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.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 11 *April,* 1957.

New South Wales

ANNO SEXTO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1957.

An Act to enable certain mine workers whose employment in the coal or oil shale mining industries has terminated to continue to contribute to the Coal and Oil Shale Mine Workers Superannuation Fund; for this and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956; to validate certain matters; and for purposes connected therewith.

83009 230—A BE

BE it enacted by the Queen'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, 1957". Short title and citation.

(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, 1941-1957.

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956, is amended— Amendment of Act No. 45, 1941.

(a) by inserting next after section 2D the following new section:— New sec. 2E.

2E. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957. Extension of definition of "mine worker" to cavilled out mine workers, etc.

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

(a) who has at any time after the first day of April, one thousand nine hundred and fifty-four, been cavilled out of or retrenched from his employment as a mine worker in or about a coal or oil shale mine in New South Wales or whose employment as a mine worker in or about a coal or oil shale mine in New South Wales has been terminated by reason of cavil out, slackness of trade or act of God (including fire or flood); and

(b)

(b) who is the holder of a permit from the Tribunal for the time being in force authorising him to be employed in some industry, other than the coal or oil shale mining industry, specified in the permit, and who complies with the terms and conditions subject to which such permit is issued.

(3) The Tribunal may issue a permit under this section to an applicant for such a permit who satisfies the Tribunal that—

(a) he has contributed to the Fund for a period of or periods aggregating not less than five years, and

(b) he has been a mine worker for a continuous period of not less than ten years immediately preceding the date on which he was cavilled out of or retrenched from his employment, or his employment was terminated as referred to in paragraph (a) of subsection two of this section.

(4) A permit issued under this section shall specify the period during which it is to remain in force and may be renewed from time to time for a further period specified therein.

(5) A permit issued under this section shall specify the terms and conditions subject to which it is issued and is to remain in force. Such terms and conditions shall include conditions—

(a) as to the industry and the class of work in that industry in which and the place at which or the person for whom the holder of the permit is to be employed during the currency of the permit;

(b)

(b) requiring the payment of a weekly rate of contribution to the Fund by the holder of the permit during the currency of the permit, and in the case of a holder who was cavilled out of or retrenched from his employment or whose employment was terminated as referred to in paragraph (a) of subsection two of this section before the commencement of this section requiring the payment of an additional amount specified therein by way of contribution to the Fund. Such weekly rate of contribution shall not exceed the rate of contribution paid for the time being by persons employed in or about a coal or oil shale mine and such additional amount shall be calculated as from the date on which he was cavilled out of or retrenched from employment or his employment terminated as aforesaid upon such weekly rate, not exceeding that paid at the relevant period by persons employed in or about a coal or oil shale mine, as the tribunal may determine.

(6) The Tribunal may cancel any permit issued under this section if the holder thereof fails to—

(a) comply with any terms and conditions specified therein;

(b) accept in accordance with any direction of the Tribunal any available employment in the coal or oil shale mining industries for which he is qualified and which in the opinion of the Tribunal is suitable to him; or

(c) pay his weekly contribution to the Fund as required by the permit.

(7)

(7) The retiring age of any person who by virtue of this section is a mine worker shall be such age as the Tribunal may determine and specify in the permit issued to him:

Provided that where an age (being later than the age of sixty years) is specified in any such permit the holder of such permit may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

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

Provided that the provisions of this Act, in their application to and in respect of any person who is a mine worker by virtue of this section, shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age specified in the permit issued to such person, or where such person retires or is retired before the age so specified, the age at which such person retires or is retired were substituted for the age of sixty years referred to therein, and references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the "date of retirement" shall be construed accordingly.

(9)

(9) For the purposes of this Act—

(a) persons who are mine workers by virtue of this section shall be deemed to be engaged in the coal or oil shale mining industries; and

(b) the work of such persons shall be deemed to be work in or about a coal or oil shale mine.

(10) Notwithstanding anything contained in this Act no owner shall be assessed or liable to pay contributions under section nineteen or 19D of this Act in respect of any person who is a mine worker by virtue of this section.

(b) by inserting next after subsection one of section nine the following new subsection:— Sec. 9. (Pensions—additional payments in respect of dependants.)

(1A) For the purposes of subsection one of this section a person in respect of whom a mine worker becomes eligible for an addition to his pension under paragraph (a) or (c) of that subsection shall be deemed to be totally or mainly dependent on the earnings of such mine worker where the income of such person from all sources does not exceed five pounds ten shillings per week.

(c) (i) by omitting from section 11A the words "exceeds two pounds ten shillings per week" wherever occurring and by inserting in lieu thereof the words "during a quarter exceeds five pounds ten shillings per week"; Sec. 11A. (Earnings from employment.)

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

(3) In this section "quarter" means the period from—

(a) the first day of January to the thirty-first day of March next following;

(b)

(b) the first day of April to the thirtieth day of June next following;

(c) the first day of July to the thirtieth day of September next following; or

(d) the first day of October to the thirty-first day of December next following.

(d) by inserting next after subsection one of section thirteen the following new subsection:— Sec. 13. (Deductions from pensions.)

(1A) (a) This subsection shall apply to a person who is a mine worker by virtue of section 2E of this Act.

(b) Any amount which a person to whom this subsection applies or his dependants has or have received, or upon application is or are entitled to receive from any pension payable under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued under section 2E of this Act shall be deducted from the amount payable to him or them, as the case may be, as a pension under this Act.

(c) Where a person to whom this subsection applies has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to a pension under this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if a pension had been awarded and paid as from the date upon which he would, but for this paragraph,

paragraph, have been entitled thereto, the total sum paid to him as pension (including any additional amounts in respect of dependants) would have been equal to such lump sum.

5 (e) (i) by inserting in paragraph (a) of subsection two of section 19B after the words and parentheses "(if any)" the words "during a quarter"; Sec. 19B. (Amount of subsidy.)

(ii) by omitting from the same paragraph the 10 words "two pounds ten shillings" and by inserting in lieu thereof the words "five pounds ten shillings";

(iii) by inserting next after paragraph (e) of the same subsection the following new 15 paragraph:—

(f) the amount of any pension payable to any such mine worker and his dependants (if any) under any superannuation or pension fund or any other like scheme 20 conducted by or on behalf of the person by whom he was employed under any permit issued to such mine worker under section 2E of this Act.

(iv) by inserting at the end of the same 25 subsection the following new paragraph:—

In this section "quarter" has the meaning ascribed thereto in subsection three of section 11A of this Act.

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

(5) Where a person who is a mine worker by virtue of section 2E of this Act has received or is entitled to receive in respect of and upon the termination of his 35 employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund

or

or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to subsidy under this Part of this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if subsidy had been paid as from the date upon which he would, but for this paragraph have been eligible therefor, the total sum paid to him as subsidy would have been equal to such lump sum.

(2) The amendments made by paragraph (c) and by subparagraphs (i), (ii) and (iv) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-four.

[1s.] Sydney: A. H. Pettifer, Government Printer—1957.

No. , 1957.

A BILL

To enable certain mine workers whose employment in the coal or oil shale mining industries has terminated to continue to contribute to the Coal and Oil Shale Mine Workers Superannuation Fund; for this and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956; to validate certain matters; and for purposes connected therewith.

[Mr. Nott;—9 *April*, 1957.]

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1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957". Short title and citation.

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2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956, is amended— Amendment of Act No. 45, 1941.

(a) by inserting next after section 2D the following new section:— New sec. 2E.

2E. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957. Extension of definition of "mine worker" to cavilled out mine workers, etc.

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

(a) who has at any time after the first day of April, one thousand nine hundred and fifty-four, been cavilled out of or retrenched from his employment as a mine worker in or about a coal or oil shale mine in New South Wales or whose employment as a mine worker in or about a coal or oil shale mine in New South Wales has been terminated by reason of cavil out, slackness of trade or act of God (including fire or flood); and

(b)

(b) who is the holder of a permit from the Tribunal for the time being in force authorising him to be employed in some industry, other than the coal or oil shale mining industry, specified in the permit, and who complies with the terms and conditions subject to which such permit is issued.

(3) The Tribunal may issue a permit under this section to an applicant for such a permit who satisfies the Tribunal that—

(a) he has contributed to the Fund for a period of or periods aggregating not less than five years, and

(b) he has been a mine worker for a continuous period of not less than ten years immediately preceding the date on which he was cavilled out of or retrenched from his employment, or his employment was terminated as referred to in paragraph (a) of subsection two of this section.

(4) A permit issued under this section shall specify the period during which it is to remain in force and may be renewed from time to time for a further period specified therein.

(5) A permit issued under this section shall specify the terms and conditions subject to which it is issued and is to remain in force. Such terms and conditions shall include conditions—

(a) as to the industry and the class of work in that industry in which and the place at which or the person for whom the holder of the permit is to be employed during the currency of the permit;

(b)

(b) requiring the payment of a weekly rate of contribution to the Fund by the holder of the permit during the currency of the permit, and in the case of a holder who was cavilled out of or retrenched from his employment or whose employment was terminated as referred to in paragraph (a) of subsection two of this section before the commencement of this section requiring the payment of an additional amount specified therein by way of contribution to the Fund. Such weekly rate of contribution shall not exceed the rate of contribution paid for the time being by persons employed in or about a coal or oil shale mine and such additional amount shall be calculated as from the date on which he was cavilled out of employment or his employment terminated as aforesaid upon such weekly rate, not exceeding that paid at the relevant period by persons employed in or about a coal or oil shale mine, as the Tribunal may determine.

(6) The Tribunal may cancel any permit issued under this section if the holder thereof fails to—

(a) comply with any terms and conditions specified therein;

(b) accept in accordance with any direction of the Tribunal any available employment in the coal or oil shale mining industries for which he is qualified and which in the opinion of the Tribunal is suitable to him; or

(c) pay his weekly contribution to the Fund as required by the permit.

(7)

(7) The retiring age of any person who by virtue of this section is a mine worker shall be such age as the Tribunal may determine and specify in the permit issued to him:

Provided that where an age (being later than the age of sixty years) is specified in any such permit the holder of such permit may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

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

Provided that the provisions of this Act, in their application to and in respect of any person who is a mine worker by virtue of this section, shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age specified in the permit issued to such person, or where such person retires or is retired before the age so specified, the age at which such person retires or is retired were substituted for the age of sixty years referred to therein, and references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the "date of retirement" shall be construed accordingly.

(9)

(9) For the purposes of this Act—

(a) persons who are mine workers by virtue of this section shall be deemed to be engaged in the coal or oil shale mining industries; and

(b) the work of such persons shall be deemed to be work in or about a coal or oil shale mine.

(10) Notwithstanding anything contained in this Act no owner shall be assessed or liable to pay contributions under section nineteen or 19D of this Act in respect of any person who is a mine worker by virtue of this section.

(b) by inserting next after subsection one of section nine the following new subsection:— Sec. 9. (Pensions—additional payments in respect of dependants.)

(1A) For the purposes of subsection one of this section a person in respect of whom a mine worker becomes eligible for an addition to his pension under paragraph (a) or (c) of that subsection shall be deemed to be totally or mainly dependent on the earnings of such mine worker where the income of such person from all sources does not exceed five pounds ten shillings per week.

(c) (i) by omitting from section 11A the words "exceeds two pounds ten shillings per week" wherever occurring and by inserting in lieu thereof the words "during a quarter exceeds five pounds ten shillings per week"; Sec. 11A. (Earnings from employment.)

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

(3) In this section "quarter" means the period from—

(a) the first day of January to the thirty-first day of March next following;

(b)

(b) the first day of April to the thirtieth day of June next following;

(c) the first day of July to the thirtieth day of September next following; or

(d) the first day of October to the thirty-first day of December next following.

(d) by inserting next after subsection one of section thirteen the following new subsection:— **Sec. 13. (Deductions from pensions.)**

(1A) (a) This subsection shall apply to a person who is a mine worker by virtue of section 2E of this Act.

(b) Any amount which a person to whom this subsection applies or his dependants has or have received, or upon application is or are entitled to receive from any pension payable under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued under section 2E of this Act shall be deducted from the amount payable to him or them, as the case may be, as a pension under this Act.

(c) Where a person to whom this subsection applies has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to a pension under this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if a pension had been awarded and paid as from the date upon which he would, but for this paragraph,

paragraph, have been entitled thereto, the total sum paid to him as pension (including any additional amounts in respect of dependants) would have been equal to such lump sum.

5 (e) (i) by inserting in paragraph (a) of subsection two of section 19B after the words and parentheses "(if any)" the words "during a quarter"; **Sec. 19B. (Amount of subsidy.)**

(ii) by omitting from the same paragraph the 10 words "two pounds ten shillings" and by inserting in lieu thereof the words "five pounds ten shillings";

(iii) by inserting next after paragraph (e) of the same subsection the following new 15 paragraph:—

(f) the amount of any pension payable to any such mine worker and his dependants (if any) under any superannuation or pension fund or any other like scheme 20 conducted by or on behalf of the person by whom he was employed under any permit issued to such mine worker under section 2E of this Act.

(iv) by inserting at the end of the same 25 subsection the following new paragraph:—

In this section "quarter" has the meaning ascribed thereto in subsection three of section 11A of this Act.

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

(5) Where a person who is a mine worker by virtue of section 2E of this Act has received or is entitled to receive in respect of and upon the termination of his 35 employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund

or

or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to subsidy under this Part of this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if subsidy had been paid as from the date upon which he would, but for this paragraph have been eligible therefor the total sum paid to him as subsidy would have been equal to such lump sum.

(2) The amendments made by paragraph (c) and by subparagraphs (i), (ii) and (iv) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-four.

Sydney: A. H. Pettifer, Government Printer—1957.

[9*d*.]

230—B

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

(a) to enable mine workers who are unemployed in the coal or oil shale mining industries subject to certain qualifications to continue to contribute to the Coal and Oil Shale Mine Workers' Superannuation Fund and so in due course become eligible for pension and subsidy benefits payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956;

(b) to define more clearly the term "totally or mainly dependent" as applying to certain dependants of a pensioner;

(c) to increase the permissible earnings of a pensioner and his dependants before making deductions from his pension and to amend the method of calculation of such earnings;

(d) to make other provisions of an ancillary and machinery character.

PROOF

No. , 1957.

A BILL

To enable certain mine workers whose employment in the coal or oil shale mining industries has terminated to continue to contribute to the Coal and Oil Shale Mine Workers Superannuation Fund; for this and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956; to validate certain matters; and for purposes connected therewith.

[Mr. Nott;—9 *April*, 1957.]

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BE it enacted by the Queen'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, 1957". Short title and citation.

(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, 1941-1957.

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956, is amended— Amendment of Act No. 45, 1941.

(a) by inserting next after section 2D the following new section:— New Sec. 2E.

2E. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957. Extension of definition of "mine worker" to cavilled out mine workers, etc.

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

(a) who has at any time after the first day of April, one thousand nine hundred and fifty-four, been cavilled out of or retrenched from his employment as a mine worker in or about a coal or oil shale mine in New South Wales or whose employment as a mine worker in or about a coal or oil shale mine in New South Wales has been terminated by reason of cavil out, slackness of trade or Act of God (including fire or flood); and

(b)

(b) who is the holder of a permit from the Tribunal for the time being in force authorising him to be employed in some industry, other than the coal or oil shale mining industry, specified in the permit, and who complies with the terms and conditions subject to which such permit is issued.

(3) The Tribunal may issue a permit under this section to an applicant for such a permit who satisfies the Tribunal that—

(a) he has contributed to the Fund for a period of or periods aggregating not less than five years, and

(b) he has been a mine worker for a continuous period of not less than ten years immediately preceding the date on which he was cavilled out of or retrenched from his employment, or his employment was terminated as referred to in paragraph (a) of subsection two of this section.

(4) A permit issued under this section shall specify the period during which it is to remain in force and may be renewed from time to time for a further period specified therein.

(5) A permit issued under this section shall specify the terms and conditions subject to which it is issued and is to remain in force. Such terms and conditions shall include conditions—

(a) as to the industry and the class of work in that industry in which and the place at which or the person for whom the holder of the permit is to be employed during the currency of the permit;

(b)

(b) requiring the payment of a weekly rate of contribution to the Fund by the holder of the permit during the currency of the permit, and in the case of a holder who was cavilled out of or retrenched from his employment or whose employment was terminated as referred to in paragraph (a) of subsection two of this section before the commencement of this section requiring the payment of an additional amount specified therein by way of contribution to the Fund. Such weekly rate of contribution shall not exceed the rate of contribution paid for the time being by persons employed in or about a coal or oil shale mine and such additional amount shall be calculated as from the date on which he was cavilled out of employment or his employment terminated as aforesaid upon such weekly rate, not exceeding that paid at the relevant period by persons employed in or about a coal or oil shale mine, as the Tribunal may determine.

(6) The Tribunal may cancel any permit issued under this section if the holder thereof fails to—

(a) comply with any terms and conditions specified therein;

(b) accept in accordance with any direction of the Tribunal any available employment in the coal or oil shale mining industries for which he is qualified and which in the opinion of the Tribunal is suitable to him; or

(c) pay his weekly contribution to the Fund as required by the permit.

(7)

(7) The retiring age of any person who by virtue of this section is a mine worker shall be such age as the Tribunal may determine and specify in the permit issued to him.

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

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

Provided that the provisions of this Act, in their application to and in respect of any person who is a mine worker by virtue of this section, shall be deemed to be modified to the following 25 extent, that is to say—sections five and six of this Act shall have and take effect as if the age specified in the permit issued to such person, or where such person retires or is retired before the age so specified, the age at which such person 30 retires or is retired were substituted for the age of sixty years referred to therein, and references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement 35 of this section, and references in this Act, to the "date of retirement" shall be construed accordingly.

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(9) For the purposes of this Act—

(a) persons to are mine workers by virtue of this section shall be deemed to be engaged in the coal or oil shale mining industries; and

(b) the work of such persons shall be deemed to be work in or about a coal or oil shale mine.

(10) Notwithstanding anything contained in this Act no owner shall be assessed or liable to pay contributions under section nineteen or 19D of this Act in respect of any person who is a mine worker by virtue of this section.

(b) by inserting next after subsection one of section nine the following new subsection:— Sec. 9. (Pensions—Additional payments in respect of dependants.)

(1A) For the purposes of subsection one of this section a person in respect of whom a mine worker becomes eligible for an addition to his pension under paragraph (a) or (c) of that subsection shall be deemed to be totally or mainly dependent on the earnings of such mine worker where the income of such person from all sources does not exceed five pounds ten shillings per week.

(c) (i) by omitting from section 11A the words "exceeds two pounds ten shillings per week" wherever occurring and by inserting in lieu thereof the words "during a quarter exceeds five pounds ten shillings per week"; Sec. 11A. (Earnings from employment.)

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

(3) In this section "quarter" means the period from—

(a) the first day of January to the thirty-first day of March next following;

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(b) the first day of April to the thirtieth day of June next following;

(c) the first day of July to the thirtieth day of September next following; or

(d) the first day of October to the thirty-first day of December next following.

(d) by inserting next after subsection one of section thirteen the following new subsection:— Sec. 13. (Deductions from pensions.)

(1A) (a) This subsection shall apply to a person who is a mine worker by virtue of section 2E of this Act.

(b) Any amount which a person to whom this subsection applies or his dependents has or have received, or upon application is or are entitled to receive from any pension payable under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued under section 2E of this Act shall be deducted from the amount payable to him or them, as the case may be, as a pension under this Act.

(c) Where a person to whom this subsection applies has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to a pension under this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if a pension had been awarded and paid as from the date upon which he would, but for this paragraph,

paragraph, have been entitled thereto, the total sum paid to him as pension (including any additional amounts in respect of dependents) would have been equal to such lump sum.

5 (e) (i) by inserting in paragraph (a) of subsection two of section 19B after the words and parentheses "(if any)" the words "during a quarter"; Sec. 19B. (Amount of subsidy.)

(ii) by omitting from the same paragraph the 10 words "two pounds ten shillings" and by inserting in lieu thereof the words "five pounds ten shillings";

(iii) by inserting next after paragraph (e) of the same subsection the following new 15 paragraph:—

(f) the amount of any pension payable to any such mine worker and his dependants (if any) under any superannuation or pension fund or any other like scheme 20 conducted by or on behalf of the person by whom he was employed under any permit issued to such mine worker under section 2E of this Act.

(iv) by inserting at the end of the same 25 subsection the following new paragraph:—

In this section "quarter" has the meaning ascribed thereto in subsection three of section 11A of this Act.

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

(5) Where a person who is a mine worker by virtue of section 2E of this Act has received or is entitled to receive in respect of and upon the termination of his 35 employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund

or

or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to subsidy under this Part of this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if subsidy had been paid as from the date upon which he would, but for this paragraph, have been eligible therefor; the total sum paid to him as subsidy would have been equal to such lump sum.

(2) The amendments made by paragraph (c) and by subparagraphs (i), (ii) and (iv) of paragraph (d) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-four.

Sydney: A. H. Pettifer, Government Printer—1957.

New South Wales

ANNO SEXTO

ELIZABETHÆ II REGINÆ

* *

Act No. 18, 1957.

An Act to enable certain mine workers whose employment in the coal or oil shale mining industries has terminated to continue to contribute to the Coal and Oil Shale Mine Workers Superannuation Fund; for this and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941–1956; to validate certain matters; and for purposes connected therewith. [Assented to, 29th April, 1957.]

87847 A [8*d*.]

BE

BE it enacted by the Queen'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:—

Short title and citation.

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957".

(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, 1941-1957.

Amendment of Act No. 45, 1941.

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956, is amended—

New sec. 2E.

(a) by inserting next after section 2D the following new section:—

Extension of definition of "mine worker" to cavilled out mine workers, etc.

2E. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957.

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

(a) who has at any time after the first day of April, one thousand nine hundred and fifty-four, been cavilled out of or retrenched from his employment as a mine worker in or about a coal or oil shale mine in New South Wales or whose employment as a mine worker in or about a coal or oil shale mine in New South Wales has been terminated by reason of cavil out, slackness of trade or act of God (including fire or flood); and

(b)

(b) who is the holder of a permit from the Tribunal for the time being in force authorising him to be employed in some industry, other than the coal or oil shale mining industry, specified in the permit, and who complies with the terms and conditions subject to which such permit is issued.

(3) The Tribunal may issue a permit under this section to an applicant for such a permit who satisfies the Tribunal that—

(a) he has contributed to the Fund for a period of or periods aggregating not less than five years, and

(b) he has been a mine worker for a continuous period of not less than ten years immediately preceding the date on which he was cavilled out of or retrenched from his employment, or his employment was terminated as referred to in paragraph (a) of subsection two of this section.

(4) A permit issued under this section shall specify the period during which it is to remain in force and may be renewed from time to time for a further period specified therein.

(5) A permit issued under this section shall specify the terms and conditions subject to which it is issued and is to remain in force. Such terms and conditions shall include conditions—

(a) as to the industry and the class of work in that industry in which and the place at which or the person for whom the holder of the permit is to be employed during the currency of the permit;

(b)

(b) requiring the payment of a weekly rate of contribution to the Fund by the holder of the permit during the currency of the permit, and in the case of a holder who was cavilled out of or retrenched from his employment or whose employment was terminated as referred to in paragraph (a) of subsection two of this section before the commencement of this section requiring the payment of an additional amount specified therein by way of contribution to the Fund. Such weekly rate of contribution shall not exceed the rate of contribution paid for the time being by persons employed in or about a coal or oil shale mine and such additional amount shall be calculated as from the date on which he was cavilled out of or retrenched from employment or his employment terminated as aforesaid upon such weekly rate, not exceeding that paid at the relevant period by persons employed in or about a coal or oil shale mine, as the tribunal may determine.

(6) The Tribunal may cancel any permit issued under this section if the holder thereof fails to—

(a) comply with any terms and conditions specified therein;

(b) accept in accordance with any direction of the Tribunal any available employment in the coal or oil shale mining industries for which he is qualified and which in the opinion of the Tribunal is suitable to him; or

(c) pay his weekly contribution to the Fund as required by the permit.

(7)

(7) The retiring age of any person who by virtue of this section is a mine worker shall be such age as the Tribunal may determine and specify in the permit issued to him:

Provided that where an age (being later than the age of sixty years) is specified in any such permit the holder of such permit may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

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

Provided that the provisions of this Act, in their application to and in respect of any person who is a mine worker by virtue of this section, shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age specified in the permit issued to such person, or where such person retires or is retired before the age so specified, the age at which such person retires or is retired were substituted for the age of sixty years referred to therein, and references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the "date of retirement" shall be construed accordingly.

(9) For the purposes of this Act—

(a) persons who are mine workers by virtue of this section shall be deemed to be engaged in the coal or oil shale mining industries; and

(b) the work of such persons shall be deemed to be work in or about a coal or oil shale mine.

(10) Notwithstanding anything contained in this Act no owner shall be assessed or liable to pay contributions under section nineteen or 19D of this Act in respect of any person who is a mine worker by virtue of this section.

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

(b) by inserting next after subsection one of section nine the following new subsection:—

(1A) For the purposes of subsection one of this section a person in respect of whom a mine worker becomes eligible for an addition to his pension under paragraph (a) or (c) of that subsection shall be deemed to be totally or mainly dependent on the earnings of such mine worker where the income of such person from all sources does not exceed five pounds ten shillings per week.

Sec. 11A. (Earnings from employment.)

(c) (i) by omitting from section 11A the words "exceeds two pounds ten shillings per week" wherever occurring and by inserting in lieu thereof the words "during a quarter exceeds five pounds ten shillings per week";

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

(3) In this section "quarter" means the period from—

(a) the first day of January to the thirty-first day of March next following;

(b)

(b) the first day of April to the thirtieth day of June next following;

(c) the first day of July to the thirtieth day of September next following; or

(d) the first day of October to the thirty-first day of December next following.

(d) by inserting next after subsection one of section thirteen the following new subsection:— Sec. 13. (Deductions from pensions.)

(1A) (a) This subsection shall apply to a person who is a mine worker by virtue of section 2E of this Act.

(b) Any amount which a person to whom this subsection applies or his dependants has or have received, or upon application is or are entitled to receive from any pension payable under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued under section 2E of this Act shall be deducted from the amount payable to him or them, as the case may be, as a pension under this Act.

(c) Where a person to whom this subsection applies has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to a pension under this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if a pension had been awarded and paid as from the date upon which he would, but for this paragraph,

paragraph, have been entitled thereto, the total sum paid to him as pension (including any additional amounts in respect of dependants) would have been equal to such lump sum.

Sec. 19B. (Amount of subsidy.)

(e) (i) by inserting in paragraph (a) of subsection two of section 19B after the words and parentheses "(if any)" the words "during a quarter";

(ii) by omitting from the same paragraph the words "two pounds ten shillings" and by inserting in lieu thereof the words "five pounds ten shillings";

(iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

(f) the amount of any pension payable to any such mine worker and his dependants (if any) under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued to such mine worker under section 2E of this Act.

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

In this section "quarter" has the meaning ascribed thereto in subsection three of section 11A of this Act.

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

(5) Where a person who is a mine worker by virtue of section 2E of this Act has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund

or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to subsidy under this Part of this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if subsidy had been paid as from the date upon which he would, but for this paragraph have been eligible therefor, the total sum paid to him as subsidy would have been equal to such lump sum.

(2) The amendments made by paragraph (c) and by subparagraphs (i), (ii) and (iv) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-four.

By Authority:
A. H. Pettifer, Government Printer, Sydney, 1957.

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 16 *April,* 1957.

New South Wales

ANNO SEXTO

ELIZABETHÆ II REGINÆ

****

Act No. 18, 1957.

An Act to enable certain mine workers whose employment in the coal or oil shale mining industries has terminated to continue to contribute to the Coal and Oil Shale Mine Workers Superannuation Fund; for this and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941–1956; to validate certain matters; and for purposes connected therewith. [Assented to, 29th April, 1957.]

BE

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.

BE it enacted by the Queen'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:—

Short title and citation.

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957".

(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, 1941-1957.

Amendment of Act No. 45, 1941.

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1956, is amended—

New sec. 2E.

(a) by inserting next after section 2D the following new section:—

Extension of definition of "mine worker" to cavilled out mine workers, etc.

2E. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1957.

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

(a) who has at any time after the first day of April, one thousand nine hundred and fifty-four, been cavilled out of or retrenched from his employment as a mine worker in or about a coal or oil shale mine in New South Wales or whose employment as a mine worker in or about a coal or oil shale mine in New South Wales has been terminated by reason of cavil out, slackness of trade or act of God (including fire or flood); and

(b)

(b) who is the holder of a permit from the Tribunal for the time being in force authorising him to be employed in some industry, other than the coal or oil shale mining industry, specified in the permit, and who complies with the terms and conditions subject to which such permit is issued.

(3) The Tribunal may issue a permit under this section to an applicant for such a permit who satisfies the Tribunal that—

(a) he has contributed to the Fund for a period of or periods aggregating not less than five years, and

(b) he has been a mine worker for a continuous period of not less than ten years immediately preceding the date on which he was cavilled out of or retrenched from his employment, or his employment was terminated as referred to in paragraph (a) of subsection two of this section.

(4) A permit issued under this section shall specify the period during which it is to remain in force and may be renewed from time to time for a further period specified therein.

(5) A permit issued under this section shall specify the terms and conditions subject to which it is issued and is to remain in force. Such terms and conditions shall include conditions—

(a) as to the industry and the class of work in that industry in which and the place at which or the person for whom the holder of the permit is to be employed during the currency of the permit;

(b)

(b) requiring the payment of a weekly rate of contribution to the Fund by the holder of the permit during the currency of the permit, and in the case of a holder who was cavilled out of or retrenched from his employment or whose employment was terminated as referred to in paragraph (a) of subsection two of this section before the commencement of this section requiring the payment of an additional amount specified therein by way of contribution to the Fund. Such weekly rate of contribution shall not exceed the rate of contribution paid for the time being by persons employed in or about a coal or oil shale mine and such additional amount shall be calculated as from the date on which he was cavilled out of or retrenched from employment or his employment terminated as aforesaid upon such weekly rate, not exceeding that paid at the relevant period by persons employed in or about a coal or oil shale mine, as the tribunal may determine.

(6) The Tribunal may cancel any permit issued under this section if the holder thereof fails to—

(a) comply with any terms and conditions specified therein;

(b) accept in accordance with any direction of the Tribunal any available employment in the coal or oil shale mining industries for which he is qualified and which in the opinion of the Tribunal is suitable to him; or

(c) pay his weekly contribution to the Fund as required by the permit.

(7)

(7) The retiring age of any person who by virtue of this section is a mine worker shall be such age as the Tribunal may determine and specify in the permit issued to him:

Provided that where an age (being later than the age of sixty years) is specified in any such permit the holder of such permit may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person be construed as a reference to the date upon which he so retires or is retired.

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

Provided that the provisions of this Act, in their application to and in respect of any person who is a mine worker by virtue of this section, shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act shall have and take effect as if the age specified in the permit issued to such person, or where such person retires or is retired before the age so specified, the age at which such person retires or is retired were substituted for the age of sixty years referred to therein, and references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section, and references in this Act, to the "date of retirement" shall be construed accordingly.

(9) For the purposes of this Act—

(a) persons who are mine workers by virtue of this section shall be deemed to be engaged in the coal or oil shale mining industries; and

(b) the work of such persons shall be deemed to be work in or about a coal or oil shale mine.

(10) Notwithstanding anything contained in this Act no owner shall be assessed or liable to pay contributions under section nineteen or 19D of this Act in respect of any person who is a mine worker by virtue of this section.

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

(b) by inserting next after subsection one of section nine the following new subsection:—

(1A) For the purposes of subsection one of this section a person in respect of whom a mine worker becomes eligible for an addition to his pension under paragraph (a) or (c) of that subsection shall be deemed to be totally or mainly dependent on the earnings of such mine worker where the income of such person from all sources does not exceed five pounds ten shillings per week.

Sec. 11A. (Earnings from employment.)

(c) (i) by omitting from section 11A the words "exceeds two pounds ten shillings per week" wherever occurring and by inserting in lieu thereof the words "during a quarter exceeds five pounds ten shillings per week";

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

(3) In this section "quarter" means the period from—

(a) the first day of January to the thirty-first day of March next following;

(b)

(b) the first day of April to the thirtieth day of June next following;

(c) the first day of July to the thirtieth day of September next following; or

(d) the first day of October to the thirty-first day of December next following.

(d) by inserting next after subsection one of section thirteen the following new subsection:— **Sec. 13. (Deductions from pensions.)**

(1A) (a) This subsection shall apply to a person who is a mine worker by virtue of section 2E of this Act.

(b) Any amount which a person to whom this subsection applies or his dependants has or have received, or upon application is or are entitled to receive from any pension payable under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued under section 2E of this Act shall be deducted from the amount payable to him or them, as the case may be, as a pension under this Act.

(c) Where a person to whom this subsection applies has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to a pension under this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if a pension had been awarded and paid as from the date upon which he would, but for this

paragraph,

paragraph, have been entitled thereto, the total sum paid to him as pension (including any additional amounts in respect of dependants) would have been equal to such lump sum.

Sec. 19B. (Amount of subsidy.)

(e) (i) by inserting in paragraph (a) of subsection two of section 19B after the words and parentheses "(if any)" the words "during a quarter";

(ii) by omitting from the same paragraph the words "two pounds ten shillings" and by inserting in lieu thereof the words "five pounds ten shillings";

(iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

(f) the amount of any pension payable to any such mine worker and his dependants (if any) under any superannuation or pension fund or any other like scheme conducted by or on behalf of the person by whom he was employed under any permit issued to such mine worker under section 2E of this Act.

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

In this section "quarter" has the meaning ascribed thereto in subsection three of section 11A of this Act.

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

(5) Where a person who is a mine worker by virtue of section 2E of this Act has received or is entitled to receive in respect of and upon the termination of his employment pursuant to a permit issued under section 2E of this Act a lump sum from any provident or superannuation fund

or

or any other like scheme conducted by or on behalf of the person by whom he was employed under such permit he shall not be entitled to subsidy under this Part of this Act until the expiration of a period ascertained as follows:—

The period shall be the period during which, if subsidy had been paid as from the date upon which he would, but for this paragraph have been eligible therefor, the total sum paid to him as subsidy would have been equal to such lump sum.

(2) The amendments made by paragraph (c) and by subparagraphs (i), (ii) and (iv) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and fifty-four.

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

J. NORTHCOTT,
Governor.

Government House,
Sydney, 29th April, 1957.