

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

*Schedule of amendments referred to in Legislative Council's Message of
December, 1951.*

- No. 1.—Page 3, clause 3, line 8. *Omit* “proclamation published in the Gazette” *insert*
“**regulation**”
- No. 2.—Page 3, clause 3, line 12. *Omit* “proclamation” *insert* “**regulation**”
- No. 3.—Page 3, clause 3, line 13. *Omit* “proclamation” *insert* “**regulation**”
- No. 4.—Page 3, clause 3, lines 14 and 15. *Omit* all words on these lines.
- No. 5.—Page 3, clause 3, line 18. *Omit* “proclamation” *insert* “**regulation**”
- No. 6.—Page 3, clause 3, line 24. *Omit* “proclamation” *insert* “**regulation**”
- No. 7.—Page 3, clause 3, lines 31 and 32. *Omit* “proclamation” *insert* “**regulation**”

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, 5 December, 1951.*

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

W. K. CHARLTON,

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 11th December, 1951.*

New South Wales.



ANNO SEXTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951." Short title and citation.

95803 213—

(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) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

5 **2.** The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended—

Amendment
of Act No.
37, 1950.

10 (a) by omitting from subsection two of section one the words “commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 1 (2).
(Commence-
ment.)

15 (b) (i) by omitting from subsection four of section three the words “commence upon the day appointed and notified pursuant to subsection two of section one of this Act” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

25 (5) Subject to subsections three and four of this section, this section shall—

30 (a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

35 (b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Super-
annuation) Act, 1941-1950, is amended by inserting next
after section 2c the following new section:—

Amendment
of Act No.
45, 1941.

2d. (1) The Governor may, from time to time, by
~~proclamation published in the Gazette,~~ **regulation**
extend the definition of "Mine worker" in subsection
one of section two of this Act to include such persons
or classes of persons as may be specified in such
~~proclamation~~ **regulation**.

Extension
of definition
of "mine
worker" by
~~proclama-
tion~~
regulation.

(2) Any such ~~proclamation~~ **regulation** shall—
(a) ~~commence as from a date to be specified therein;~~
(b) (a) make such provision as to the retiring age
of the persons or members of the classes of
persons to whom such ~~proclamation~~ **regula-
tion** relates as the Governor may determine;
(c) (b) where appropriate prescribe the person
liable for payment of owner's contributions
under section nineteen of this Act in respect
of the persons or members of the classes of
persons to whom such ~~proclamation~~ **regula-
tion** relates;
(d) (c) incorporate such of the provisions of
sections two, 2A, 2B and 2c of this Act with
such modifications as the Governor may
deem necessary to extend the provisions of
this Act to the persons or members of the
classes of persons to whom such ~~proclama-
tion~~ **regulation** relates;
(e) (d) contain such other provisions incidental or
ancillary to the foregoing as the Governor
deems necessary; and
(f) (e) have effect according to its tenor.

(3)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

10 4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.)

15 (8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

25 (b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

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

Sec. 7.
(Pension—
permanent
incapacity.)

35 (c) by omitting from subsection one of section eight the words "three pounds seven shillings and six pence" and by inserting in lieu thereof the words "three pounds seventeen shillings and six pence";

Sec. 8.
(Hard luck
cases.)

(d) .

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- 10 (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 15 (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10.
(Pension
payable to
dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 20 (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A.
(De facto
wife.)
- 25 (ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 30 (2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension
- 35 pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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 such amendments, 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such date.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Super-
5 annuation) Act, 1941-1950, is further amended—

Further
amendment
of Act No.
45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.
(Pension—
permanent
incapacity.)

(b) by omitting section eighteen and by inserting in
lieu thereof the following section:—

Subst. sec.
18.

10 18. (1) There shall be a fund which shall be
known as the Coal and Oil Shale Mine Workers
Superannuation Fund (in this Act referred to
as the "Fund").

The Fund.

(2) (a) The Fund shall consist of—

15 (i) all moneys which, immediately before
the commencement of the Coal and Oil
Shale Mine Workers (Superannuation)
Amendment Act, 1951, were standing
to the credit of the Coal Mine Workers'
Pensions Fund and the Oil Shale Mine
20 Workers' Pensions Fund; and

(ii) such moneys as are required or
authorised by this Act to be paid to
the Fund.

25 (b) There shall be payable out of the
Fund all pensions payable to mine workers or the
dependants of mine workers who were employed
or engaged in the coal or oil shale mining
industry and to mine workers or the dependants
of mine workers who, in the opinion of the
30 Tribunal, were engaged in work associated with
the coal or oil shale mining industry.

(3) The expenses involved in the
administration of this Act (other than Part
IVA) shall be paid out of the Fund.

(4).

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

5 (5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

10 Any interest from time to time accruing from any such investment shall be paid into the Fund.

15 (b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

20 (6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

25 (i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;

30

(ii) to the maintenance, repair and management of such building;

35 (iii) to the payment of rates, charges and outgoings payable in respect of such building.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

10 (b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

15 The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

20 (c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

25 (c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

Sec. 19.
(Contributions.)

30 (1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

10 (3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, for the period of twelve months which commenced on the first day of July, one thousand
15 nine hundred and fifty-one, 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 that Act.

20 (b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

25 (c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

30 (ii) as to nine-eleventh parts thereof by the owners.

(d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of

July

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

5 (3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

10 (b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

- 15 (i) as to two-eleventh parts thereof by the mine workers;
- (ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) of subsection one of this section shall 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 (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(Consequential.)

25 (a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1. (Division into Parts.)

30 (b) by omitting from the definition of "Tribunal" in subsection one of section two the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 2. (Definitions.)

35 (c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

Sec. 4. (Reciprocating States.)

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";
- (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:— Sec. 7.
(Pension—
permanent
incapacity.)
- 10 (d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil
- 15 Shale Mine Workers Superannuation Fund.
- (e) by inserting in subsection (1f) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund"; Sec. 10.
(Pension
payable to
depen-
dants.)
- 20
- (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation"; Sec. 15.
(The
Tribunal.)
- 25
- (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- 30 (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;
- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund"; Sec. 28.
(Advances
by
Treasury.)
- 35

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

5 **6.** (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

10 (3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- 15 (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

20 (1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

- (i) has not attained the age of sixty years; or
- 25 (ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section
- 30 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be—

35

- (i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or
- 10 (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,
- 15 whichever is the greater.
- (1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the
- 20 Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.
- 25 (b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be an amount equivalent to
- 30 the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.
- 35 (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—
- 40 (a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19F exceeds two pounds ten shillings per week;

(iii) by omitting paragraphs (c) and (d) of the same subsection;

10 (iv) by inserting at the end of the same subsection the following new proviso and subsection:—

15 Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

20 (2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period
25 of such employment, from the amount of subsidy to which such mine worker is eligible in accordance with the provisions of subsection one or (1A) and subsection two of this section.

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

(4) The disqualification under subsection three of this section shall—

35 (a) in respect of a mine worker who, before the first day of November, one thousand nine hundred and fifty-one, has attained the age of sixty years, cease to have effect on the said date;

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (b) in respect of a mine worker who, after such date, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

Sec. 19F.
(Conditions
attaching to
and suspen-
sion of
subsidies.)

10 (2) (a) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

15 (b) The amendments made by subsection one of this section shall be deemed to extend to and from the said date apply in respect of all mine workers who were immediately before such date in receipt of subsidy pursuant to Part IVA of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such subsidy after such date.

20 (3) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, in accordance with section 19D of that Act, of the amount required by the Coal and Oil Shale Mine Workers Compensation Subsidy Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable by virtue of the operation of subsection one of this section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, be deemed to be the estimate of the amount required by such Fund for the aforesaid period of twelve months for payment of subsidy and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

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, 5 December, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951." Short title and citation.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

5 **2.** The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended— Amendment
of Act No.
37, 1950.

10 (a) by omitting from subsection two of section one the words “commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

15 (b) (i) by omitting from subsection four of section three the words “commence upon the day appointed and notified pursuant to subsection two of section one of this Act” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

25 (5) Subject to subsections three and four of this section, this section shall—

30 (a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

35 (b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Super-
annuation) Act, 1941-1950, is amended by inserting next
after section 2c the following new section:—

Amendment
of Act No.
45, 1941.

2d. (1) The Governor may, from time to time, by
proclamation published in the Gazette, extend the
definition of "Mine worker" in subsection one of
section two of this Act to include such persons or
classes of persons as may be specified in such
proclamation.

Extension
of definition
of "mine
worker" by
proclama-
tion.

(2) Any such proclamation shall—

(a) commence as from a date to be specified
therein;

(b) make such provision as to the retiring age
of the persons or members of the classes of
persons to whom such proclamation relates
as the Governor may determine;

(c) where appropriate prescribe the person
liable for payment of owner's contributions
under section nineteen of this Act in respect
of the persons or members of the classes of
persons to whom such proclamation relates;

(d) incorporate such of the provisions of
sections two, 2A, 2B and 2C of this Act with
such modifications as the Governor may
deem necessary to extend the provisions of
this Act to the persons or members of the
classes of persons to whom such proclama-
tion relates;

(e) contain such other provisions incidental or
ancillary to the foregoing as the Governor
deems necessary; and

(f) have effect according to its tenor.

(3)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.)

(8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

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

Sec. 7.
(Pension—
permanent
incapacity.)

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

Sec. 8.
(Hard luck
cases.)

(d)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- 10 (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 15 (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10.
(Pension
payable to
dependants.)
- 20 (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 25 (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A.
(De facto
wife.)
- (ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 30 (2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension
- 35 pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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 such amendments, 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such date.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Super-
annuation) Act, 1941-1950, is further amended—

Further
amendment
of Act No.
45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.

(Pension—
permanent
incapacity.)

(b) by omitting section eighteen and by inserting in
lieu thereof the following section:—

Subst. sec.
18.

10

18. (1) There shall be a fund which shall be
known as the Coal and Oil Shale Mine Workers
Superannuation Fund (in this Act referred to
as the "Fund").

The Fund.

(2) (a) The Fund shall consist of—

15

(i) all moneys which, immediately before
the commencement of the Coal and Oil
Shale Mine Workers (Superannuation)
Amendment Act, 1951, were standing
to the credit of the Coal Mine Workers'
Pensions Fund and the Oil Shale Mine
Workers' Pensions Fund; and

20

(ii) such moneys as are required or
authorised by this Act to be paid to
the Fund.

25

(b) There shall be payable out of the
Fund all pensions payable to mine workers or the
dependants of mine workers who were employed
or engaged in the coal or oil shale mining
industry and to mine workers or the dependants
of mine workers who, in the opinion of the
Tribunal, were engaged in work associated with
the coal or oil shale mining industry.

30

(3) The expenses involved in the
administration of this Act (other than Part
IV_A) shall be paid out of the Fund.

(4).

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

(5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

Any interest from time to time accruing from any such investment shall be paid into the Fund.

(b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

(6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

(i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;

(ii) to the maintenance, repair and management of such building;

(iii) to the payment of rates, charges and outgoings payable in respect of such building.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

10 (b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

15 The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

20 (c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

25 (c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

Sec. 19.
(Contributions.)

30 (1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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Coal and Oil Shale Mine Workers (Superannuation) Amendment.

July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

5 (3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, which-
10 ever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

- 15 (i) as to two-eleventh parts thereof by the mine workers;
(ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) of subsection one of this section shall commence upon a day
20 to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941. (Consequential.)

25 (a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1. (Division into Parts.)

30 (b) by omitting from the definition of "Tribunal" in subsection one of section two the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 2. (Definitions.)

35 (c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

Sec. 4. (Reciprocating States.)

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";
- 10 (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—
- 15 (d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil Shale Mine Workers Superannuation Fund.
- 20 (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund";
- 25 (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
- 30 (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;
- 35 (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";
- (ii)

Sec. 7.

(Pension—
permanent
incapacity.)

Sec. 10.

(Pension
payable to
depend-
dants.)

Sec. 15.

(The
Tribunal.)

Sec. 28.

(Advances
by
Treasury.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

5 **6. (1)** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

- 10 (3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- 15 (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

- 20 (1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

- (i) has not attained the age of sixty years; or
- 25 (ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.
- 30

- (b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as herein—
- 35 after provided, be—

- (i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

10 (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

15 (1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the
20 Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

25 (b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be an amount equivalent to
30 the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.

35 (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—

40 (a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19f exceeds two pounds ten shillings per week;

(iii) by omitting paragraphs (c) and (d) of the same subsection;

10 (iv) by inserting at the end of the same subsection the following new proviso and subsection:—

15 Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

20 (2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19f of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of
25 subsidy to which such mine worker is eligible in accordance with the provisions of subsection one or (1A) and subsection two of this section.

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

(4) The disqualification under subsection three of this section shall—

35 (a) in respect of a mine worker who, before the first day of November, one thousand nine hundred and fifty-one, has attained the age of sixty years, cease to have effect on the said date;

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (b) in respect of a mine worker who, after such date, attains the age of sixty years, cease to have effect upon the date on which he attains that age. .

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

Sec. 19F.
(Conditions attaching to and suspension of subsidies.)

10 (2) (a) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subsection one of this section shall be deemed to extend to and from the said date apply in respect of all mine workers who were immediately before such date in receipt of subsidy pursuant to Part IVA of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such subsidy after such date.

20 (3) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, in accordance with section 19D of that Act, of the amount required by the Coal and Oil Shale Mine Workers Compensation Subsidy Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable by virtue of the operation of subsection one of this section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, be deemed to be the estimate of the amount required by such Fund for the aforesaid period of twelve months for payment of subsidy and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

No. , 1951.

A BILL

To amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith.

[Mr. ARTHUR;—28 November, 1951.]

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, 1951." Short title and citation.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

5 **2.** The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended—

Amendment
of Act No.
37, 1950.

10 (a) by omitting from subsection two of section one the words "commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette" and by inserting in lieu thereof the words "be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty";

Sec. 1 (2).
(Commence-
ment.)

15 (b) (i) by omitting from subsection four of section three the words "commence upon the day appointed and notified pursuant to subsection two of section one of this Act" and by inserting in lieu thereof the words "be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty";

Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

25 (5) Subject to subsections three and four of this section, this section shall—

30 (a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

35 (b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Super-
5 annuation) Act, 1941-1950, is amended by inserting next
after section 2c the following new section:—

Amendment
of Act No.
45. 1941.

2d. (1) The Governor may, from time to time, by
proclamation published in the Gazette, extend the
definition of "Mine worker" in subsection one of
10 section two of this Act to include such persons or
classes of persons as may be specified in such
proclamation.

Extension
of definition
of "mine
worker" by
proclama-
tion.

(2) Any such proclamation shall—

- 15 (a) commence as from a date to be specified therein;
- (b) make such provision as to the retiring age of the persons or members of the classes of persons to whom such proclamation relates as the Governor may determine;
- 20 (c) where appropriate prescribe the person liable for payment of owner's contributions under section nineteen of this Act in respect of the persons or members of the classes of persons to whom such proclamation relates;
- 25 (d) incorporate such of the provisions of sections two, 2A, 2B and 2c of this Act with such modifications as the Governor may deem necessary to extend the provisions of this Act to the persons or members of the classes of persons to whom such proclama-
- 30 tion relates;
- (e) contain such other provisions incidental or ancillary to the foregoing as the Governor deems necessary; and
- 35 (f) have effect according to its tenor.

(3)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further
Amendment
of Act No.
45, 1941.

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

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

15 (8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

20 (b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

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

Sec. 7.
(Pension—
permanent
incapacity.)

35 (c) by omitting from subsection one of section eight the words "three pounds seven shillings and six pence" and by inserting in lieu thereof the words "three pounds seventeen shillings and six pence";

Sec. 8.
(Hard luck
cases.)

(d)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- 10 (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 15 (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10.
(Pension
payable to
dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 20 (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A.
(De facto
wife.)
- 25 (ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 30 (2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b).

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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 such amendments, 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such commencement.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Super-
5 annuation) Act, 1941-1950, is further amended—

Further
amendment
of Act No.
45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.
(Pension—
permanent
incapacity.)

(b) by omitting section eighteen and by inserting in
lieu thereof the following section:—

Subst. sec.
18.

10 18. (1) There shall be a fund which shall be
known as the Coal and Oil Shale Mine Workers
Superannuation Fund (in this Act referred to
as the "Fund").

The Fund.

(2) (a) The Fund shall consist of—

15 (i) all moneys which, immediately before
the commencement of the Coal and Oil
Shale Mine Workers (Superannuation)
Amendment Act, 1951, were standing
to the credit of the Coal Mine Workers'
20 Pensions Fund and the Oil Shale Mine
Workers' Pensions Fund; and

(ii) such moneys as are required or
authorised by this Act to be paid to
the Fund.

25 (b) There shall be payable out of the
Fund all pensions payable to mine workers or the
dependants of mine workers who were employed
or engaged in the coal or oil shale mining
industry and to mine workers or the dependants
30 of mine workers who, in the opinion of the
Tribunal, were engaged in work associated with
the coal or oil shale mining industry.

(3) The expenses involved in the
administration of this Act (other than Part
IVA) shall be paid out of the Fund.

(4)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

5 (5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

10 Any interest from time to time accruing from any such investment shall be paid into the Fund.

15 (b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

20 (6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

25 (i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;

(ii) to the maintenance, repair and management of such building;

35 (iii) to the payment of rates, charges and outgoings payable in respect of such building.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

10 (b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

15 The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

20 (c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

25 (c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:— Sec. 19.
(Contributions.)

30 (1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

(2).

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

10 (3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, for the period of twelve months which commenced on the first day of July, one thousand
15 nine hundred and fifty-one, 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 that Act.

20 (b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

25 (c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

30 (ii) as to nine-eleventh parts thereof by the owners.

(d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of

July

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

5 (3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

10 (b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

15 (i) as to two-eleventh parts thereof by the mine workers;

(ii) as to nine-eleventh parts thereof by the owners.

20 (2) The amendment made by paragraph (c) of subsection one of this section shall 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 (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941. (Consequential.)

25 (a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1. (Division into Parts.)

30 (b) by omitting from the definition of "Tribunal" in subsection one of section two the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 2. (Definitions.)

35 (c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

Sec. 4. (Reciprocating States.)

(ii),

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";
- (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—
 10 (d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil
 15 Shale Mine Workers Superannuation Fund.
- (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund";
 20
- (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
 25
- (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;
 30
- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";
 35
- (ii)

Sec. 7.
(Pension—
permanent
incapacity.)

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

Sec. 15.
(The
Tribunal.)

Sec. 28.
(Advances
by
Treasury.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

5 **6.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

- 10 (3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- 15 (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

- 20 (1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

- (i) has not attained the age of sixty years; or

- 25 (ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

- 30 (b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be—

- 35 (i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

- (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

(1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.

- (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—

(a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19F exceeds two pounds ten shillings per week;

- (iii) by omitting paragraphs (c) and (d) of the same subsection;
- 10 (iv) by inserting at the end of the same subsection the following new proviso and subsection:—

15 Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

20 (2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of

25 subsidy to which such mine worker is eligible in accordance with the provisions of this Part of this Act.

- 30 (v) by inserting at the end of the same section the following new subsection:—

(4) The disqualification under subsection three of this section shall—

- 35 (a) in respect of a mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, has attained the age of sixty years, cease to have effect on the said date;

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5

(b) in respect of a mine worker who, after such commencement, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

Sec. 19F.
(Conditions attaching to and suspension of subsidies.)

Sydney: A. H. Pettifer, Government Printer—1951.

[1s. 6d.]

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL, 1951.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to enable the definition of mine worker to be extended by proclamation;
- (b) to provide for increased payments to pensioners under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950;
- (c) to provide for the amalgamation of the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund under the name of the Coal and Oil Shale Mine Workers Superannuation Fund;
- (d) to enable the Tribunal to apply certain moneys to the credit of the said Fund in the acquisition of office accommodation;
- (e) to make further provisions in relation to compensation subsidy payments to dusted mine workers including provisions placing such mine workers on the same footing as injured mine workers (not dusted) in respect of benefits;
- (f) to remedy defects created by the proclamation bringing the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, into operation;
- (g) to vary the proportions in which mine workers and mine owners will contribute to the Fund;
- (h) to effect other amendments of a machinery nature.

COAL AND OIL SHALES OF THE WORKERS' COOPERATION
AMENDMENT BILL, 1931

EXPLANATORY NOTE

The following is a summary of the provisions of the Bill, which is intended to amend the Coal and Oil Shales Act, 1925, in relation to the workers' cooperation movement.

The Bill is divided into three parts: Part I, which contains the general provisions; Part II, which contains the provisions relating to the workers' cooperation movement; and Part III, which contains the provisions relating to the coal and oil shales industry.

Part I contains the following provisions:

- Section 1: The Coal and Oil Shales Act, 1925, is amended in relation to the workers' cooperation movement.
- Section 2: The Coal and Oil Shales Act, 1925, is amended in relation to the coal and oil shales industry.
- Section 3: The Coal and Oil Shales Act, 1925, is amended in relation to the coal and oil shales industry.

Part II contains the following provisions:

- Section 4: The Coal and Oil Shales Act, 1925, is amended in relation to the workers' cooperation movement.
- Section 5: The Coal and Oil Shales Act, 1925, is amended in relation to the workers' cooperation movement.
- Section 6: The Coal and Oil Shales Act, 1925, is amended in relation to the workers' cooperation movement.

Part III contains the following provisions:

- Section 7: The Coal and Oil Shales Act, 1925, is amended in relation to the coal and oil shales industry.
- Section 8: The Coal and Oil Shales Act, 1925, is amended in relation to the coal and oil shales industry.
- Section 9: The Coal and Oil Shales Act, 1925, is amended in relation to the coal and oil shales industry.

No. , 1951.

A BILL

To amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith.

[Mr. ARTHUR;—28 November, 1951.]

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, 1951." Short title and citation.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

5 **2.** The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended— Amendment
of Act No.
37, 1950.

10 (a) by omitting from subsection two of section one the words "commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette" and by inserting in lieu thereof the words "be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty"; Sec. 1 (2).
(Commence-
ment.)

15 (b) (i) by omitting from subsection four of section three the words "commence upon the day appointed and notified pursuant to subsection two of section one of this Act" and by inserting in lieu thereof the words "be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty"; Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

25 (5) Subject to subsections three and four of this section, this section shall—

30 (a) in the case of a widow who was entitled to a widows' pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

35 (b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Super-
 5 annuation) Act, 1941-1950, is amended by inserting next
 after section 2c the following new section:—

Amendment
 of Act No.
 45, 1941.

10 2D. (1) The Governor may, from time to time, by
 proclamation published in the Gazette, extend the
 definition of "Mine worker" in subsection one of
 section two of this Act to include such persons or
 classes of persons as may be specified in such
 proclamation.

Extension
 of definition
 of "mine
 worker" by
 proclama-
 tion.

(2) Any such proclamation shall—

- 15 (a) commence as from a date to be specified
 therein;
- (b) make such provision as to the retiring age
 of the persons or members of the classes of
 persons to whom such proclamation relates
 as the Governor may determine;
- 20 (c) where appropriate prescribe the person
 liable for payment of owner's contributions
 under section nineteen of this Act in respect
 of the persons or members of the classes of
 persons to whom such proclamation relates;
- 25 (d) incorporate such of the provisions of
 sections two, 2A, 2B and 2c of this Act with
 such modifications as the Governor may
 deem necessary to extend the provisions of
 this Act to the persons or members of the
 30 classes of persons to whom such proclama-
 tion relates;
- (e) contain such other provisions incidental or
 ancillary to the foregoing as the Governor
 deems necessary; and
- 35 (f) have effect according to its tenor.

(3)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, 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.)

(8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

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

Sec. 7.
(Pension—
permanent
incapacity.)

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

Sec. 8.
(Hard luck
cases.)

(d)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- 10 (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- 15 (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10. (Pension payable to dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 20 (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A. (De facto wife.)
- 25 (ii) by omitting from subsection five of the same sections the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- 30 (2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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 such amendments, 5 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after 10 such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, 15 one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons 20 becoming eligible for any addition to such pension after such commencement.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph 30 (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day; 35

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Super- annuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.
(Pension— permanent incapacity.)

(b) by omitting section eighteen and by inserting in lieu thereof the following section:—

Subst. sec. 18.

10 18. (1) There shall be a fund which shall be known as the Coal and Oil Shale Mine Workers Superannuation Fund (in this Act referred to as the "Fund").

The Fund.

(2) (a) The Fund shall consist of—

15 (i) all moneys which, immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were standing to the credit of the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund; and

20 (ii) such moneys as are required or authorised by this Act to be paid to the Fund.

25 (b) There shall be payable out of the Fund all pensions payable to mine workers or the dependants of mine workers who were employed or engaged in the coal or oil shale mining industry and to mine workers or the dependants of mine workers who, in the opinion of the Tribunal, were engaged in work associated with the coal or oil shale mining industry.

30 (3) The expenses involved in the administration of this Act (other than Part IVA) shall be paid out of the Fund.

(4)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

5 (5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

10 Any interest from time to time accruing from any such investment shall be paid into the Fund.

15 (b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

20 (6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

25 (i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;

(ii) to the maintenance, repair and management of such building;

35 (iii) to the payment of rates, charges and outgoings payable in respect of such building.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 A building shall not be deemed to be unsuitable on the grounds that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

10 (b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

15 The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

20 (c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

25 (c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

Sec. 19.
(Contributions.)

30 (1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

10 (3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 15 1951, for the period of twelve months which commenced on the first day of July, one thousand nine hundred and fifty-one, 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 that Act.

20 (b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

25 (c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

30 (ii) as to nine-eleventh parts thereof by the owners.

35 (d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of July.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

5 (3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, which-
10 ever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

15 (i) as to two-eleventh parts thereof by the mine workers;
(ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) of subsection one of this section shall commence upon a day
20 to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941. (Consequential.)

25 (a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1. (Division into Parts.)

30 (b) by omitting from the definition of "Tribunal" in subsection one of section two the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 2. (Definitions.)

35 (c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";
(ii)

Sec. 4. (Reciprocating States.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";
- 10 (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—
Sec. 7.
(Pension—
permanent
incapacity.)
- 15 (d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil Shale Mine Workers' Superannuation Fund.
- 20 (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund";
Sec. 10.
(Pension
payable to
depen-
dants.)
- 25 (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
Sec. 15.
(The
Tribunal.)
- 30 (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- 35 (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;
- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";
Sec. 28.
(Advances
by
Treasury.)
- (ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

5 **6.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 4 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

10 (3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- 15 (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

20 (1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

- (i) has not attained the age of sixty years; or
(ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.
- 25
30

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be—

35

- (i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

10 (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

15 (1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the
20 Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

25 (b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as herein-
30 after provided, be an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.

35 (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—

40 (a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5

dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19F exceeds two pounds ten shillings per week;

(iii) by omitting paragraphs (c) and (d) of the same subsection;

10

(iv) by inserting at the end of the same subsection the following new proviso and subsection:—

15

Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

20

(2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of subsidy to which such mine worker is eligible in accordance with the provisions of this Part of this Act.

25

30

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

(4) The disqualification under subsection three of this section shall—

35

(a) in respect of a mine worker who, before the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, has attained the age of sixty years, cease to have effect on the said date;

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5

(b) in respect of a mine worker who, after such commencement, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

Sec. 19F.
(Conditions
attaching to
and suspen-
sion of
subsidies.)

New South Wales.



ANNO SEXTO DECIMO

GEORGII VI REGIS.

Act No. 52, 1951.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith. [Assented to, 28th December, 1951.]

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, 1951." (2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

Amendment
of Act No.
37, 1950.

Sec. 1 (2).
(Commence-
ment.)

2. The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended—

- (a) by omitting from subsection two of section one the words “commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

- (b) (i) by omitting from subsection four of section three the words “commence upon the day appointed and notified pursuant to subsection two of section one of this Act” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

- (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) Subject to subsections three and four of this section, this section shall—

- (a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

- (b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is amended by inserting next after section 2c the following new section:—

Amendment
of Act No.
45, 1941.

2d. (1) The Governor may, from time to time, by regulation extend the definition of "Mine worker" in subsection one of section two of this Act to include such persons or classes of persons as may be specified in such regulation.

Extension
of definition
of "mine
worker" by
regulation.

(2) Any such regulation shall—

- (a) make such provision as to the retiring age of the persons or members of the classes of persons to whom such regulation relates as the Governor may determine;
- (b) where appropriate prescribe the person liable for payment of owner's contributions under section nineteen of this Act in respect of the persons or members of the classes of persons to whom such regulation relates;
- (c) incorporate such of the provisions of sections two, 2A, 2B and 2c of this Act with such modifications as the Governor may deem necessary to extend the provisions of this Act to the persons or members of the classes of persons to whom such regulation relates;
- (d) contain such other provisions incidental or ancillary to the foregoing as the Governor deems necessary; and
- (e) have effect according to its tenor.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of

of

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

Further
Amendment
of Act No.
45, 1941.

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

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

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

(8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

Sec. 7.
(Pension—
permanent
incapacity.)

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

Sec. 8.
(Hard luck
cases.)

(c) by omitting from subsection one of section eight the words “three pounds seven shillings and six pence” and by inserting in lieu thereof the words “three pounds seventeen shillings and six pence”;

(d)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10.
(Pension
payable to
dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A.
(De facto
wife.)
- (ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".

(2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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 such amendments, 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such date.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.

(Pension—permanent incapacity.)

(b) by omitting section eighteen and by inserting in lieu thereof the following section:—

Subst. sec. 18.

18. (1) There shall be a fund which shall be known as the Coal and Oil Shale Mine Workers Superannuation Fund (in this Act referred to as the "Fund").

The Fund.

(2) (a) The Fund shall consist of—

(i) all moneys which, immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were standing to the credit of the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund; and

(ii) such moneys as are required or authorised by this Act to be paid to the Fund.

(b) There shall be payable out of the Fund all pensions payable to mine workers or the dependants of mine workers who were employed or engaged in the coal or oil shale mining industry and to mine workers or the dependants of mine workers who, in the opinion of the Tribunal, were engaged in work associated with the coal or oil shale mining industry.

(3) The expenses involved in the administration of this Act (other than Part IV_A) shall be paid out of the Fund.

(4).

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

(5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

Any interest from time to time accruing from any such investment shall be paid into the Fund.

(b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

(6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

(i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;

(ii) to the maintenance, repair and management of such building;

(ii) to the payment of rates, charges and outgoings payable in respect of such building.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

(b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

(c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

Sec. 19.
(Contributions.)

(1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

(3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, for the period of twelve months which commenced on the first day of July, one thousand nine hundred and fifty-one, 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 that Act.

(b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

(ii) as to nine-eleventh parts thereof by the owners.

(d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of

July

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

(3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

(ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) of subsection one of this section shall 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 (Superannuation) Act, 1941-1950, is further amended—

Further
amendment
of Act No.
45, 1941.
(Consequen-
tial.)

(a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1.
(Division
into Parts.)

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

Sec. 2.
(Defini-
tions.)

(c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

Sec. 4.
(Recipro-
cating
States.)

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";

Sec. 7.
(Pension—
permanent
incapacity.)

- (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—

(d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil Shale Mine Workers Superannuation Fund.

Sec. 10.
(Pension
payable to
dependants.)

- (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund";

Sec. 15.
(The
Tribunal.)

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

- (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;

- (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;

Sec. 28.
(Advances
by
Treasury.)

- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from the same section the words “to either or both of the funds” and by inserting in lieu thereof the words “to the fund.”

6. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

(3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

(1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

- (i) has not attained the age of sixty years; or

- (ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as herein-after provided, be—

- (i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

- (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

(1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as herein-after provided, be an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.

- (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—

(a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19F exceeds two pounds ten shillings per week;

- (iii) by omitting paragraphs (c) and (d) of the same subsection;
- (iv) by inserting at the end of the same subsection the following new proviso and subsection:—

Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

(2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of subsidy to which such mine worker is eligible in accordance with the provisions of subsection one or (1A) and subsection two of this section.

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

(4) The disqualification under subsection three of this section shall—

- (a) in respect of a mine worker who, before the first day of November, one thousand nine hundred and fifty-one, has attained the age of sixty years, cease to have effect on the said date;

(b)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(b) in respect of a mine worker who, after such date, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

Sec. 19F.
(Conditions
attaching to
and suspension of
subsidies.)

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

(2) (a) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subsection one of this section shall be deemed to extend to and from the said date apply in respect of all mine workers who were immediately before such date in receipt of subsidy pursuant to Part IVA of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such subsidy after such date.

(3) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, in accordance with section 19D of that Act, of the amount required by the Coal and Oil Shale Mine Workers Compensation Subsidy Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable by virtue of the operation of subsection one of this section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, be deemed to be the estimate of the amount required by such Fund for the aforesaid period of twelve months for payment of subsidy and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

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, 11 December, 1951.

New South Wales.



ANNO SEXTO DECIMO

GEORGII VI REGIS.

Act No. 52, 1951.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith. [Assented to, 28th December, 1951.]

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, 1951." Short title and citation.

(2)

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

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

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

Amendment
of Act No.
37, 1950.

Sec. 1 (2).
(Commence-
ment.)

2. The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended—

(a) by omitting from subsection two of section one the words “commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

(b) (i) by omitting from subsection four of section three the words “commence upon the day appointed and notified pursuant to subsection two of section one of this Act” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

(ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection:—

(5) Subject to subsections three and four of this section, this section shall—

(a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

(b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty,

and

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and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is amended by inserting next after section 2c the following new section:—

Amendment of Act No. 45, 1941.

2d. (1) The Governor may, from time to time, by regulation extend the definition of "Mine worker" in subsection one of section two of this Act to include such persons or classes of persons as may be specified in such regulation.

Extension of definition of "mine worker" by regulation.

(2) Any such regulation shall—

- (a) make such provision as to the retiring age of the persons or members of the classes of persons to whom such regulation relates as the Governor may determine;
- (b) where appropriate prescribe the person liable for payment of owner's contributions under section nineteen of this Act in respect of the persons or members of the classes of persons to whom such regulation relates;
- (c) incorporate such of the provisions of sections two, 2A, 2B and 2c of this Act with such modifications as the Governor may deem necessary to extend the provisions of this Act to the persons or members of the classes of persons to whom such regulation relates;
- (d) contain such other provisions incidental or ancillary to the foregoing as the Governor deems necessary; and
- (e) have effect according to its tenor.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of

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of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

Further
Amendment
of Act No.
45, 1941.

Sec. 6.

(Pensions—
mine workers
who are
retired.)

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

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

(8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.

(b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, 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 seventeen shillings and six pence.

Sec. 7.

(Pension—
permanent
incapacity.)

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

Sec. 8.

(Hard luck
cases.)

(c) by omitting from subsection one of section eight the words “three pounds seven shillings and six pence” and by inserting in lieu thereof the words “three pounds seventeen shillings and six pence”;

(d)

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- (d) (i) by omitting from subsection one of section nine the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 9.
(Pensions—additional payments in respect of dependants.)
- (ii) by omitting from subsections five and (5A) of the same section the words "two pounds five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";
- (e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10.
(Pension payable to dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".
- (f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence"; Sec. 10A.
(De facto wife.)
- (ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".

(2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b)

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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 such amendments, 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 (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such date.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and

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and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(a) by omitting subsection two of section seven;

Sec. 7.

(Pension—permanent incapacity.)

(b) by omitting section eighteen and by inserting in lieu thereof the following section:—

Subst. sec. 18.

18. (1) There shall be a fund which shall be known as the Coal and Oil Shale Mine Workers Superannuation Fund (in this Act referred to as the “Fund”).

The Fund.

(2) (a) The Fund shall consist of—

(i) all moneys which, immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were standing to the credit of the Coal Mine Workers’ Pensions Fund and the Oil Shale Mine Workers’ Pensions Fund; and

(ii) such moneys as are required or authorised by this Act to be paid to the Fund.

(b) There shall be payable out of the Fund all pensions payable to mine workers or the dependants of mine workers who were employed or engaged in the coal or oil shale mining industry and to mine workers or the dependants of mine workers who, in the opinion of the Tribunal, were engaged in work associated with the coal or oil shale mining industry.

(3) The expenses involved in the administration of this Act (other than Part IV_A) shall be paid out of the Fund.

(4)

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

(5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds.

Any interest from time to time accruing from any such investment shall be paid into the Fund.

(b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection.

(6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

- (i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;
- (ii) to the maintenance, repair and management of such building;
- (iii) to the payment of rates, charges and outgoings payable in respect of such building.

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A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

(b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

(c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

Sec. 19.
(Contributions.)

(1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

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

(2)

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(2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

(3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, for the period of twelve months which commenced on the first day of July, one thousand nine hundred and fifty-one, 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 that Act.

(b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

(ii) as to nine-eleventh parts thereof by the owners.

(d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of

July

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July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

(3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

(i) as to two-eleventh parts thereof by the mine workers;

(ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) of subsection one of this section shall 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 (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(Consequential.)

(a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 1.

(Division into Parts.)

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

Sec. 2.

(Definitions.)

(c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

Sec. 4.

(Reciprocating States.)

(ii)

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- (ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";

Sec. 7.
(Pension—
permanent
incapacity.)

- (d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—

(d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil Shale Mine Workers Superannuation Fund.

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

- (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund";

Sec. 15.
(The
Tribunal.)

- (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
- (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;

Sec. 28.
(Advances
by
Treasury.)

- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";

(ii)

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- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

6. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

Sec. 19A.
(Eligibility of mine workers for subsidies.)

(3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

- (b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

Sec. 19B.
(Amount of subsidy.)

(1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

(i) has not attained the age of sixty years; or

(ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as herein-after provided, be—

(i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions

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provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

- (ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

(1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance of section 19A of this Act and who has attained the age of sixty years and to or in respect of whom weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had he been eligible therefor.

- (ii) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph:—

- (a) an amount equivalent to an amount by which the average weekly earnings of such mine worker and his dependants

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dependants (if any) from employment other than employment offered to and accepted by him in accordance with the provisions of paragraph (d) of subsection one of section 19F exceeds two pounds ten shillings per week;

- (iii) by omitting paragraphs (c) and (d) of the same subsection;
- (iv) by inserting at the end of the same subsection the following new proviso and subsection:—

Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years.

(2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of subsidy to which such mine worker is eligible in accordance with the provisions of subsection one or (1A) and subsection two of this section.

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

(4) The disqualification under subsection three of this section shall—

- (a) in respect of a mine worker who, before the first day of November, one thousand nine hundred and fifty-one, has attained the age of sixty years, cease to have effect on the said date;

(b)

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(b) in respect of a mine worker who, after such date, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

Sec. 19F.
(Conditions
attaching to
and suspen-
sion of
subsidies.)

(c) by omitting from subsection one of section 19F the words "or a pension under this Act."

(2) (a) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subsection one of this section shall be deemed to extend to and from the said date apply in respect of all mine workers who were immediately before such date in receipt of subsidy pursuant to Part IVA of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such subsidy after such date.

(3) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, in accordance with section 19D of that Act, of the amount required by the Coal and Oil Shale Mine Workers Compensation Subsidy Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable by virtue of the operation of subsection one of this section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, be deemed to be the estimate of the amount required by such Fund for the aforesaid period of twelve months for payment of subsidy and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 28th December, 1951.*