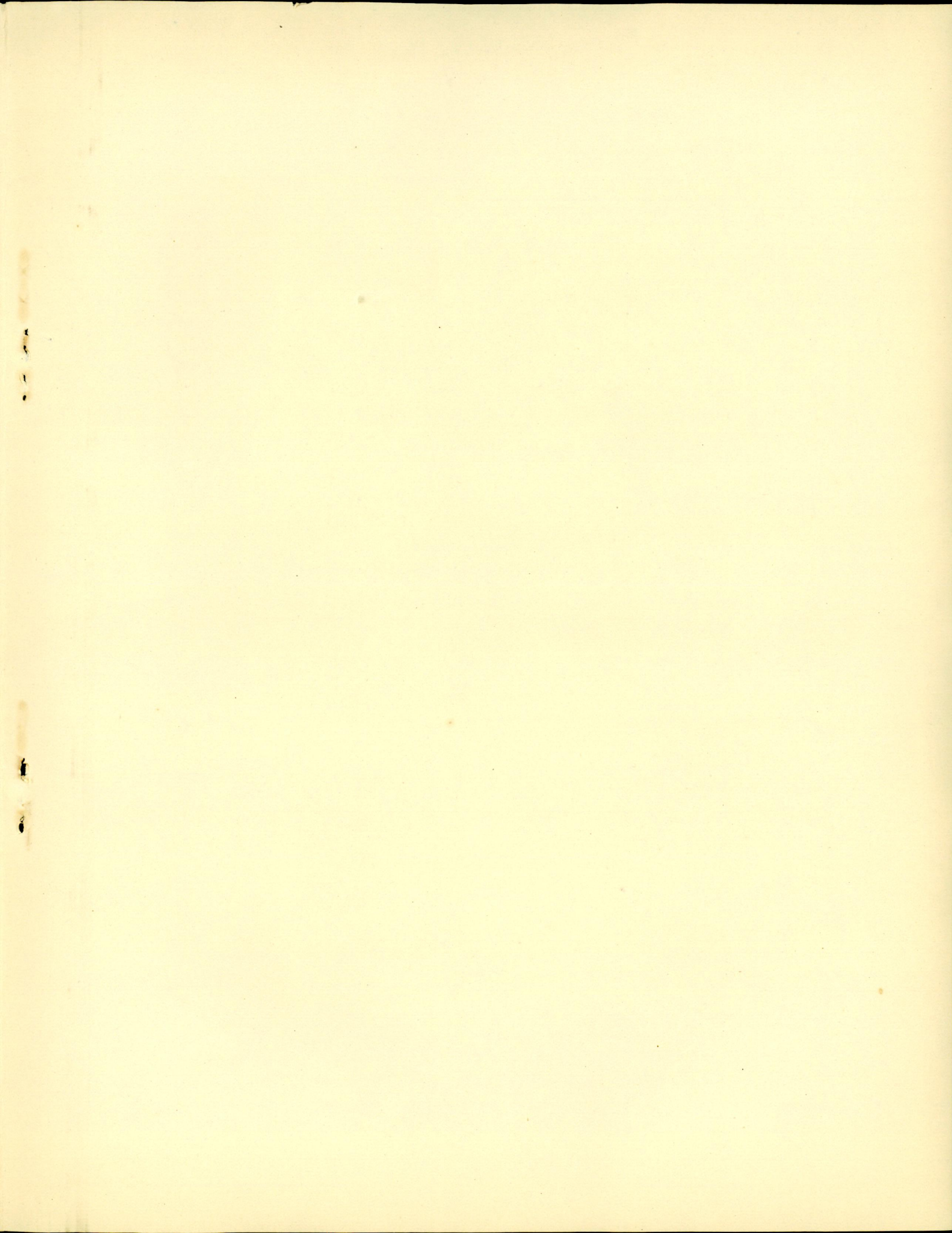
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commencing on the first day of July, one thousand nine hundred and fifty, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.

(3) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

(4) The amendment made to subsection three of section 19B of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, by paragraph (c) of subsection one of this section shall not operate to entitle any mine worker to payment of subsidy in respect of any period before the commencement of this Act in respect of which he was disqualified from receiving payment of subsidy by reason of the operation of that subsection as enacted immediately before such commencement.









Coal and Oil Shale Mine Workers (Superannuation)  
Amendment Bill, 1950.

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**EXPLANATORY NOTE.**

THE principal objects of this Bill are—

- (a) to extend the definition of "Mine worker" to include certain persons—
  - (i) who are engaged in the transport of coal or oil shale from a mine to the point at which the coal is delivered by the owner of the mine;
  - (ii) who screen, wash or load coal or oil shale at such point of delivery;
  - (iii) who are employed in the making of coke;
- (b) to increase the amount of pensions, and certain additions to pensions, payable under the Act;
- (c) to authorise the Tribunal to grant additions to the pensions of certain pensioners who are permanent invalids and who for that reason employ nurses to care for them;
- (d) to authorise the Tribunal to grant pensions to certain dependants of a deceased mine worker who was at any time a contributor to the Fund;
- (e) to entitle a mine worker in certain circumstances and the dependants of a deceased mine worker to receive a pension under the Act as well as compensation under the Workers' Compensation Act, 1926, or damages independently of that Act;
- (f) to provide that the amount of a service pension under the Australian Soldiers' Repatriation Act 1920 shall not be deducted from pensions payable under the Act;
- (g) to provide that the Chairman of the Tribunal shall be a person appointed by the Governor for such period as may be specified in and by the instrument of appointment;
- (h) to authorise the payment of a greater amount of subsidy to certain mine workers whose incapacity for work through inhalation of dust arose before 5th November, 1947;
- (i) to entitle a mine worker in certain circumstances to receive a full subsidy under the Act even though he has accepted a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926.

Food and Oil from the West Indies  
(Continued)

EXPLANATORY NOTE

The composition of the fat as given in the table is based on the analysis of the fat as received from the West Indies. It is to be understood that the composition of the fat may vary in different parts of the West Indies and in different seasons. The composition of the fat as given in the table is based on the analysis of the fat as received from the West Indies. It is to be understood that the composition of the fat may vary in different parts of the West Indies and in different seasons.

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1000

No. , 1950.

# A BILL

To increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith.

[MR. ARTHUR;—7 November, 1950.]

**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 (Superannuation) Amendment Act, 1950."

Short title, commencement and citation.

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

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5 (3) 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 (Superannuation) Act, 1941-1950.

10 **2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended— Amendment of Act No. 45, 1941.

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation"; Sec. 1. (Short title.)

15 (b) by inserting next after section 2B the following new section:— New sec. 2c.

20 2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950. Further extension of definition of "Mine worker."

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

25 (a) a person not being a body corporate who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport;

30 (b) a person—  
35 (i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the

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

5 the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

(ii) who is principally engaged in such transport;

10 (c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;

15 (d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill  
20 Proprietary Company Limited or of Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclama-  
25 tion published in the Gazette declares not to be mine workers, and who on the sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and has attained the age of fifty-five years.

30 For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

35 (3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

5            Provided that any person to whom this paragraph applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

20           (4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section are mine workers:

25           Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section:

30           Provided further that the provisions of this Act in their application to and in respect of any person who is a member of the class referred to in paragraph (d) of subsection two of this section shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age of sixty-five years or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is

retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

5 (5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is a mine worker shall be deemed to be employed by  
10 the owner of the mine from which such person transports coal or oil shale.

3. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

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

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

20 (7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six  
25 pence.

30 (b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

35 (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 7. (Pension—permanent incapacity.)

(c)

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

- (c) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence"; Sec. 8. (Hard luck cases.)
- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- 10 (ii) by omitting from subsection five of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds five shillings";
- 15 (iii) by inserting next after subsection five of the the same section the following new subsection:—
- 20 (5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.
- 25
- 30
- 35 (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence"; Sec. 10. (Pension payable to dependants.)
- (ii)



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

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- (ii) by inserting next after subsection (1D) of the same section the following new subsection:—

5 (1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of 10 sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week. 15

- (iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:— 20

(1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons referred to in paragraphs (b) and (d) of subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and subsections and for the periods specified in those paragraphs and subsections. 25 30 35

- (iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

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- 5 (f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- (ii) by inserting at the end of the same section the following new subsection:—
- (5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.
- 10
- 15
- 20 (2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this Act apply in respect of all mine workers who were
- 25 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any
- 30 such pension or addition thereto after such commencement.
- (b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to
- 35 extend to and from the commencement of this Act apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons
- 40 becoming eligible for any such pension after such commencement.

Sec. 10A.  
(De facto  
wife.)

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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

5 4. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

Sec. 12.

(No pension while compensation payable.)

10 (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

15 (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";

20 (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";

25 (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him";

30 (v) by inserting in paragraph (c) of the same subsection after the figures "1938" where firstly occurring the words "other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";

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(vi)

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

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- (vi) by inserting next after the same subsection the following new subsection:—
- 5 (2A) The disqualification under subsection one of this section shall not apply to—
- 10 (a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers' Compensation Act, 1926-1948;
- 15 (b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.
- 20 (vii) by inserting in subsection three of the same section after the word "injury" the words "not being an injury mentioned in the first column of the table to section sixteen of that Act";
- 25 (viii) by omitting from subsection four of the same section the words "is eligible" and by inserting in lieu thereof the words "would, but for such provisions, be eligible to receive";
- 30 (ix) by inserting at the end of the same section the following new subsection:—
- 35 (5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—
- (a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;
- (b).

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

5 (b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.

10 (b) by omitting from section thirteen the words "or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof." Sec. 13.  
(Deductions from pensions.)

15 (2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers' Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.

20 (b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.

5. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended— Further amendment of Act No. 45, 1941.

25 (a) (i) by omitting from subsection two of section fifteen the words "each of whom other than the Chairman" and by inserting in lieu thereof the word "who"; Sec. 15.  
(The Tribunal.)

30 (ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—

(a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;

35 (iii) by omitting subsection (3A) of the same section;

(iv)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—

5 (a) The member appointed Chairman,  
as may be specified in and by the  
instrument of his appointment, of  
the Tribunal shall, subject to this  
Act, hold office as such for such  
10 period and shall be eligible for  
re-appointment.

(b) by inserting at the end of subsection one of section 19B the following words:—

Sec. 19B.  
(Amount of  
subsidy.)

15 For the purposes only of this section the  
maximum amount per week which would be  
payable by way of compensation as aforesaid  
shall, in respect of a mine worker whose  
incapacity due to the inhalation of dust arose  
at any time before the date of commencement  
20 of the Coal and Oil Shale Mine Workers  
(Pensions) Further Amendment Act, 1947, be  
calculated as though the average weekly,  
earnings of such mine worker had been not less  
than five pounds seven shillings.

25 (c) by inserting at the end of subsection three of  
the same section the words "less such portion  
of such lump sum as the Tribunal is satisfied  
has either before or after the commencement  
of the Coal and Oil Shale Mine Workers  
(Superannuation) Amendment Act, 1950, been  
30 applied by the mine worker in the purchase of  
his home, redeeming any mortgage on his home,  
or payment of medical expenses in connection  
with incapacity due to the inhalation of dust."

(2) The estimate made by the Pensions Tribunal  
35 constituted under the Coal and Oil Shale Mine Workers  
(Pensions) Act, 1941-1949, in accordance with section  
nineteen of that 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

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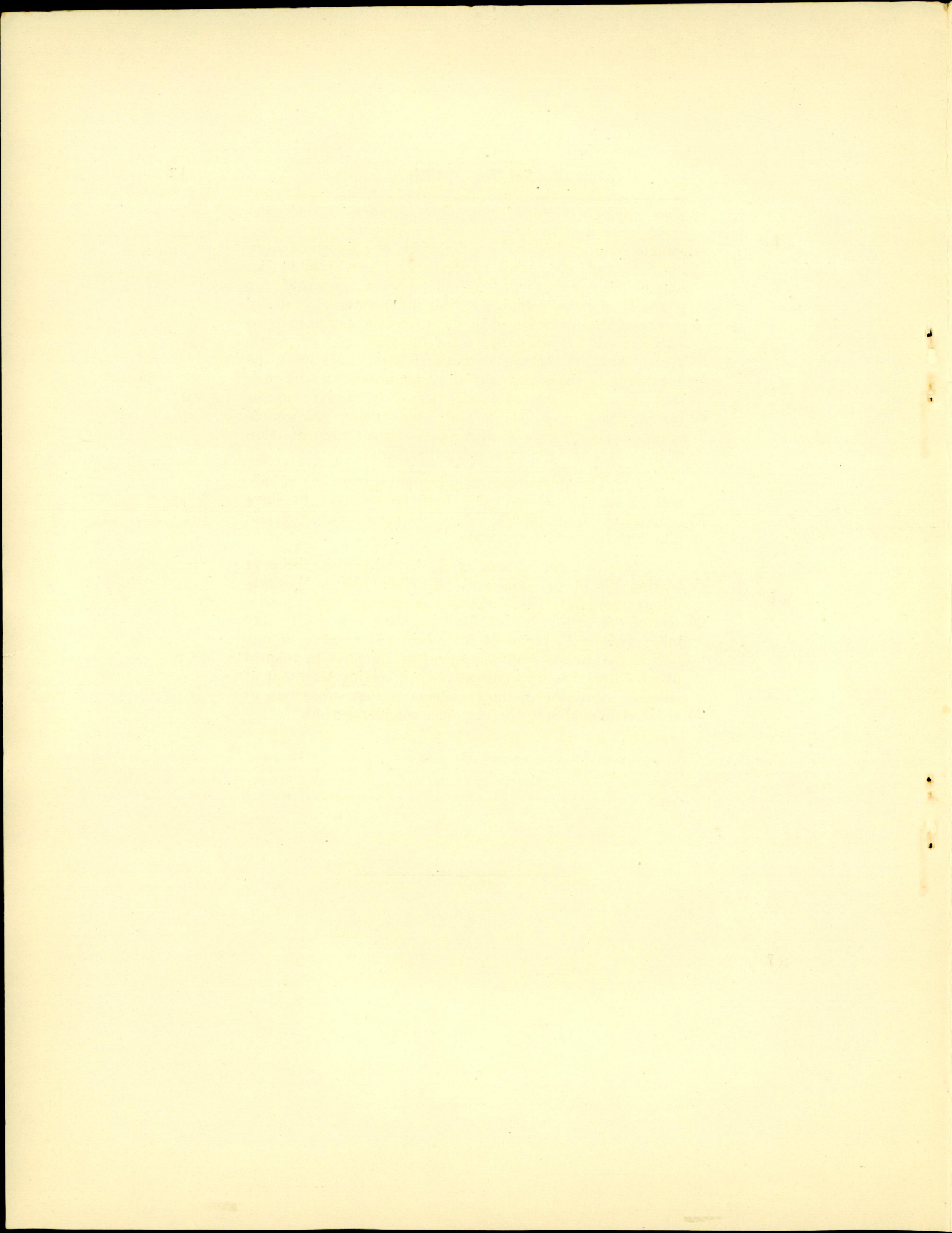
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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commencing on the first day of July, one thousand nine hundred and fifty, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by  
5 virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, be deemed to be the estimate of the amount required by each  
10 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.

(3) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have  
15 commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

(4) The amendment made to subsection three of section 19B of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, by paragraph (c) of sub-  
20 section one of this section shall not operate to entitle any mine worker to payment of subsidy in respect of any period before the commencement of this Act in respect of which he was disqualified from receiving payment of subsidy by reason of the operation of that subsection as  
25 enacted immediately before such commencement.

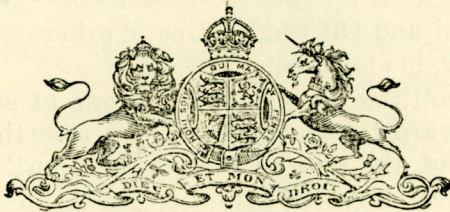








New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

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Act No. 37, 1950.

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 20th November, 1950.]

**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 (Superannuation) Amendment Act, 1950."

Short title, commencement and citation.

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

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(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) 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 (Superannuation) Act, 1941-1950.

Amendment  
of Act No.  
45, 1941.

Sec. 1.  
(Short  
title.)

New sec. 2c.

Further  
extension  
of defini-  
tion of  
"Mine  
worker."

**2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended—

- (a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
- (b) by inserting next after section 2b the following new section:—

2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950.

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

- (a) a person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport and who in the course of such engagement uses not more than one vehicle at any one time;
- (b) a person—
  - (i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for

the

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

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the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

- (ii) who is principally engaged in such transport;
- (c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;
- (d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill Proprietary Company Limited or of Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclamation published in the Gazette declares not to be mine workers, and who on the sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and had attained the age of fifty-five years.

For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

(3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

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(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

Provided that any person to whom this paragraph applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section are mine workers:

Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section:

Provided further that the provisions of this Act in their application to and in respect of any person who is a member of the class referred to in paragraph (d) of subsection two of this section shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age of sixty-five years or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is

retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

(5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is a mine worker shall be deemed to be employed by the owner of the mine from which such person transports coal or oil shale.

- (c) by inserting in subsection six of section three after the word "Act" where thirdly occurring the words and symbols "and in subsection two of section 2c of this Act."

**3.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

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

(7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

- (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 3.  
(Special provisions as to calculation of periods of employment.)

Further amendment of Act No. 45, 1941.

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

Sec. 7.  
(Pension—permanent incapacity.)

(c)

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

Sec. 8.  
(Hard luck  
cases.)

- (e) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 9.  
(Pensions—  
additional  
payments in  
respect of  
depend-  
ants.)

- (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

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

- (iii) by inserting next after subsection five of the same section the following new subsection:—

(5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.

Sec. 10.  
(Pension  
payable to  
depend-  
ants.)

- (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

(ii)



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

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- (ii) by inserting next after subsection (1D) of the same section the following new subsection:—

(1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.

- (iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:—

(1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons referred to in paragraphs (b) and (d) of subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and subsections and for the periods specified in those paragraphs and subsections.

- (iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

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Sec. 10A.  
(De facto  
wife.)

(f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

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

(5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.

(2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this section 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the commencement of this section apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons becoming eligible for any such pension after such commencement.

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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

(4) The amendments made by subparagraph (iii) of paragraph (d), subparagraphs (ii) and (iv) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall commence upon the day appointed and notified pursuant to subsection two of section one of this Act.

(5) This section shall, except where otherwise expressly provided, commence or be deemed to have commenced upon the date upon which any increase in age, invalid or widow's pension granted after the date upon which His Majesty's assent to this Act is signified under any legislation of the Commonwealth relating to Social Services takes effect.

4. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

- (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";
- (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";
- (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";
- (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after

Sec. 12. (No pension while compensation payable.)

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

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after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him”;

(v) by inserting in paragraph (c) of the same subsection after the figures “1938” where firstly occurring the words “other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act”;

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

(2A) The disqualification under subsection one of this section shall not apply to—

(a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers’ Compensation Act, 1926-1948;

(b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.

(vii) by inserting in subsection three of the same section after the word “injury” the words “not being an injury mentioned in the first column of the table to section sixteen of that Act”;

(viii) by omitting from subsection four of the same section the words “is eligible” and by inserting in lieu thereof the words “would, but for such provisions, be eligible to receive”;

(ix)

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

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

(5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—

(a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;

(b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.

(b) by omitting from section thirteen the words “or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers’ Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof.”

Sec. 13.  
(Deductions from pensions.)

(2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers’ Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.

5. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

(a) (i) by omitting from subsection two of section fifteen the words “each of whom other than the Chairman” and by inserting in lieu thereof the word “who”;

Sec. 15.  
(The Tribunal.)

(ii)

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

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(ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—

(a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;

(iii) by omitting subsection (3A) of the same section;

(iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—

(a) The member appointed Chairman of the Tribunal shall, subject to this Act, hold office as such for such period as may be specified in and by the instrument of his appointment, and shall be eligible for re-appointment.

**Sec. 19B.**  
(Amount of  
subsidy.)

(b) by inserting at the end of subsection one of section 19B the following words:—

For the purposes only of this section the maximum amount per week which would be payable by way of compensation as aforesaid shall, in respect of a mine worker whose incapacity due to the inhalation of dust arose at any time before the date of commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, be calculated as though the average weekly earnings of such mine worker had been not less than five pounds seven shillings.

(c) by inserting at the end of subsection three of the same section the words “less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his

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

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his home, redeeming any mortgage on his home, or payment of medical expenses in connection with incapacity due to the inhalation of dust.”

(2) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, in accordance with section nineteen of that 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 fifty, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.

(3) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

(4) The amendment made to subsection three of section 19B of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, by paragraph (c) of subsection one of this section shall not operate to entitle any mine worker to payment of subsidy in respect of any period before the commencement of this Act in respect of which he was disqualified from receiving payment of subsidy by reason of the operation of that subsection as enacted immediately before such commencement.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1950.

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the University of California, held at Berkeley, California, on July 26, 1900.

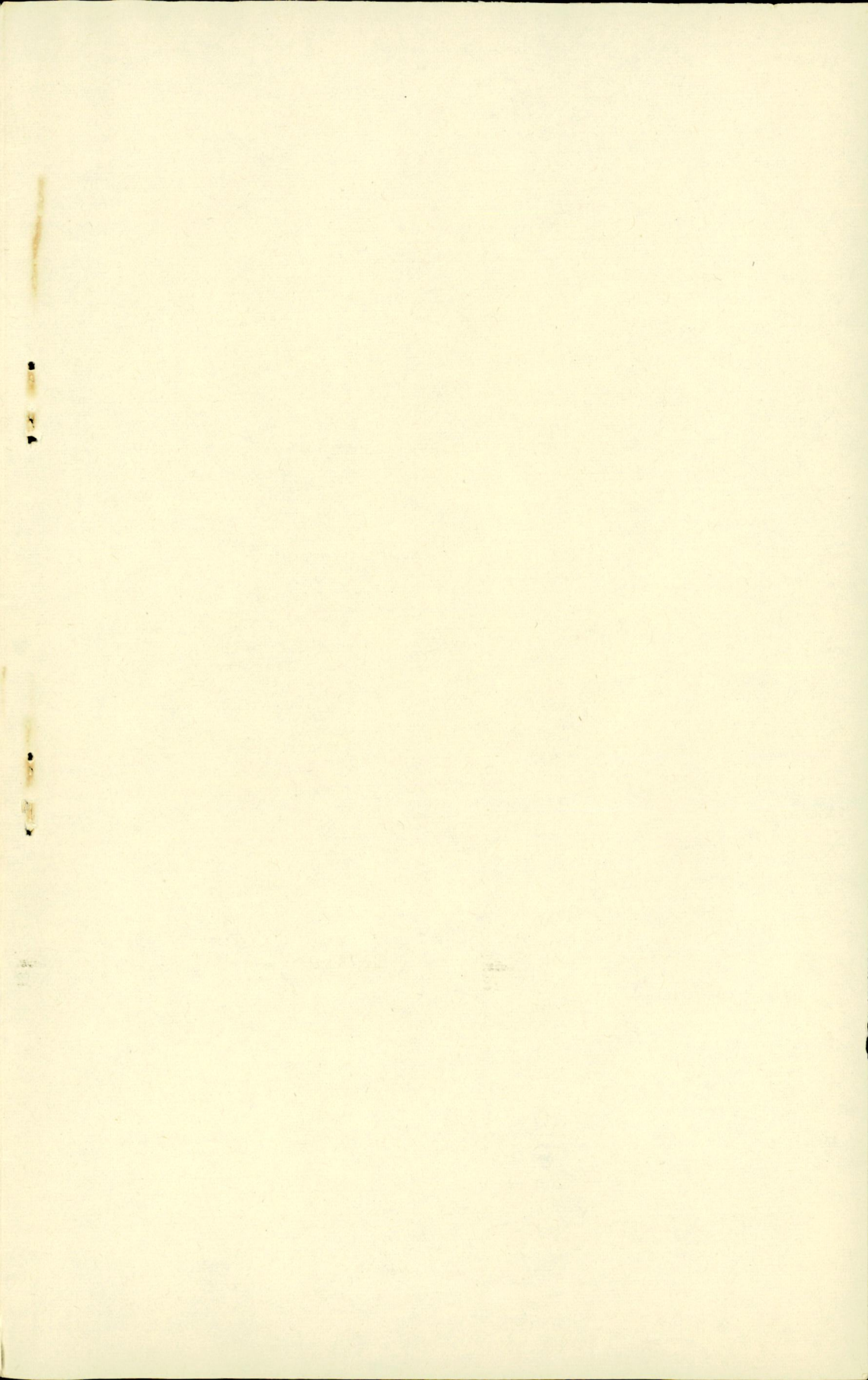
Present: President [Name], Vice-President [Name], Secretary [Name], Treasurer [Name], and members of the Board of Directors [List of Names].

The meeting was called to order at [Time] by the President, who read the minutes of the previous meeting, which were approved. The following report was read and approved:

[Detailed Report Text]

The meeting adjourned at [Time].





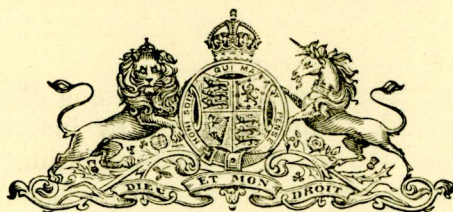


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 15 November, 1950.*

## New South Wales.



ANNO QUARTO DECIMO

# GEORGII VI REGIS.

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## Act No. 37, 1950.

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 20th November, 1950.]

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

**1.** (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950."

Short title,  
commence-  
ment 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 (Superannuation) Amendment.*

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) 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 (Superannuation) Act, 1941-1950.

Amendment  
of Act No.  
45, 1941.

Sec. 1.  
(Short  
title.)

New sec. 2c.

Further  
extension  
of defini-  
tion of  
"Mine  
worker."

**2.** The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is amended—

(a) by omitting from subsection one of section one the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

(b) by inserting next after section 2B the following new section:—

2c. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950.

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

(a) a person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery and who is principally engaged in such transport and who in the course of such engagement uses not more than one vehicle at any one time;

(b) a person—

(i) who is employed by any person who contracts with the owner of a coal or oil shale mine in New South Wales or with any other person for  
**the**

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

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the transport of coal or oil shale from the mine to the point of delivery where such coal or oil shale is to be delivered by the owner of the mine at such point of delivery, and

- (ii) who is principally engaged in such transport;
- (c) a person who is employed by the owner of a coal or oil shale mine in New South Wales and who, in the course of such employment, is principally engaged in screening, washing or loading coal or oil shale at the point of delivery;
- (d) a person who is employed in the making of coke, otherwise than as an employee of any person supplying or distributing gas for lighting, heating, motive power or other purpose or of the Broken Hill Proprietary Company Limited or of Australian Iron & Steel Ltd., or of any other person whose employees the Governor from time to time by proclamation published in the Gazette declares not to be mine workers, and who on the sixteenth day of October, one thousand nine hundred and forty-nine, was employed as aforesaid and had attained the age of fifty-five years.

For the purposes of this subsection "point of delivery" has the meaning ascribed to that expression in paragraph (e) of the definition of "Mine worker" in subsection one of section two of this Act.

(3) (a) The retiring age of persons being members of the classes referred to in paragraphs (a), (b) and (c) of subsection two of this section shall be sixty years.

(b)

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

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(b) The retiring age of persons being members of the class referred to in paragraph (d) of the said subsection shall be sixty-five years:

Provided that any person to whom this paragraph applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section are mine workers:

Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section:

Provided further that the provisions of this Act in their application to and in respect of any person who is a member of the class referred to in paragraph (d) of subsection two of this section shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age of sixty-five years or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is

retired

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

retired were substituted for the age of sixty years referred to therein, and references in this Act to the "date of retirement" shall be construed accordingly.

(5) For the purposes of assessing contributions of owners under section nineteen of this Act a person who by virtue of paragraphs (a) and (b) of subsection two of this section is a mine worker shall be deemed to be employed by the owner of the mine from which such person transports coal or oil shale.

- (c) by inserting in subsection six of section three after the word "Act" where thirdly occurring the words and symbols "and in subsection two of section 2c of this Act."

Sec. 3.  
(Special provisions as to calculation of periods of employment.)

**3.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

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

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

(7) (a) The amount of pension per week payable to any mine worker who has, before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after such commencement, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seven shillings and six pence.

- (b) by omitting from subsections one and (1A) of section seven the words "two pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 7.  
(Pension—permanent incapacity.)

(c)

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

Sec. 8.  
(Hard luck  
cases.)

- (e) by omitting from subsection one of section eight the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence";

Sec. 9.  
(Pensions—  
additional  
payments in  
respect of  
depend-  
ants.)

- (d) (i) by omitting from subsection one of section nine the words "two pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";
- (ii) by omitting from subsection five of the same section the words "one pound ten shillings" and by inserting in lieu thereof the words "two pounds five shillings";
- (iii) by inserting next after subsection five of the same section the following new subsection:—

(5A) Where a mine worker, who becomes eligible for or has been awarded a pension under section six, section seven, or section eight of this Act and who is not eligible for an addition to his pension pursuant to paragraph (a) or (c) of subsection one or pursuant to subsection five of this section, proves to the satisfaction of the Tribunal that he is an invalid, and that by reason thereof he employs a female relative over the age of sixteen years to care for him, and that his monetary circumstances warrant an addition to his pension the Tribunal may award an addition to his pension of an amount of two pounds five shillings per week in respect of such female.

Sec. 10.  
(Pension  
payable to  
depend-  
ants.)

- (e) (i) by omitting from section ten the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

(ii)



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

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- (ii) by inserting next after subsection (1D) of the same section the following new subsection:—

(1E) Where any female who becomes eligible for or has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.

- (iii) by inserting next after subsection (1E) (as inserted by subparagraph (ii) of this paragraph) of the same section the following new subsection:—

(1F) Upon the death of a mine worker who at any time has been a contributor to the Coal Mine Workers' Pensions Fund or the Oil Shale Mine Workers' Pensions Fund the Tribunal may award to the persons referred to in paragraphs (b) and (d) of subsection one and in subsections two, three, four and six of section nine of this Act in respect of whom such mine worker, if he had remained alive, would have been eligible for an addition to his pension under any of the said paragraphs or subsections pensions of an amount equal to the amounts referred to in those paragraphs and subsections and for the periods specified in those paragraphs and subsections.

- (iv) by omitting subsections two, three, (3A) and four of the same section;

(f)

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

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Sec. 10A.  
(De facto  
wife.)

(f) (i) by omitting from subsection three of section 10A the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and six pence";

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

(5) Where any female who has been awarded a pension under this section proves to the satisfaction of the Tribunal that she is an invalid, and that by reason thereof she is permanently incapable of performing her domestic duties and employs a female over the age of sixteen years to care for her, and that her monetary circumstances warrant an addition to her pension the Tribunal may award an addition to her pension of an amount of two pounds five shillings per week.

(2) (a) The amendments made by paragraph (b), paragraph (c) and subparagraphs (i) and (ii) of paragraph (d) of subsection one of this section shall be deemed to extend to and from the commencement of this section 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 Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

(b) The amendments made by subparagraph (i) of paragraph (c) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the commencement of this section apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, as well as to persons becoming eligible for any such pension after such commencement.

(3)

Act No. 37, 1950.

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

(3) The amendment made by subparagraph (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the nineteenth day of June, one thousand nine hundred and forty-two.

(4) The amendments made by subparagraph (iii) of paragraph (d), subparagraphs (ii) and (iv) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall commence upon the day appointed and notified pursuant to subsection two of section one of this Act.

(5) This section shall, except where otherwise expressly provided, commence or be deemed to have commenced upon the date upon which any increase in age, invalid or widow's pension granted after the date upon which His Majesty's assent to this Act is signified under any legislation of the Commonwealth relating to Social Services takes effect.

4. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further amendment of Act No. 45, 1941.

Sec. 12.

(No pension while compensation payable.)

- (a) (i) by inserting in paragraph (a) of subsection two of section twelve after the word "Act" the words "other than weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act";
- (ii) by omitting from paragraph (b) of the same subsection the words "elects or has elected, pursuant to section sixteen of that Act, to accept an amount payable in accordance with the table to that section, or";
- (iii) by omitting from the same paragraph the words "the amount payable in accordance with the said table or";
- (iv) by omitting from the same paragraph the words "as the case may be" and by inserting in lieu thereof the words "less such portion of such lump sum as the Tribunal is satisfied has either before or after

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

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after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of his home, redeeming any mortgage on his home, or payment of medical expenses in connection with the injury sustained by him”;

- (v) by inserting in paragraph (c) of the same subsection after the figures “1938” where firstly occurring the words “other than compensation in respect of an injury mentioned in the first column of the table to section sixteen of that Act”;
- (vi) by inserting next after the same subsection the following new subsection:—
- (2A) The disqualification under subsection one of this section shall not apply to—
- (a) a mine worker who accepts or has accepted weekly payments of compensation in respect of an injury mentioned in the first column of the table to section sixteen of the Workers’ Compensation Act, 1926-1948;
- (b) a mine worker who elects or has elected pursuant to section sixteen of that Act to accept an amount payable in accordance with the table to that section.
- (vii) by inserting in subsection three of the same section after the word “injury” the words “not being an injury mentioned in the first column of the table to section sixteen of that Act”;
- (viii) by omitting from subsection four of the same section the words “is eligible” and by inserting in lieu thereof the words “would, but for such provisions, be eligible to receive”;

(ix)

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

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

(5) Notwithstanding anything in the foregoing provisions of this section the disqualification under subsection one of this section shall—

(a) in respect of any mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, has retired or has been retired cease to have effect on the said date;

(b) in respect of any mine worker who, upon or after such commencement, retires or is retired cease to have effect upon the date upon which he retires or is retired.

(b) by omitting from section thirteen the words “or any service pension payable to or in respect of a pensioner, his wife, female dependant and one child under the Australian Soldiers’ Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof.”

Sec. 13.  
(Deduction#  
from  
pensions.)

(2) (a) The amendments made by paragraph (a) of subsection one of this section shall not operate to entitle any mine worker to a pension as well as compensation under the Workers’ Compensation Act, 1926-1948, in respect of any period before the commencement of this Act.

(b) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the sixteenth day of October, one thousand nine hundred and forty-nine.

**5.** (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, is further amended—

Further  
amendment  
of Act No.  
45, 1941.

(a) (i) by omitting from subsection two of section fifteen the words “each of whom other than the Chairman” and by inserting in lieu thereof the word “who”;

Sec. 15.  
(The  
Tribunal.)

(ii)

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

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(ii) by inserting in subsection three as paragraph (a) thereof the following paragraph:—

(a) one shall in and by the instrument of appointment be appointed Chairman of the Tribunal;

(iii) by omitting subsection (3A) of the same section;

(iv) by inserting in subsection eight of the same section as paragraph (a) thereof the following paragraph:—

(a) The member appointed Chairman of the Tribunal shall, subject to this Act, hold office as such for such period as may be specified in and by the instrument of his appointment, and shall be eligible for re-appointment.

Sec. 19B.  
(Amount of  
subsidy.)

(b) by inserting at the end of subsection one of section 19B the following words:—

For the purposes only of this section the maximum amount per week which would be payable by way of compensation as aforesaid shall, in respect of a mine worker whose incapacity due to the inhalation of dust arose at any time before the date of commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, be calculated as though the average weekly earnings of such mine worker had been not less than five pounds seven shillings.

(c) by inserting at the end of subsection three of the same section the words “less such portion of such lump sum as the Tribunal is satisfied has either before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, been applied by the mine worker in the purchase of

his

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

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his home, redeeming any mortgage on his home, or payment of medical expenses in connection with incapacity due to the inhalation of dust.”

(2) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, in accordance with section nineteen of that 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 fifty, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.

(3) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

(4) The amendment made to subsection three of section 19B of the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1949, by paragraph (c) of subsection one of this section shall not operate to entitle any mine worker to payment of subsidy in respect of any period before the commencement of this Act in respect of which he was disqualified from receiving payment of subsidy by reason of the operation of that subsection as enacted immediately before such commencement.

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

J. NORTHCOTT,  
*Governor.*

*Government House,  
Sydney, 20th November, 1950.*







