

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970". Short title.

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

10 (a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week." Sec. 9. (Pensions—additional payments in respect of dependants.)

15
20 The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid.";

(b) by omitting section 10B; Sec. 10B. (Pensions—automatic increases.)

(c) by inserting next after section 10D the following new sections:— New secs. 10E & 10F.

25 10E. (1) Notwithstanding any provision of this Act— Further increases in pensions and additions thereto.

(a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section

30

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5 seven or subsection one of section eight of
this Act on the ninth day of October, one
thousand nine hundred and sixty-nine, or
who after that date and before the com-
mencement of the Coal and Oil Shale Mine
Workers (Superannuation) Amendment
Act, 1970, became, or who after such com-
mencement becomes, eligible therefor, shall,
10 as on and from that date or from the date
on which he became or becomes so eligible,
be nineteen dollars twenty-five cents per
week;

15 (b) the amount of the addition to a pension pay-
able pursuant to any such provision to a
mine worker who was entitled to such
addition pursuant to paragraph (a) or
paragraph (c) of subsection one of section
20 nine of this Act on the ninth day of October,
one thousand nine hundred and sixty-nine,
or who after that date and before the com-
mencement of the Coal and Oil Shale Mine
Workers (Superannuation) Amendment
Act, 1970, became, or who after such com-
mencement becomes, eligible for such
25 addition, shall, as on and from that date or
from the date on which he became or
becomes so eligible, be fourteen dollars
twenty-five cents per week;

30 (c) the rate of pension payable pursuant to any
such provision—

35 (i) to a widow or other female who on
the thirtieth day of September, one
thousand nine hundred and sixty-
nine, was entitled to a widow's
pension under any legislation of the
Commonwealth relating to social
services and to a pension pursuant
to section ten or 10A of this Act, or
who after that date and before the
commencement

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5 commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week;

10 (ii) to any person other than a widow or other female referred to in subparagraph (i) of this paragraph who on the ninth day of October, one thousand nine hundred and
15 sixty-nine, was entitled to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers
20 (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became
25 or becomes so entitled, be eighteen dollars twenty-five cents per week.

(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

30 10F. (1) Where so often as the age pension payable under the Social Services Act is increased the following provisions shall have effect :—

Increases in pensions in accordance with Commonwealth Social Service pensions.

35 (a) the amount of pension per week payable to any mine worker, who has, prior to the date on which any increase in such age pension for single pensioners became payable, been awarded a pension pursuant to

section

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5 section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

10 (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of
15 this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

20 (2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B)
25 of section ten, or subsection one or two of section 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

30 (3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of
35 this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable
pursuant

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5 pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine of this Act, shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said child's allowance.

10 (4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

15 (5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

20 (d) by omitting section 11A and by inserting in lieu thereof the following new section : — Subst.
sec. 11A.

25 11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act.

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

- (a) the first day of January to the thirty-first day of March next following;
- 5 (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
- 10 (d) the first day of October to the thirty-first day of December next following.

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

(e) by omitting subsection (1A) of section thirteen; Sec. 13.
(Deductions from pensions.)

25 (f) (i) by omitting subsections one, two, three, (3A) and four of section nineteen and by inserting in lieu thereof the following subsections :— Sec. 19.
(Contributions and reserves.)

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 in each and every year, for payment of pensions and other sums chargeable

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5 chargeable upon or payable out of the Fund,
for the provision of a reserve in connection
with the Fund in accordance with subsection
two of this section and for the recovery of any
deficiency in that reserve from any previous
year.

10 (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.

15 (2) (a) In respect of each period of
twelve months commencing on the first day of
July in each and every year there shall be set
aside to the reserve an amount equivalent to
eighty-five per centum of the income (herein-
after called "the investment income") accrued
during that period of twelve months from all
Fund moneys invested by the Tribunal.

20 (b) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
25 remains an amount in excess of eighty-five
per centum of the investment income accrued
during that period such excess shall be paid
into a special reserve.

30 (c) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
remains an amount less than eighty-five per
centum of the investment income accrued
during

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5 during that period together with any deficiency
in the amount payable to the reserve under
paragraph (a) of this subsection in respect of
any previous period of twelve months, the
Tribunal shall in making its estimate under
subsection one of this section, first apply all
moneys or such part thereof as is necessary
standing to the credit of the special reserve
referred to in paragraph (b) of this subsection
10 and shall not provide for an increase in the
rates of contribution over such rates for the
preceding period of twelve months until and
unless such special reserve is or will become
exhausted in the period of twelve months in
15 respect of which the estimate is made.

(3) The amount of the estimate made by
the Tribunal under subsection one of this
section shall be provided as follows :—

- (a) the Government contribution; plus
- 20 (b) not more than fifteen per centum of
investment income plus any amount
payable from the special reserve in
pursuance of paragraph (c) of sub-
section two of this section; plus
- 25 (c) the amount necessary to make up the
balance of such estimate which shall
be paid to the Tribunal—
 - (i) as to two-eleventh parts thereof
by the mine workers; and
 - 30 (ii) as to nine-eleventh parts
thereof by the owners.

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5 (4) The Government contribution referred to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

10 (a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy— one hundred and sixty thousand dollars ;

15 (b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars ;

20 (c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

25 (4A) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be
30 expended is so great as to be not easily recovered in the Tribunal's next annual
35

estimate

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5 estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

10 (b) In any such case the estimate made by the Tribunal pursuant to subsection one of this section for that year shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions so increased or other sums payable
15 out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection and the estimate as so varied shall for all
20 purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year for payment of pensions and other sums chargeable upon or payable
25 out of that Fund and for the provision of a reserve in connection with that Fund.

(ii) by omitting subsection seven of the same section.

30 (2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have
35 commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(c) The amendments made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970
[10c]

No. , 1970.

A BILL

To increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

[MR FIFE—19 *March*, 1970.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970". Short title.

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

10 (a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week." Sec. 9. (Pensions—additional payments in respect of dependants.)

15
20 The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid.";

(b) by omitting section 10B; Sec. 10B. (Pensions—automatic increases.)

(c) by inserting next after section 10D the following new sections:— New secs. 10E & 10F.

25 10E. (1) Notwithstanding any provision of this Act— Further increases in pensions and additions thereto.

(a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 seven or subsection one of section eight of
this Act on the ninth day of October, one
thousand nine hundred and sixty-nine, or
who after that date and before the com-
mencement of the Coal and Oil Shale Mine
Workers (Superannuation) Amendment
Act, 1970, became, or who after such com-
mencement becomes, eligible therefor, shall,
10 as on and from that date or from the date
on which he became or becomes so eligible,
be nineteen dollars twenty-five cents per
week ;
- 15 (b) the amount of the addition to a pension pay-
able pursuant to any such provision to a
mine worker who was entitled to such
addition pursuant to paragraph (a) or
paragraph (c) of subsection one of section
20 nine of this Act on the ninth day of October,
one thousand nine hundred and sixty-nine,
or who after that date and before the com-
mencement of the Coal and Oil Shale Mine
Workers (Superannuation) Amendment
Act, 1970, became, or who after such com-
mencement becomes, eligible for such
25 addition, shall, as on and from that date or
from the date on which he became or
becomes so eligible, be fourteen dollars
twenty-five cents per week ;
- 30 (c) the rate of pension payable pursuant to any
such provision—
- 35 (i) to a widow or other female who on
the thirtieth day of September, one
thousand nine hundred and sixty-
nine, was entitled to a widow's
pension under any legislation of the
Commonwealth relating to social
services and to a pension pursuant
to section ten or 10A of this Act, or
who after that date and before the
commencement

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5 commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week;

10 (ii) to any person other than a widow or other female referred to in subparagraph (i) of this paragraph who on the ninth day of October, one thousand nine hundred and
15 sixty-nine, was entitled to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such
20 commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen
25 dollars twenty-five cents per week.

(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

30 10F. (1) Where so often as the age pension payable under the Social Services Act is increased the following provisions shall have effect :—

Increases in pensions in accordance with Commonwealth Social Service pensions.

35 (a) the amount of pension per week payable to any mine worker, who has, prior to the date on which any increase in such age pension for single pensioners became payable, been awarded a pension pursuant to

section

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

10 (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

20 (2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B) of section ten, or subsection one or two of section 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

30 (3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable
35 pursuant

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5 pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine of this Act, shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said child's allowance.

10 (4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

15 (5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

20 (d) by omitting section 11A and by inserting in lieu thereof the following new section :— ^{Subst. sec. 11A.}

25 11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act.

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

- (a) the first day of January to the thirty-first day of March next following;
- 5 (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
- 10 (d) the first day of October to the thirty-first day of December next following.

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

- (e) by omitting subsection (1A) of section thirteen; Sec. 13.
(Deductions
from
pensions.)
- 25 (f) (i) by omitting subsections one, two, three, (3A) and four of section nineteen and by inserting in lieu thereof the following subsections :— Sec. 19.
(Contributions and reserves.)

(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 in each and every year, for payment of pensions and other sums chargeable

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5 chargeable upon or payable out of the Fund,
for the provision of a reserve in connection
with the Fund in accordance with subsection
two of this section and for the recovery of any
deficiency in that reserve from any previous
year.

10 (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.

15 (2) (a) In respect of each period of
twelve months commencing on the first day of
July in each and every year there shall be set
aside to the reserve an amount equivalent to
eighty-five per centum of the income (herein-
after called "the investment income") accrued
during that period of twelve months from all
Fund moneys invested by the Tribunal.

20 (b) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
25 remains an amount in excess of eighty-five
per centum of the investment income accrued
during that period such excess shall be paid
into a special reserve.

30 (c) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
remains an amount less than eighty-five per
centum of the investment income accrued
during

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 during that period together with any deficiency
in the amount payable to the reserve under
paragraph (a) of this subsection in respect of
any previous period of twelve months, the
Tribunal shall in making its estimate under
subsection one of this section, first apply all
moneys or such part thereof as is necessary
standing to the credit of the special reserve
referred to in paragraph (b) of this subsection
10 and shall not provide for an increase in the
rates of contribution over such rates for the
preceding period of twelve months until and
unless such special reserve is or will become
exhausted in the period of twelve months in
15 respect of which the estimate is made.

(3) The amount of the estimate made by
the Tribunal under subsection one of this
section shall be provided as follows :—

- (a) the Government contribution; plus
- 20 (b) not more than fifteen per centum of
investment income plus any amount
payable from the special reserve in
pursuance of paragraph (c) of sub-
section two of this section; plus
- 25 (c) the amount necessary to make up the
balance of such estimate which shall
be paid to the Tribunal—
- (i) as to two-eleventh parts thereof
by the mine workers; and
- 30 (ii) as to nine-eleventh parts
thereof by the owners.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 (4) The Government contribution referred to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

10 (a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy—
one hundred and sixty thousand dollars ;

15 (b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars ;

20 (c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

25 (5) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be
30 expended is so great as to be not easily recovered in the Tribunal's next annual
35

estimate

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

10 (b) In any such case the estimate made by the Tribunal pursuant to subsection one of this section for that year shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions so increased or other sums payable
15 out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection and
20 the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year for payment of pensions and other sums chargeable upon or payable
25 out of that Fund and for the provision of a reserve in connection with that Fund.

(ii) by omitting subsection seven of the same section.

30 (2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have
35 commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(c) The amendments made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

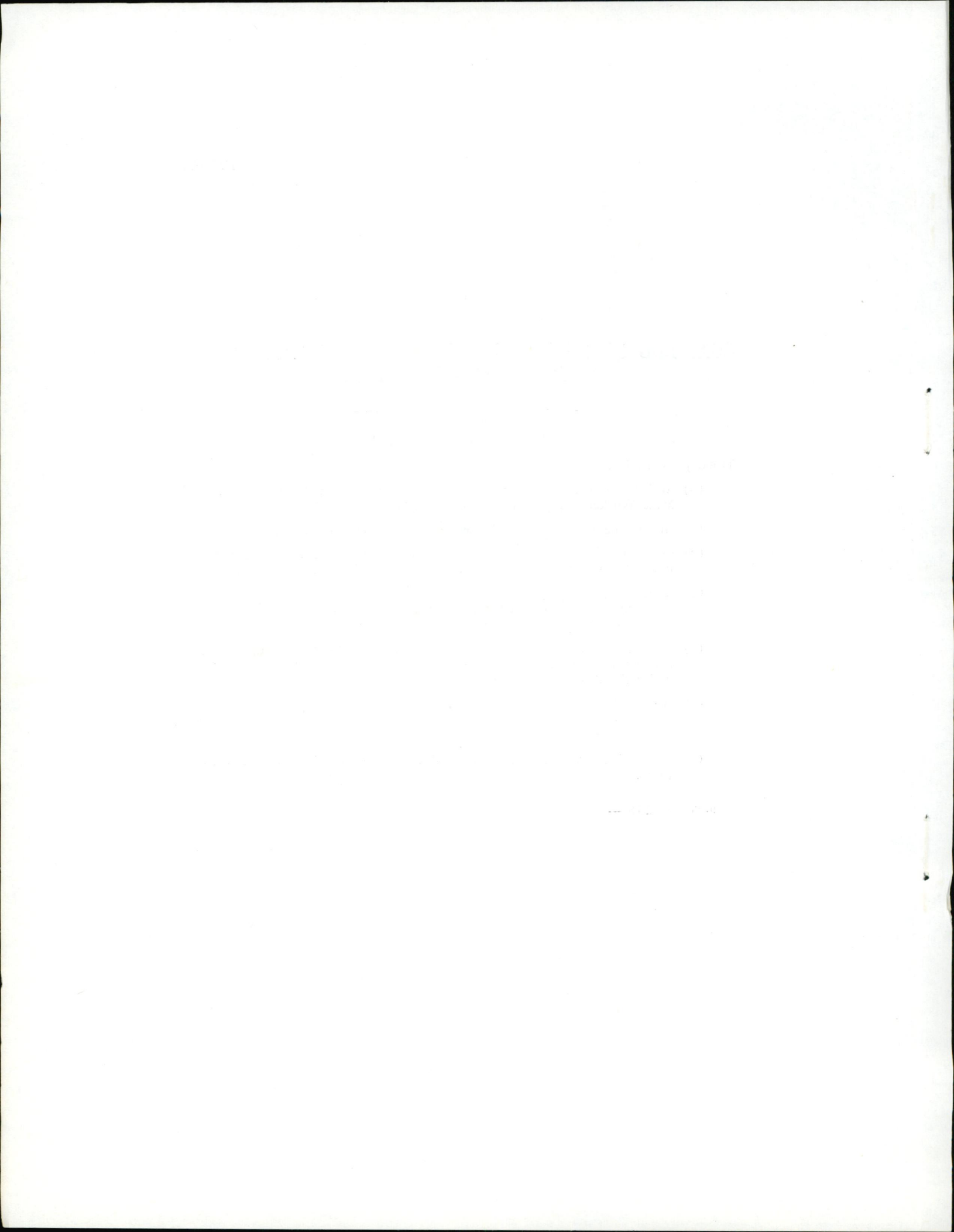
[10c]

**COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION)
AMENDMENT BILL, 1970**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941;
- (b) to validate the payment of pensions at the increased rates;
- (c) to provide for the automatic increase of pensions whenever the age pension under the Commonwealth Social Services Act, 1947, is increased;
- (d) to increase the permissible amount of earnings of a mine worker before any reduction is made in his pension and to increase the permissible income of a wife in regard to payment of a wife's allowance under the Act;
- (e) to permit the holders of retrenchment permits to obtain superannuation benefits from other schemes without penalty in regard to their pensions under the Act;
- (f) to provide for the accumulation of a reserve for the Coal and Oil Shale Mine Workers (Superannuation) Fund by the allocation to reserve of at least 85 per centum of the income from investments;
- (g) to provide for the phasing out of the Government contribution to the Fund.



PROOF

No. , 1970.

A BILL

To increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith.

[MR FIFE—19 *March*, 1970.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970". Short title.

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

10 (a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week." Sec. 9. (Pensions—additional payments in respect of dependants.)

15 The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid.";

20 (b) by omitting section 10B; Sec. 10B. (Pensions—automatic increases.)

(c) by inserting next after section 10D the following new sections:— New secs. 10E & 10F.

25 10E. (1) Notwithstanding any provision of this Act— Further increases in pensions and additions thereto.

30 (a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 seven or subsection one of section eight of
 this Act on the ninth day of October, one
 thousand nine hundred and sixty-nine, or
 who after that date and before the com-
 mencement of the Coal and Oil Shale Mine
 Workers (Superannuation) Amendment
 Act, 1970, became, or who after such com-
 mencement becomes, eligible therefor, shall,
10 as on and from that date or from the date
 on which he became or becomes so eligible,
 be nineteen dollars twenty-five cents per
 week ;
- 15 (b) the amount of the addition to a pension pay-
 able pursuant to any such provision to a
 mine worker who was entitled to such
 addition pursuant to paragraph (a) or
 paragraph (c) of subsection one of section
 nine of this Act on the ninth day of October,
 one thousand nine hundred and sixty-nine,
20 or who after that date and before the com-
 mencement of the Coal and Oil Shale Mine
 Workers (Superannuation) Amendment
 Act, 1970, became, or who after such com-
 mencement becomes, eligible for such
 addition, shall, as on and from that date or
 from the date on which he became or
 becomes so eligible, be fourteen dollars
 twenty-five cents per week ;
- 25 (c) the rate of pension payable pursuant to any
 such provision—
- 30 (i) to a widow or other female who on
 the thirtieth day of September, one
 thousand nine hundred and sixty-
 nine, was entitled to a widow's
 pension under any legislation of the
 Commonwealth relating to social
 services and to a pension pursuant
 to section ten or 10A of this Act, or
 who after that date and before the
 commencement
- 35

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 commencement of the Coal and Oil
 Shale Mine Workers (Superannua-
 tion) Amendment Act, 1970,
 became, or who after such com-
 mencement becomes, so entitled,
 shall as on and from that date or
 from the date on which she became
 or becomes so entitled, be eighteen
 dollars twenty-five cents per week;

10 (ii) to any person other than a widow
 or other female referred to in sub-
 paragraph (i) of this paragraph
 who on the ninth day of October,
 one thousand nine hundred and
 15 sixty-nine, was entitled to a pension
 pursuant to section ten or 10A of this
 Act, or who after that date and
 before the commencement of the
 Coal and Oil Shale Mine Workers
 20 (Superannuation) Amendment Act,
 1970, became, or who after such
 commencement becomes, so entitled,
 shall as on and from that date or
 from the date on which she became
 25 or becomes so entitled, be eighteen
 dollars twenty-five cents per week.

(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

30 10F. (1) Where so often as the age pension
 payable under the Social Services Act is increased
 the following provisions shall have effect :—

(a) the amount of pension per week payable
 to any mine worker, who has, prior to the
 35 date on which any increase in such age
 pension for single pensioners became pay-
 able, been awarded a pension pursuant to

Increases in pensions in accordance with Commonwealth Social Service pensions.

section

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

10 (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

20 (2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B) of section ten, or subsection one or two of section 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

30 (3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable
35 pursuant

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine of this Act, shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said child's allowance.

10 (4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

15 (5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

20 (d) by omitting section 11A and by inserting in lieu thereof the following new section : — Subst. sec. 11A.

25 11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act. Income from employment.

35 (2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

- (a) the first day of January to the thirty-first day of March next following;
- 5 (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
- 10 (d) the first day of October to the thirty-first day of December next following.

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

(e) by omitting subsection (1A) of section thirteen; Sec. 13.
(Deductions from pensions.)

25 (f) (i) by omitting subsections one, two, three, (3A) and four of section nineteen and by inserting in lieu thereof the following subsections : — Sec. 19.
(Contributions and reserves.)

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 in each and every year, for payment of pensions and other sums chargeable

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 chargeable upon or payable out of the Fund,
for the provision of a reserve in connection
with the Fund in accordance with subsection
two of this section and for the recovery of any
deficiency in that reserve from any previous
year.

10 (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.

15 (2) (a) In respect of each period of
twelve months commencing on the first day of
July in each and every year there shall be set
aside to the reserve an amount equivalent to
eighty-five per centum of the income (herein-
after called "the investment income") accrued
during that period of twelve months from all
Fund moneys invested by the Tribunal.

20 (b) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
25 remains an amount in excess of eighty-five
per centum of the investment income accrued
during that period such excess shall be paid
into a special reserve.

30 (c) Where at the conclusion of any
such period of twelve months and after pay-
ment of all pensions and other sums chargeable
upon or payable out of the Fund, there
remains an amount less than eighty-five per
centum of the investment income accrued
during

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 during that period together with any deficiency
in the amount payable to the reserve under
paragraph (a) of this subsection in respect of
any previous period of twelve months, the
Tribunal shall in making its estimate under
subsection one of this section, first apply all
moneys or such part thereof as is necessary
standing to the credit of the special reserve
referred to in paragraph (b) of this subsection
10 and shall not provide for an increase in the
rates of contribution over such rates for the
preceding period of twelve months until and
unless such special reserve is or will become
exhausted in the period of twelve months in
15 respect of which the estimate is made.

(3) The amount of the estimate made by
the Tribunal under subsection one of this
section shall be provided as follows :—

- (a) the Government contribution ; plus
- 20 (b) not more than fifteen per centum of
investment income plus any amount
payable from the special reserve in
pursuance of paragraph (c) of sub-
section two of this section ; plus
- 25 (c) the amount necessary to make up the
balance of such estimate which shall
be paid to the Tribunal—
- (i) as to two-eleventh parts thereof
by the mine workers ; and
- 30 (ii) as to nine-eleventh parts
thereof by the owners.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(4) The Government contribution referred to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

(a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy— one hundred and sixty thousand dollars ;

(b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars ;

(c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

(5) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be expended is so great as to be not easily recovered in the Tribunal's next annual estimate

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

10 (b) In any such case the estimate made by the Tribunal pursuant to subsection one of this section for that year shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions so increased or other sums payable
15 out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection and
20 the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year for payment of pensions and other sums chargeable upon or payable
25 out of that Fund and for the provision of a reserve in connection with that Fund.

(ii) by omitting subsection seven of the same section.

30 (2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have
35 commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(c) The amendments made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 27, 1970.

An Act to increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 8th April, 1970.]

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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. **1.** This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970".

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

Sec. 9.
(Pensions—additional payments in respect of dependants.) (a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week.

The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid.";

Sec. 10B.
(Pensions—automatic increases.) (b) by omitting section 10B;

New secs. 10E & 10F. (c) by inserting next after section 10D the following new sections:—

10E. (1) Notwithstanding any provision of this Act—

Further increases in pensions and additions thereto. (a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

seven or subsection one of section eight of this Act on the ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, eligible therefor, shall, as on and from that date or from the date on which he became or becomes so eligible, be nineteen dollars twenty-five cents per week;

- (b) the amount of the addition to a pension payable pursuant to any such provision to a mine worker who was entitled to such addition pursuant to paragraph (a) or paragraph (c) of subsection one of section nine of this Act on the ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, eligible for such addition, shall, as on and from that date or from the date on which he became or becomes so eligible, be fourteen dollars twenty-five cents per week;
- (c) the rate of pension payable pursuant to any such provision—
 - (i) to a widow or other female who on the thirtieth day of September, one thousand nine hundred and sixty-nine, was entitled to a widow's pension under any legislation of the Commonwealth relating to social services and to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week;

- (ii) to any person other than a widow or other female referred to in subparagraph (i) of this paragraph who on the ninth day of October, one thousand nine hundred and sixty-nine, was entitled to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week.

(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

10F. (1) Where so often as the age pension payable under the Social Services Act is increased the following provisions shall have effect :—

- (a) the amount of pension per week payable to any mine worker, who has, prior to the date on which any increase in such age pension for single pensioners became payable, been awarded a pension pursuant to

section

Increases in pensions in accordance with Commonwealth Social Service pensions.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

- (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

(2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B) of section ten, or subsection one or two of section 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

(3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable

pursuant

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine of this Act, shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said child's allowance.

(4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

(5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

Subst.
sec. 11A.

(d) by omitting section 11A and by inserting in lieu thereof the following new section :—

Income
from
employment.

11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act.

(2)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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

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

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

- (e) by omitting subsection (1A) of section thirteen; Sec. 13.
(Deductions
from
pensions.)
- (f) (i) by omitting subsections one, two, three, (3A) and four of section nineteen and by inserting in lieu thereof the following subsections :— Sec. 19.
(Contributions and
reserves.)

(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 in each and every year, for payment of pensions and other sums

chargeable

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

chargeable upon or payable out of the Fund, for the provision of a reserve in connection with the Fund in accordance with subsection two of this section and for the recovery of any deficiency in that reserve from any previous year.

(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) (a) In respect of each period of twelve months commencing on the first day of July in each and every year there shall be set aside to the reserve an amount equivalent to eighty-five per centum of the income (hereinafter called "the investment income") accrued during that period of twelve months from all Fund moneys invested by the Tribunal.

(b) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount in excess of eighty-five per centum of the investment income accrued during that period such excess shall be paid into a special reserve.

(c) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount less than eighty-five per centum of the investment income accrued

during

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

during that period together with any deficiency in the amount payable to the reserve under paragraph (a) of this subsection in respect of any previous period of twelve months, the Tribunal shall in making its estimate under subsection one of this section, first apply all moneys or such part thereof as is necessary standing to the credit of the special reserve referred to in paragraph (b) of this subsection and shall not provide for an increase in the rates of contribution over such rates for the preceding period of twelve months until and unless such special reserve is or will become exhausted in the period of twelve months in respect of which the estimate is made.

(3) The amount of the estimate made by the Tribunal under subsection one of this section shall be provided as follows :—

- (a) the Government contribution ; plus
- (b) not more than fifteen per centum of investment income plus any amount payable from the special reserve in pursuance of paragraph (c) of subsection two of this section ; plus
- (c) the amount necessary to make up the balance of such estimate which shall be paid to the Tribunal—
 - (i) as to two-eleventh parts thereof by the mine workers ; and
 - (ii) as to nine-eleventh parts thereof by the owners.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(4) The Government contribution referred to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

- (a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy— one hundred and sixty thousand dollars ;
- (b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars ;
- (c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

(4A) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be expended is so great as to be not easily recovered in the Tribunal's next annual estimate

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

(b) In any such case the estimate made by the Tribunal pursuant to subsection one of this section for that year shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions so increased or other sums payable out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection and the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year for payment of pensions and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

(ii) by omitting subsection seven of the same section.

(2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(c) The amendments made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 March, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 27, 1970.

An Act to increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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. 1. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970".

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

Sec. 9.
(Pensions—additional payments in respect of dependants.) (a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week.

The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid." ;

Sec. 10B.
(Pensions—automatic increases.) (b) by omitting section 10B ;

New secs. 10E & 10F. (c) by inserting next after section 10D the following new sections :—

Further increases in pensions and additions thereto. 10E. (1) Notwithstanding any provision of this Act—

(a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section

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seven or subsection one of section eight of this Act on the ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, eligible therefor, shall, as on and from that date or from the date on which he became or becomes so eligible, be nineteen dollars twenty-five cents per week;

- (b) the amount of the addition to a pension payable pursuant to any such provision to a mine worker who was entitled to such addition pursuant to paragraph (a) or paragraph (c) of subsection one of section nine of this Act on the ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, eligible for such addition, shall, as on and from that date or from the date on which he became or becomes so eligible, be fourteen dollars twenty-five cents per week;
- (c) the rate of pension payable pursuant to any such provision—
 - (i) to a widow or other female who on the thirtieth day of September, one thousand nine hundred and sixty-nine, was entitled to a widow's pension under any legislation of the Commonwealth relating to social services and to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement

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commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week;

- (ii) to any person other than a widow or other female referred to in subparagraph (i) of this paragraph who on the ninth day of October, one thousand nine hundred and sixty-nine, was entitled to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be eighteen dollars twenty-five cents per week.

(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

10F. (1) Where so often as the age pension payable under the Social Services Act is increased the following provisions shall have effect :—

- (a) the amount of pension per week payable to any mine worker, who has, prior to the date on which any increase in such age pension for single pensioners became payable, been awarded a pension pursuant to

section

Increases in pensions in accordance with Commonwealth Social Service pensions.

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section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

- (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

(2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B) of section ten, or subsection one or two of section 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

(3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable

pursuant

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pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine of this Act, shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said child's allowance.

(4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

(5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

Subst.
sec. 11A.

(d) by omitting section 11A and by inserting in lieu thereof the following new section :—

Income
from
employment.

11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act.

(2)

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

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

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

(e) by omitting subsection (1A) of section thirteen; Sec. 13.
(Deductions
from
pensions.)

(f) (i) by omitting subsections one, two, three, (3A) and four of section nineteen and by inserting in lieu thereof the following subsections : — Sec. 19.
(Contributions and
reserves.)

(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 in each and every year, for payment of pensions and other sums chargeable

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chargeable upon or payable out of the Fund, for the provision of a reserve in connection with the Fund in accordance with subsection two of this section and for the recovery of any deficiency in that reserve from any previous year.

(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) (a) In respect of each period of twelve months commencing on the first day of July in each and every year there shall be set aside to the reserve an amount equivalent to eighty-five per centum of the income (hereinafter called "the investment income") accrued during that period of twelve months from all Fund moneys invested by the Tribunal.

(b) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount in excess of eighty-five per centum of the investment income accrued during that period such excess shall be paid into a special reserve.

(c) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount less than eighty-five per centum of the investment income accrued

during

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during that period together with any deficiency in the amount payable to the reserve under paragraph (a) of this subsection in respect of any previous period of twelve months, the Tribunal shall in making its estimate under subsection one of this section, first apply all moneys or such part thereof as is necessary standing to the credit of the special reserve referred to in paragraph (b) of this subsection and shall not provide for an increase in the rates of contribution over such rates for the preceding period of twelve months until and unless such special reserve is or will become exhausted in the period of twelve months in respect of which the estimate is made.

(3) The amount of the estimate made by the Tribunal under subsection one of this section shall be provided as follows :—

- (a) the Government contribution; plus
- (b) not more than fifteen per centum of investment income plus any amount payable from the special reserve in pursuance of paragraph (c) of subsection two of this section; plus
- (c) the amount necessary to make up the balance of such estimate which shall be paid to the Tribunal—
 - (i) as to two-eleventh parts thereof by the mine workers; and
 - (ii) as to nine-eleventh parts thereof by the owners.

(4)

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(4) The Government contribution referred to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

- (a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy—one hundred and sixty thousand dollars ;
- (b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars ;
- (c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

(4A) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be expended is so great as to be not easily recovered in the Tribunal's next annual

estimate

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estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

(b) In any such case the estimate made by the Tribunal pursuant to subsection one of this section for that year shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions so increased or other sums payable out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection and the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year for payment of pensions and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

(ii) by omitting subsection seven of the same section.

(2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

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(c) The amendments made by paragraph (f) of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 8th April, 1970.*