

*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, 5 May, 1971.*

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

J. R. STEVENSON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 6 May, 1971.*

## New South Wales



ANNO VICESIMO

# ELIZABETHÆ II REGINÆ

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Act No. , 1971.

An Act to make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

BE

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

**B**E 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, 1971".

Short title  
and con-  
struction.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended—

Amendment  
of Act No.  
45, 1941.  
(Part I.—  
Preliminary.)

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

Sec. 1.  
(Short  
title, com-  
mencement  
and con-  
struction.)

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PART IVB.—REFUND OF MINE WORKERS' CONTRIBUTIONS—SS. 19I–19K.

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

(b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition :—

Sec. 2.  
(Defini-  
tions.)

20

"Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

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(ii)

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

- 5 (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";
- 10 (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—
- 15 "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.
- 20 (c) (i) by inserting next after subsection three of section 2E the following new subsection :—
- 25 (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.
- 30 (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";
- (iii)

Sec. 2E.  
(Extension  
of definition  
of "mine  
worker" to  
cavilled out  
mine  
workers,  
etc.)

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

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

5 (4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

15 (d) by inserting next after section 2i the following new section :— New sec. 2j.

20 2j. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section. Further extension of the definition of "Mine worker".

25 (2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

30 (3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

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(4) The order shall take effect from the day specified therein as the date of commencement of the order.

5 (5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

10 (6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

15 (7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

20 (8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

25 (9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

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

5 (10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

10 Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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  
15 construed as a reference to the date upon which he so retires or is retired.

20 (11) As from the date of commencement of the order 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 and the operation of the order :

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

30 (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or

(b) in any other case—to the date of commencement of the order :

35 Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this  
Act

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5 Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

10 (12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

15 (13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

20 (14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—  
25 "date of commencement of the order" means the day specified in the order as the date of commencement thereof;  
"date of the order" means the date on which the order is made;  
30 "mine work" means any work declared to be mine work under subsection one of this section.

(e) (i) by omitting from subsection four of section 35 three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

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

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

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

5 (8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

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3. Part II of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

20 (a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

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

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

25 Where a mine worker’s date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any period



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

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5 period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

10 (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph :—

15 Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall not be eligible, for a pension pursuant to subsection one of this section.

20 (v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

30 (vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

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(vii)

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5 (vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(viii) by omitting subsections four to fifteen (inclusive) of the same section;

(b) by inserting next after section six the following new sections :— New secs. 6A, 6B.

10 6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act. New entrants not eligible for pension under section six.

15 6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and— Pensions—mine workers who are retired—new entrants.

20 (a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or

25 (b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,

but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

- 5 (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or
- 10 (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—
- 15 (i) every period between those periods was an approved interval referred to in subsection three of this section; and
- 20 (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

- 25 (a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or
- 30 (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

35 the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is satisfied

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satisfied that he failed without good reason to be engaged in those industries for any part of that period.

5 In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

10 (4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

15 (5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

20 (6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

25 (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;

30 (b) his employment as a mine worker was terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood);

(c)

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- 5 (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- 10 (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension—permanent incapacity.)
- 15 (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- 20 (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 25 (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- 30 (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- 35 (ii)

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- 5 (ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—
- 10 (b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall
- 15 be payable only during any period of dependency until such child attains the age of sixteen years.
- This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether
- 20 born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :
- 25 Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;
- 30
- 35 (iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)

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- 5 (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 10 (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- 15 (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- 25 (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- 30 (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a
- 35 pension

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- 5 pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;
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- (xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
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- (xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
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- (xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
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- (f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 30
- (ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 35
- (iii) by omitting from subsection (1C) of the same section the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- (iv)

Sec. 10.  
(Pension payable to dependants.)



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- 5 (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 10 ~~(v) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";~~
- (g) (i) by omitting from subparagraph (i) of para- Sec. 10A. graph (b) of subsection one of section 10A (De facto wife.) the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 15 (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 20 (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 25 ~~(iv) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";~~
- 30 (h) by omitting section 10C;

Sec. 10C.  
(Increases  
in pensions  
and  
additions  
thereto.)

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- (i) by omitting section 10D; Sec. 10D.  
(Further increases in pensions and additions thereto.)
- (j) by omitting section 10E; Sec. 10E.  
(Further increases in pensions and additions thereto.)
- (k) by inserting next before section 10F the following new section :— New sec. 10EA.
- 5 10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to— Appropriate amounts of pensions and additions thereto.
- 10 (a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—
- 15 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or
- 20 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;
- (b) a person who is described in Item 3 or 4 of that Schedule shall—
- 25 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

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5 any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

(1) by omitting section 10F and by inserting in lieu thereof the following sections :—

Subst. sec. 10F, new sec. 10G.

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

- 5 (a) by omitting the reference to the amount in the Third Column appearing opposite the figure “1” in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 10 (i) the amount the reference to which is so omitted under this paragraph; and
- (ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;
- 15 (b) by omitting the reference to the amount in the Third Column appearing opposite the figure “2” in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 20 (i) the amount the reference to which is so omitted under this paragraph; and
- 25 (ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.
- 30 (2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the
- 35 Gazette as soon as practicable after the increase, amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 5 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

10 (3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by

15 omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 20 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

(4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this

25 section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

(5) In an order made under this section, different dates may be specified for the purposes of

30 subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

5 (7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

10 10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

Construction of references to date of retirement upon certain increases in pension.

15 (a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

20 whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

25 (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11. (Pensions—special provisions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

Sec. 11B. (Power to cancel pensions.)

30 (1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel

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- cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.
- 5 (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
- 10 (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part"; Sec. 12.  
(No pension while compensation payable.)
- 15 (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- 20 In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- 25 (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- 30 (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu hereof the words "Social Services Act"; Sec. 13.  
(Deductions from pensions.)
- (ii)

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

- 5 (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- 10 (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- 15 (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- 20 (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- (vii) by inserting next before subsection two of the same section the following new subsections :—
- 25 (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
- 30 (a) the firstmentioned person; or
- (b) some other person in respect of the firstmentioned person,

in



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

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5 in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

10 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

20 (1c) Where the Tribunal is satisfied that, but for—

- (a) the refusal of an application made for a pension under the Social Services Act by a female; or
- 25 (b) the cancellation of a female's pension under that Act,

30 on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her,

35 the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

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

of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

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

(3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

4. (1) Part II of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)
- 25 (a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")";
- Sec. 9. (Pensions—additional payments in respect of dependants.)
- (ii)

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

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- 5 (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a prescribed period, where the dependant's average weekly income during that period";
- 10 (iv) by omitting from the same subsection 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";
- 15 (v) by inserting at the end of the same subsection the following new paragraphs :—
- In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—
- 20 (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- 25 (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter.
- 30 Notwithstanding anything in the foregoing provisions of this subsection, where—
- (i) the dependant has ceased to be employed in any employment (including self employment) during a period
- 35 specified

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

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specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

- 5 (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

15 then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

- 25 (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

- 30 (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

35 (1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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

5 the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words “(including self employment)” the words “during any quarter”; Sec. 11A.  
(Income from employment.)
- 10 (ii) by inserting in the same subsection after the word “pensioner” where secondly occurring the words “during that quarter”;
- 15 (iii) by omitting from the same subsection the words “the immediately preceding” and by inserting in lieu thereof the word “that”.

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as “the appointed day”) the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

20

25

(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

30

(3)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

Sec. 15.  
(The  
Tribunal.)

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)

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

- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- 5 (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- 10 (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
- 15 (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- 20 (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".
- 25
6. (1) Part III of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part III.—The Tribunal.)
- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration" Sec. 15. (The Tribunal.)

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

Arbitration Act 1904-1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

5 (ii) by omitting paragraph (f) of subsection nine of the same section and by inserting in lieu thereof the following paragraph :—

10 (f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

(b) by inserting next after section sixteen the following New sec. 16A. new section :—

15 16A. (1) The Tribunal may, by instrument in Delegation. writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

30 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)



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

(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (5) Any act or thing done or suffered by  
the Registrar when acting in the exercise of any  
delegation made under this section and within the  
terms of the delegation shall have the like force  
10 or effect as if the act or thing had been done or  
suffered by the Tribunal.

15 (6) Notwithstanding anything in this section,  
the Tribunal shall not under this section  
delegate to the Registrar the exercise or performance  
of such of its powers, authorities, duties or functions  
as are specified or described in the regulations.

(2) Paragraph (b) 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.

20 7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection Sec. 18. six of section eighteen after the word (The Fund.) "moneys" the words "due to the Tribunal and";

19—C (ii)

(ii)

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

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

5 (d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

15 (6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

30 (c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(b) (i) by inserting in subsection six of section nine- Sec. 19.  
teen after the word "wages" the words "or (Contribu-  
other sums due to mine workers"; tions and  
reserves.)

(ii)

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

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

5 (6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that  
10 interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

15 (6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of  
20 its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so  
25 collected; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that  
30 amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

35 (6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

(2) Subparagraph (ii) of paragraph (b) 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.

- 5    8. (1) Part IV of the Principal Act is further amended—
- Further  
amendment  
of Act No.  
45, 1941.  
(Part IV.—  
Funds and  
Contribu-  
tions.)
- (a) by inserting next after subsection one of section  
nineteen the following new subsection :—
- (1A) All moneys standing to the credit of the  
Fund immediately before the first day of July, one  
thousand nine hundred and sixty-nine, shall form  
part of the reserve.
- Sec. 19.  
(Contribu-  
tions and  
reserves.)
- 10
- (b) (i) by omitting from paragraph (a) of subsection  
two of the same section the words “income  
(hereinafter called “the investment income”)  
accrued during that period of twelve months  
from all Fund moneys invested by the  
Tribunal” and by inserting in lieu thereof the  
words “investment income of that period of  
twelve months”;
- 15
- (ii) by omitting from paragraph (b) of the same  
subsection the words “accrued during” and by  
inserting in lieu thereof the word “of”;
- 20
- (iii) by omitting from paragraph (c) of the same  
subsection the words “accrued during” and by  
inserting in lieu thereof the word “of”;
- 25
- (c)

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

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

(8) In this section, “investment income”, in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

(b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

(a) by omitting from subsection three of section 19A the words “section six” and by inserting in lieu thereof the words “section six, 6B”;

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

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words “section six” and by inserting in lieu thereof the words “section six, 6B”;

Sec. 19B. (Amount of subsidy.)

(ii)

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

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

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

10 (a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

15 would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

20 (b) where any weekly payments of compensation are payable to or in respect of him under the Workers' Compensation Act, 1926, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act—  
25 the amount of such weekly payments :

30 Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of  
35 this Act.

(iii)

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

- (iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";
- 5 (iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";
- 10 (v) by inserting at the end of the same subsection the following new paragraph :—
- In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.
- 15 (vi) by omitting subsection five of the same section;
- 20 (c) (i) by omitting from subsection five of section 19D Sec. 19D.  
(Contributions to Subsidy Fund.) the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961";
- 25 (ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";
- (d) (i) by omitting paragraph (b) of subsection one of section 19F; Sec. 19F.  
(Conditions attaching to and suspension of subsidies.)
- (ii)

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

(ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";

5 (e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";

Sec. 19H. (Suspension of subsidy rights in certain events.)

10 (ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon 15 the tenth day of April, one thousand nine hundred and seventy.

10. The Principal Act is further amended by inserting next after Part IVA the following new Part :—

Further amendment of Act No. 45, 1941. New Part IVB.

**PART IVB.**

20 **REFUND OF MINE WORKERS' CONTRIBUTIONS.**

25 19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued.

Interpretation.

19J.



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

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19J. (1) Subject to this Part, where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

Refund.

(a) that it was so terminated—

- 5 (i) by reason of his attaining the age at which he is obliged to retire under this Act or by reason of his retirement upon attaining an age at which he may retire under this Act;
- 10 (ii) by reason of retrenchment or caviil out, slackness of trade or act of God (including fire or flood) or by reason of his ill health; or
- (iii) by reason of his death; and

15 (b) that neither he nor any other person is eligible for a pension under this Act consequent upon that termination of his engagement or on his death, as the case may be,

20 the Tribunal shall refund to him or to his personal representatives, or failing them, to such person (if any) as the Tribunal may determine, an amount equal to the total amount of the mine worker's contributions paid to the Fund together with interest thereon at the rate of three per cent per annum in respect of any period before

25 that termination of his engagement.

(2) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated by reason of any matter referred to in subparagraph (ii) of paragraph (a) of subsection one of this section—

30 (a) no refund shall, while he remains alive, be made to him under this section consequent upon that termination of his engagement unless he elects that it be made to him or unless the Tribunal is

satisfied

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

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satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- 5 (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have  
10 been engaged, during that period, otherwise than in those industries.

- (3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been  
15 retrenched.

19K. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable : — Reduction of amount of refund.

- 20 (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and  
25 Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this  
30 Act in respect of any period after the commencement of the said section ten.

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.***11. Part V of the Principal Act is amended—**

Further  
amendment  
of Act No.  
45, 1941.  
(Part V.—  
Miscel-  
laneous.)

- 5 (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 10 (ii) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- (iii) by omitting from the same paragraph the words "an insane" where thirdly occurring and by inserting in lieu thereof the words "such a";
- 15 (iv) by omitting from paragraph (b) of the same subsection the words "an insane patient within the meaning of the Lunacy Act, 1898-1947," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 20 (v) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- 25 (vi) by omitting from paragraph (c) of the same subsection the words "insane patient" and by inserting in lieu thereof the words "patient within the meaning of the Mental Health Act, 1958,";

(vii)

Sec. 21.  
(Suspension  
of pension  
rights in  
certain  
events—  
alternative  
pensions to  
depen-  
dants.)

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

- 5 (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- 10 (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 15 (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 20 (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- 20 (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund"; Sec. 27.  
(Actuarial investigation of funds.)
- (c) by omitting from section twenty-eight the word "Colonial"; Sec. 28.  
(Advances by Treasury.)
- 25 (d) by omitting from subsection one of section thirty the words "or police". Sec. 30.  
(Recovery of penalties.)

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

**12.** The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

## SCHEDULE.

New Schedule. Secs. 10EA, 10F.

5 FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
10		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
15	2 A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
20	3 A person—	2.50
	(a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or	
25	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
30	4 A person—	0.85
	(a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or	
35	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
40		

SCHEDULE.

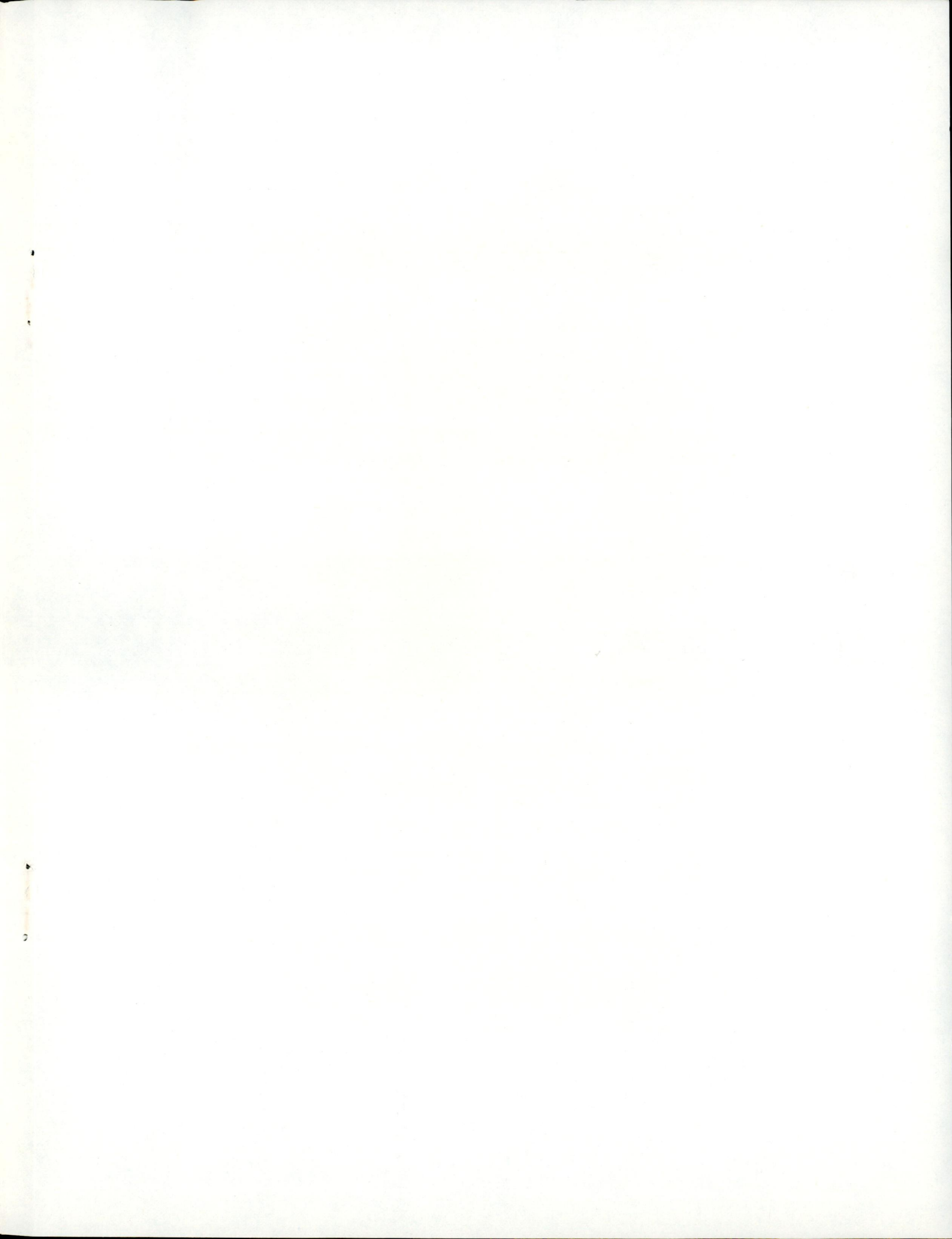
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*SCHEDULE—*continued.*

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
5	Item.	Amount of Pension or Addition.
	Description of Person.	\$
10	5	19.25
15	6	19.25
20		
25		

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[40c]







*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, 5 May, 1971.*

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

*Clerk of the Parliaments.  
Legislative Council Chamber,  
Sydney, May, 1971.*

## New South Wales



ANNO VICESIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. , 1971.**

An Act to make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

BE

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

**B**E 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, 1971".

Short title and construction.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended—

Amendment of Act No. 45, 1941. (Part I.—Preliminary.)

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

Sec. 1. (Short title, commencement and construction.)

15 PART IVB.—REFUND OF MINE WORKERS' CONTRIBUTIONS—ss. 19I–19K.

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

20 (b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition:—

Sec. 2. (Definitions.)

25 "Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

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

5 (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

10 (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—

15 "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(c) (i) by inserting next after subsection three of section 2E the following new subsection :—

20 (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.

Sec. 2E.  
(Extension of definition of "mine worker" to cavilled out mine workers, etc.)

30 (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";

(iii)

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

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

5 (4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to  
10 in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

15 (d) by inserting next after section 2I the following new section :— New sec.  
2J.

20 2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine  
25 work for the purposes of this section. Further extension of the definition of "Mine worker".

(2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

30 (3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

(4) The order shall take effect from the day specified therein as the date of commencement of the order.

5 (5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

10 (6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

15 (7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

20 (8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

25 (9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

30 (10)

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

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5 (10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

10 Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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 else-  
15 where contained in this Act, in the application of that provision to and in respect of such person, be construed as a reference to the date upon which he so retires or is retired.

20 (11) As from the date of commencement of the order 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 and the operation of the order :

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

30 (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or

(b) in any other case—to the date of commencement of the order :

35 Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this

Act

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

5 Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

10 (12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

15 (13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

20 (14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

25 (15) In this section—  
"date of commencement of the order" means the day specified in the order as the date of commencement thereof;  
"date of the order" means the date on which the order is made;  
30 "mine work" means any work declared to be mine work under subsection one of this section.

35 (e) (i) by omitting from subsection four of section three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";  
(Special provisions as to calculation of periods of employment.)  
(ii)

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

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

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(8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

3. Part II of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

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(a) (i) by omitting from subsection one of section six the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

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

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

Where a mine worker's date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any period



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

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5 period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

10 (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph :—

15 Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine  
20 Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall  
25 not be eligible, for a pension pursuant to subsection one of this section.

(v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
30 section 10EA of this Act";

(vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
35 section 10EA of this Act";

(vii)

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

- (vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (viii) by omitting subsections four to fifteen (inclusive) of the same section;
- (b) by inserting next after section six the following new sections :—
- 6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act.
- 6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and—
- (a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or
- (b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,
- but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

New secs.  
6A, 6B.

New entrants not eligible for pension under section six.

Pensions—mine workers who are retired—new entrants.

(2)

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

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

5 (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or

10 (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—

15 (i) every period between those periods was an approved interval referred to in subsection three of this section; and

20 (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

25 (a) that it was so terminated by reason of retrenchment or caving out, slackness of trade or act of God (including fire or flood); or

30 (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

35 the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is satisfied

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

satisfied that he failed without good reason to be engaged in those industries for any part of that period.

5 In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

10 (4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

15 (5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

20 (6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

(a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;

30 (b) his employment as a mine worker was terminated by reason of retrenchment or cavit out, slackness of trade or act of God (including fire or flood);

(c)

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

- (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension—permanent incapacity.)
- (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- (ii)

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

(ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall be payable only during any period of dependency until such child attains the age of sixteen years.

This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;

(iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)

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

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- 5 (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 10 (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- 15 (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- 25 (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- 30 (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a
- 35  
pension

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 pension pursuant to paragraph (a) of subsection one of this section" and by inserting in lieu thereof the words "equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension";
- 10 (xi) by omitting from subsection (5A) of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 15 (xii) by omitting from subsection six of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (xiii) by omitting from the same subsection the words "an amount of two dollars fifty cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 25 (f) (i) by omitting from paragraph (a) of subsection one of section ten the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 30 (ii) by omitting from the same subsection the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 35 (iii) by omitting from subsection (1c) of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iv)

Sec. 10.  
(Pension payable to dependants.)



Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 5
- ~~(v) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";~~
- 10
- (g) (i) by omitting from subparagraph (i) of para- Sec. 10A. graph (b) of subsection one of section 10A (De facto wife.) the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 15
- (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 20
- (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 25
- ~~(iv) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";~~
- 30
- (h) by omitting section 10c;

Sec. 10c.  
(Increases  
in pensions  
and  
additions  
thereto.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (i) by omitting section 10D; Sec. 10D.  
(Further increases in pensions and additions thereto.)
- (j) by omitting section 10E; Sec. 10E.  
(Further increases in pensions and additions thereto.)
- (k) by inserting next before section 10F the following new section :— New sec. 10EA.
- 5            10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to— Appropriate amounts of pensions and additions thereto.
- 10            (a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—
- 15                (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or
- 20                (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;
- 25            (b) a person who is described in Item 3 or 4 of that Schedule shall—
- (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 any such description on the day on  
which section three of the Coal and  
Oil Shale Mine Workers (Super-  
annuation) Amendment Act, 1971,  
commences—be, as from that day;  
or

10 (ii) in the case of a person who becomes  
eligible therefor after that day—be,  
as from the day on which he  
becomes so eligible; or

(c) a person who is described in Item 6 of that  
Schedule shall—

15 (i) in the case of a person who is in  
receipt of, or eligible to receive, the  
pension or addition referred to in  
that description on the thirteenth  
day of April, one thousand nine  
hundred and seventy-one—be, as  
from that day; or

20 (ii) in the case of a person who becomes  
eligible therefor after that day—be,  
as from the day on which he  
becomes so eligible,

25 the amount specified in the Third Column of that  
Schedule opposite the relevant description.

(2) Nothing in this section affects any-  
thing contained in section 11A or thirteen of this  
Act.

30 (1) by omitting section 10F and by inserting in lieu thereof the following sections :—

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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

the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

5 (a) by omitting the reference to the amount in the Third Column appearing opposite the figure "1" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

10 (i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;

15 (b) by omitting the reference to the amount in the Third Column appearing opposite the figure "2" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

20 (i) the amount the reference to which is so omitted under this paragraph; and

25 (ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

30 (2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase,  
35 amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 5 (a) the amount the reference to which is so omitted under this subsection; and  
(b) the amount by which the weekly rate of the said age pension is so increased.

10 (3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by  
15 omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 20 (a) the amount the reference to which is so omitted under this subsection; and  
(b) the amount by which the weekly rate of the said child's allowance is so increased.

25 (4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

30 (5) In an order made under this section, different dates may be specified for the purposes of subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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

(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

5 (7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

10 10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

Construction of references to date of retirement upon certain increases in pension.

15 (a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

20 whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

25 (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11. (Pensions—special provisions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

Sec. 11B. (Power to cancel pensions.)

30 (1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel

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

cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.

- 5 (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
- 10 (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part"; Sec. 12.  
(No pension while compensation payable.)
- 15 (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- 20 In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- 25 (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- 30 (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu hereof the words "Social Services Act"; Sec. 13.  
(Deductions from pensions.)
- (ii)

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- 5 (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- 10 (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- 15 (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- 20 (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- (vii) by inserting next before subsection two of the same section the following new subsections :—
- 25 (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social
- 30 Services Act to—
- (a) the firstmentioned person; or
- (b) some other person in respect of the firstmentioned person,

in



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

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5 in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

10 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

20 (1c) Where the Tribunal is satisfied that, but for—

- 25 (a) the refusal of an application made for a pension under the Social Services Act by a female; or
- (b) the cancellation of a female's pension under that Act,

30 on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her,

35 the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

5 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

15 (viii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection : —

20 (3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

4. (1) Part II of the Principal Act is further amended— Further amendment of Act No. 45, 1941. (Part II.— Compulsory Retirement and Pensions.)

25 (a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")"; (ii) Sec. 9. (Pensions— additional payments in respect of dependants.)

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

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- 5 (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a
- 10 prescribed period, where the dependant's average weekly income during that period";
- (iv) by omitting from the same subsection 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";
- 15 (v) by inserting at the end of the same subsection the following new paragraphs :—
- In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—
- 20 (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- 25 (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter.
- 30 Notwithstanding anything in the foregoing provisions of this subsection, where—
- (i) the dependant has ceased to be
- 35 employed in any employment (including self employment) during a period specified

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

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specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

5 (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

15 then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

25 (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

30 (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

35 (1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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5 the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words "(including self employment)" the words "during any quarter"; Sec. 11A. (Income from employment.)
- 10 (ii) by inserting in the same subsection after the word "pensioner" where secondly occurring the words "during that quarter";
- (iii) by omitting from the same subsection the words "the immediately preceding" and by inserting in lieu thereof the word "that".
- 15

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as "the appointed day") the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

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(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

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(3)

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

(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

Sec. 15.  
(The  
Tribunal.)

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- 5 (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- 10
- (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
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- (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- 20
- (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".
- 25
6. (1) Part III of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part III.—The Tribunal.)
- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration
- Sec. 15. (The Tribunal.)

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Arbitration Act 1904-1934, of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

5 (ii) by omitting paragraph (f) of subsection nine of the same section and by inserting in lieu thereof the following paragraph :—

10 (f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

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

15 16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation. Delegation.

20 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

25 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)



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

(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (5) Any act or thing done or suffered by the Registrar when acting in the exercise of any delegation made under this section and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or  
10 suffered by the Tribunal.

(6) Notwithstanding anything in this section, the Tribunal shall not under this section delegate to the Registrar the exercise or performance of such of its powers, authorities, duties or functions as are specified or described in the  
15 regulations.

(2) Paragraph (b) 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.

20 7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection six of section eighteen after the word "moneys" the words "due to the Tribunal and";

19—C (i)

(ii)

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

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

5 (d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

15 (6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

30 (c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(b) (i) by inserting in subsection six of section nine- Sec. 19.  
teen after the word "wages" the words "or (Contributions and reserves.)  
other sums due to mine workers";

(ii)

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

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

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(6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

(6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so collected; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

(6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

(2) Subparagraph (ii) of paragraph (b) 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.

5 8. (1) Part IV of the Principal Act is further amended— Further amendment of Act No. 45, 1941. (Part IV.— Funds and Contributions.)

(a) by inserting next after subsection one of section nineteen the following new subsection :— Sec. 19. (Contributions and reserves.)

10 (1A) All moneys standing to the credit of the Fund immediately before the first day of July, one thousand nine hundred and sixty-nine, shall form part of the reserve.

15 (b) (i) by omitting from paragraph (a) of subsection two of the same section the words "income (hereinafter called "the investment income") accrued during that period of twelve months from all Fund moneys invested by the Tribunal" and by inserting in lieu thereof the words "investment income of that period of twelve months";

20 (ii) by omitting from paragraph (b) of the same subsection the words "accrued during" and by inserting in lieu thereof the word "of";

25 (iii) by omitting from paragraph (c) of the same subsection the words "accrued during" and by inserting in lieu thereof the word "of";

(c)

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

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

5 (8) In this section, "investment income", in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

10 (b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

15 (2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

20 (a) by omitting from subsection three of section 19A the words "section six" and by inserting in lieu thereof the words "section six, 6B";

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

25 (b) (i) by omitting from paragraph (b) of subsection one of section 19B the words "section six" and by inserting in lieu thereof the words "section six, 6B";

Sec. 19B. (Amount of subsidy.)

(ii)

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

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

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

10 (a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

15 would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

20 (b) where any weekly payments of compensation are payable to or in respect of him under the Workers' Compensation Act, 1926, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act—  
25 the amount of such weekly payments :

30 Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of  
35 this Act.

(iii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";
- 5 (iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";
- 10 (v) by inserting at the end of the same subsection the following new paragraph :—  
 In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.
- 15 (vi) by omitting subsection five of the same section;
- 20 (c) (i) by omitting from subsection five of section 19D the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961"; Sec. 19D. (Contributions to Subsidy Fund.)
- 25 (ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";
- (d) (i) by omitting paragraph (b) of subsection one of section 19F; Sec. 19F. (Conditions attaching to and suspension of subsidies.)
- (ii)

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

- (ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";
- 5 (e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,"; Sec. 19H. (Suspension of subsidy rights in certain events.)
- 10 (ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon 15 the tenth day of April, one thousand nine hundred and seventy.

10. The Principal Act is further amended by inserting next after Part IVA the following new Part :— Further amendment of Act No. 45, 1941. New Part IVB.

**PART IVB.**

20 **REFUND OF MINE WORKERS' CONTRIBUTIONS.**

25 19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued. Interpretation.

19J.



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

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19J. (1) Subject to this Part, where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

- 5 (i) by reason of his attaining the age at which he is obliged to retire under this Act or by reason of his retirement upon attaining an age at which he may retire under this Act;
- 10 (ii) by reason of retrenchment or cavit out, slackness of trade or act of God (including fire or flood) or by reason of his ill health; or
- (iii) by reason of his death; and

15 (b) that neither he nor any other person is eligible for a pension under this Act consequent upon that termination of his engagement or on his death, as the case may be,

20 the Tribunal shall refund to him or to his personal representatives, or failing them, to such person (if any) as the Tribunal may determine, an amount equal to the total amount of the mine worker's contributions paid to the Fund together with interest thereon at the rate of three per cent per annum in respect of any period before

25 that termination of his engagement.

(2) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated by reason of any matter referred to in subparagraph (ii) of paragraph (a) of subsection one of this section—

30 (a) no refund shall, while he remains alive, be made to him under this section consequent upon that termination of his engagement unless he elects that it be made to him or unless the Tribunal is

satisfied

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- 5 (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have  
10 been engaged, during that period, otherwise than in those industries.

- 15 (3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

19K. An amount payable as a refund under this Part or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable:— Reduction of amount of refund.

- 20 (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- 25 (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- 30 (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of the said section ten.

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

**11. Part V of the Principal Act is amended—**

Further amendment of Act No. 45, 1941. (Part V.—Miscellaneous.)

- (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- (ii) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- (iii) by omitting from the same paragraph the words "an insane" where thirdly occurring and by inserting in lieu thereof the words "such a";
- (iv) by omitting from paragraph (b) of the same subsection the words "an insane patient within the meaning of the Lunacy Act, 1898-1947," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- (v) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- (vi) by omitting from paragraph (c) of the same subsection the words "insane patient" and by inserting in lieu thereof the words "patient within the meaning of the Mental Health Act, 1958,";

Sec. 21. (Suspension of pension rights in certain events—alternative pensions to dependants.)

(vii)

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

- 5 (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- 10 (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 15 (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- 20 (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund"; Sec. 27. (Actuarial investigation of funds.)
- (c) by omitting from section twenty-eight the word "Colonial"; Sec. 28. (Advances by Treasury.)
- 25 (d) by omitting from subsection one of section thirty the words "or police". Sec. 30. (Recovery of penalties.)

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

SCHEDULE.

New Schedule. Secs. 10EA, 10F.

5 FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
10		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
15	2 A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
20	3 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or	2.50
25	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
30	4 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or	0.85
35	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
40		

SCHEDULE.

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

## SCHEDULE—continued.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
5	Item.	Amount of Pension or Addition.
	Description of Person.	\$
10	5	19.25
15	6	19.25
20		
25		

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971  
[40c]

MEMORANDUM FOR THE RECORD

The following information was received from the [illegible] on [illegible]

[illegible]

[illegible]

[illegible]

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12

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(100)

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

LECTURE 10

PROBLEMS

1. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

2. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.

3. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

4. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.

5. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

6. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.

7. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

8. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.

9. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

10. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.

11. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal force.

12. A particle of mass  $m$  moves in a circular path of radius  $r$  with constant speed  $v$ . Find the magnitude of the centripetal acceleration.



*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, 5 May, 1971.*

## New South Wales



ANNO VICESIMO

# ELIZABETHÆ II REGINÆ

\*\*\*\*\*

**Act No.           , 1971.**

An Act to make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

**BE**

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

**B**E 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, 1971".

Short title and construction.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended—

Amendment of Act No. 45, 1941. (Part I.—Preliminary.)

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

Sec. 1. (Short title, commencement and construction.)

15

PART IVB.—REFUND OF MINE WORKERS' CONTRIBUTIONS—SS. 19I-19K.

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

20

(b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition :—

Sec. 2. (Definitions.)

25

"Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

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

5 (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

10 (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—

15 "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(c) (i) by inserting next after subsection three of section 2E the following new subsection :—

20 (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.

25 (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";

(iii)

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

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

5

10

(4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

15

(d) by inserting next after section 2I the following new section :—

New sec. 2J.

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2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section.

Further extension of the definition of "Mine worker".

(2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

30

(3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

- (4) The order shall take effect from the day specified therein as the date of commencement of the order.
- 5 (5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.
- 10 (6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.
- 15 (7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.
- 20 (8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.
- 25 (9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.
- 30
- 35

(10)

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

5 (10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

10 Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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  
15 construed as a reference to the date upon which he so retires or is retired.

20 (11) As from the date of commencement of the order 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 and the operation of the order :

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

30 (a) where the date of the order is later than the date of commencement of the order—to the date of the order; or

(b) in any other case—to the date of commencement of the order :

35 Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this Act

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

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5 Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

10 (12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

15 (13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

20 (14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—

25 "date of commencement of the order" means the day specified in the order as the date of commencement thereof;

"date of the order" means the date on which the order is made;

30 "mine work" means any work declared to be mine work under subsection one of this section.

(e) (i) by omitting from subsection four of section Sec. 3.  
three the words "Commonwealth Conciliation (Special  
and Arbitration Act 1904-1934" and by provisions  
inserting in lieu thereof the words "Concilia- as to  
tion and Arbitration Act"; calculation  
of periods  
of employ-  
ment.)

(ii)

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

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

5

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15

(8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

3. Part II of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

20

(a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”; Sec. 6. (Pensions—mine workers who are retired.)

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

25

Where a mine worker’s date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any period



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

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5 period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

10 (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph : —

15 Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall not be eligible, for a pension pursuant to subsection one of this section.

20 (v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

30 (vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

35

(vii)

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

- 5 (vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (viii) by omitting subsections four to fifteen (inclusive) of the same section;
- (b) by inserting next after section six the following new sections :—
- 10 6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act.
- 15 6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and—
- 20 (a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or
- 25 (b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,
- but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

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

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

- 5           (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or
- 10           (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—
- 15                 (i) every period between those periods was an approved interval referred to in subsection three of this section; and
- 20                 (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

- 25           (a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or
- 30           (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

35           the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is satisfied

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

satisfied that he failed without good reason to be engaged in those industries for any part of that period.

5 In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

10 (4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

15 (5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

20 (6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

25 (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;

30 (b) his employment as a mine worker was terminated by reason of retrenchment or cavi out, slackness of trade or act of God (including fire or flood);

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- 10 (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension— permanent incapacity.)
- 15 (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- 20 (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 25 (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- 30 (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions— additional payments in respect of dependants.)
- 35 (ii)

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

5 (ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

10 (b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall  
15 be payable only during any period of dependency until such child attains the age of sixteen years.

20 This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether  
25 born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

30 Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;

35 (iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)

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

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- 5 (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 10 (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- 15 (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- 25 (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- 30 (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a
- 35 pension

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;
- 10 (xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 15 (xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 20 (xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 25 (f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 30 (ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 35 (iii) by omitting from subsection (1c) of the same section the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- (iv)

Sec. 10.  
(Pension payable to dependants.)



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

- 5 (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 10 (v) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- (g) (i) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 10A the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 15 (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 20 (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 25 (iv) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- 30 (h) by omitting section 10c;

Sec. 10c.  
(Increases  
in pensions  
and  
additions  
thereto.)

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

(i) by omitting section 10D;

Sec. 10D.  
(Further increases in pensions and additions thereto.)

(j) by omitting section 10E;

Sec. 10E.  
(Further increases in pensions and additions thereto.)

(k) by inserting next before section 10F the following new section :—

New sec. 10EA.

5

10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to—

Appropriate amounts of pensions and additions thereto.

10

(a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—

15

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

20

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;

25

(b) a person who is described in Item 3 or 4 of that Schedule shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

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

5 any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

10 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

15 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

20 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

25 the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

30 (1) by omitting section 10F and by inserting in lieu thereof the following sections :— Subst. sec. 10F, new sec. 10G.

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

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

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

- 5 (a) by omitting the reference to the amount in the Third Column appearing opposite the figure "1" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 10 (i) the amount the reference to which is so omitted under this paragraph; and
- (ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;
- 15 (b) by omitting the reference to the amount in the Third Column appearing opposite the figure "2" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 20 (i) the amount the reference to which is so omitted under this paragraph; and
- 25 (ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.
- 30 (2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the
- 35 amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 5           (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

10           (3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by

15           omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 20           (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

25           (4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

30           (5) In an order made under this section, different dates may be specified for the purposes of subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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

(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

5 (7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

Construction of references to date of retirement upon certain increases in pension.

15 (a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

20 whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

25 (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11. (Pensions—special provisions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

Sec. 11B. (Power to cancel pensions.)

30 (1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel

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

- cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.
- 5 (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
- 10 (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part";
- 15 (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- 20 In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- 25 (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- 30 (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu hereof the words "Social Services Act";
- (ii)

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

Sec. 13.  
(Deductions from pensions.)

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

- 5 (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- 10 (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- 15 (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- 20 (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- 25 (vii) by inserting next before subsection two of the same section the following new subsections :—
- 30 (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
- (a) the firstmentioned person; or
- (b) some other person in respect of the firstmentioned person,

in



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

5 in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

10 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

20 (1c) Where the Tribunal is satisfied that, but for—

- (a) the refusal of an application made for a pension under the Social Services Act by a female; or
- 25 (b) the cancellation of a female's pension under that Act,

30 on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her,

35 the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

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

of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

5 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

15 (viii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

20 (3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

4. (1) Part II of the Principal Act is further amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

25 (a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")";

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

(ii)

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

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- 5 (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a  
10 prescribed period, where the dependant's average weekly income during that period";
- (iv) by omitting from the same subsection the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker  
15 for an addition to his pension as aforesaid";
- (v) by inserting at the end of the same subsection the following new paragraphs :—
- In this subsection, "prescribed period" means, except as hereinafter provided in this  
20 subsection—
- (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next  
25 following; or
- (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of  
30 twelve months commencing on the first day of January in any year thereafter.
- Notwithstanding anything in the foregoing provisions of this subsection, where—
- (i) the dependant has ceased to be  
35 employed in any employment (including self employment) during a period specified

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

specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

5 (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

15 then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

25 (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

30 (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

35 (1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words “(including self employment)” the words “during any quarter”; Sec. 11A. (Income from employment.)
- 10 (ii) by inserting in the same subsection after the word “pensioner” where secondly occurring the words “during that quarter”;
- 15 (iii) by omitting from the same subsection the words “the immediately preceding” and by inserting in lieu thereof the word “that”.

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as “the appointed day”) the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

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25

(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

30

(3)

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

(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

Sec. 15.  
(The  
Tribunal.)

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- 5 (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- 10
- (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
- 15
- (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- 20
- (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".
- 25
6. (1) Part III of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part III.—The Tribunal.)
- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration
- Sec. 15. (The Tribunal.)

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

Arbitration Act 1904–1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

5 (ii) by omitting paragraph (f) of subsection nine of the same section and by inserting in lieu thereof the following paragraph :—

10 (f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

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

15 16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation. Delegation.

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

30 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)



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

(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (5) Any act or thing done or suffered by the Registrar when acting in the exercise of any delegation made under this section and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or  
10 suffered by the Tribunal.

(6) Notwithstanding anything in this section, the Tribunal shall not under this section delegate to the Registrar the exercise or performance of such of its powers, authorities, duties or functions as are specified or described in the regulations.  
15

(2) Paragraph (b) 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.

20 7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection Sec. 18. six of section eighteen after the word (The Fund.) "moneys" the words "due to the Tribunal and";

19—C (ii)

(ii)

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

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

5 (d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

15 (6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

30 (c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(b) (i) by inserting in subsection six of section nineteen after the word "wages" the words "or other sums due to mine workers"; Sec. 19. (Contributions and reserves.)

(ii)

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

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

5 (6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that  
10 interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

15 (6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of  
20 its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so  
25 collected; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that  
30 amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

35 (6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

(2) Subparagraph (ii) of paragraph (b) 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.

5 8. (1) Part IV of the Principal Act is further amended— Further amendment of Act No. 45, 1941. (Part IV.— Funds and Contributions.)

(a) by inserting next after subsection one of section nineteen the following new subsection :— Sec. 19. (Contributions and reserves.)

10 (1A) All moneys standing to the credit of the Fund immediately before the first day of July, one thousand nine hundred and sixty-nine, shall form part of the reserve.

15 (b) (i) by omitting from paragraph (a) of subsection two of the same section the words "income (hereinafter called "the investment income") accrued during that period of twelve months from all Fund moneys invested by the Tribunal" and by inserting in lieu thereof the words "investment income of that period of twelve months";

20 (ii) by omitting from paragraph (b) of the same subsection the words "accrued during" and by inserting in lieu thereof the word "of";

25 (iii) by omitting from paragraph (c) of the same subsection the words "accrued during" and by inserting in lieu thereof the word "of";

(c)

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

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

(8) In this section, "investment income", in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

(b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

(a) by omitting from subsection three of section 19A the words "section six" and by inserting in lieu thereof the words "section six, 6B";

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

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words "section six" and by inserting in lieu thereof the words "section six, 6B";

Sec. 19B. (Amount of subsidy.)

(ii)

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

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

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

10 (a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

15 would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

20 (b) where any weekly payments of compensation are payable to or in respect of him under the Workers' Compensation Act, 1926, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act  
25 —the amount of such weekly payments :

30 Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of  
35 this Act.

(iii)

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

- (iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";
- 5 (iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";
- 10 (v) by inserting at the end of the same subsection the following new paragraph :—

15 In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.
- (vi) by omitting subsection five of the same section;
- 20 (c) (i) by omitting from subsection five of section 19D the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961"; Sec. 19D. (Contributions to Subsidy Fund.)
- 25 (ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";
- (d) (i) by omitting paragraph (b) of subsection one of section 19F; Sec. 19F. (Conditions attaching to and suspension of subsidies.)
- (ii)

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

- (ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";
- 5 (e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,"; Sec. 19H. (Suspension of subsidy rights in certain events.)
- 10 (ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon 15 the tenth day of April, one thousand nine hundred and seventy.

10. The Principal Act is further amended by inserting next after Part IVA the following new Part :— Further amendment of Act No. 45, 1941. New Part IVB.

**PART IVB.**

20 **REFUND OF MINE WORKERS' CONTRIBUTIONS.**

25 19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued. Interpretation.

19J.



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

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19J. (1) Subject to this Part, where a mine worker's Refund.  
engagement in the coal or oil shale mining industries  
has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

- 5 (i) by reason of his attaining the age at  
which he is obliged to retire under this  
Act or by reason of his retirement upon  
attaining an age at which he may retire  
under this Act;
- 10 (ii) by reason of retrenchment or caviil out,  
slackness of trade or act of God (includ-  
ing fire or flood) or by reason of his ill  
health; or
- (iii) by reason of his death; and

15 (b) that neither he nor any other person is eligible  
for a pension under this Act consequent upon  
that termination of his engagement or on his  
death, as the case may be,

20 the Tribunal shall refund to him or to his personal repre-  
sentatives, or failing them, to such person (if any)  
as the Tribunal may determine, an amount equal to the  
total amount of the mine worker's contributions paid to  
the Fund together with interest thereon at the rate of  
25 three per cent per annum in respect of any period before  
that termination of his engagement.

(2) Where a mine worker's engagement in the  
coal or oil shale mining industries has been terminated  
by reason of any matter referred to in subparagraph (ii)  
of paragraph (a) of subsection one of this section—

30 (a) no refund shall, while he remains alive, be made  
to him under this section consequent upon that  
termination of his engagement unless he elects  
that it be made to him or unless the Tribunal is

satisfied

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

satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- 5 (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have  
10 been engaged, during that period, otherwise than in those industries.

- (3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been  
15 retrenched.

19K. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable :— Reduction of amount of refund.

- 20 (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and  
25 Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commence-  
30 ment of the said section ten.

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.***11. Part V of the Principal Act is amended—**

Further  
amendment  
of Act No.  
45, 1941.  
(Part V.—  
Miscel-  
laneous.)

- 5 (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 10 (ii) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- (iii) by omitting from the same paragraph the words "an insane" where thirdly occurring and by inserting in lieu thereof the words "such a";
- 15 (iv) by omitting from paragraph (b) of the same subsection the words "an insane patient within the meaning of the Lunacy Act, 1898-1947," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 20 (v) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- 25 (vi) by omitting from paragraph (c) of the same subsection the words "insane patient" and by inserting in lieu thereof the words "patient within the meaning of the Mental Health Act, 1958,";

(vii)

Sec. 21.  
(Suspension  
of pension  
rights in  
certain  
events—  
alternative  
pensions to  
depen-  
dants.)

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

- 5 (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- 10 (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 15 (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 20 (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- 20 (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund"; Sec. 27.  
(Actuarial investigation of funds.)
- (c) by omitting from section twenty-eight the word "Colonial"; Sec. 28.  
(Advances by Treasury.)
- 25 (d) by omitting from subsection one of section thirty the words "or police". Sec. 30.  
(Recovery of penalties.)

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

SCHEDULE.

New Schedule. Secs. 10EA, 10F.

5 FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
10		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
15	2 A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
20	3 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	2.50
30	4 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	0.85

SCHEDULE.

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

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
5	Item.	Amount of Pension or Addition.
	Description of Person.	\$
5	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, not being a person who is referred to in Item 3, 4 or 6 hereof.	19.25
6	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, being a person who is in receipt of a widow's pension under the Social Services Act.	19.25

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971  
[40c]

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607

RECEIVED  
JAN 15 1964  
FROM  
DR. J. H. GOLDSTEIN  
100 EAST WASHINGTON STREET  
CHICAGO, ILLINOIS 60601

RE: *Phenylacetylene*

Dear Dr. Goldstein:

I have received your letter of January 14, 1964, regarding the *Phenylacetylene* sample which you have kindly loaned to me. I am sorry that I have not had time to analyze it yet, but I will do so as soon as possible.

I will let you know the results of my analysis as soon as I have them.

Very truly yours,  
J. H. Goldstein

Enclosed for you are two copies of the *Phenylacetylene* sample which I have analyzed. I hope that these will be helpful to you.

I am sure that you will find the results of my analysis to be of interest to you.





No. , 1971.

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## A BILL

To make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

[MR FIFE—28 April, 1971.]

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BE

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

**B**E 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, 1971".

Short title and construction.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended—

Amendment of Act No. 45, 1941. (Part I.—Preliminary.)

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

Sec. 1. (Short title, commencement and construction.)

15

PART IVB.—REFUND OF MINE WORKERS' CONTRIBUTIONS—ss. 19I–19K.

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

20

(b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition :—

Sec. 2. (Definitions.)

25

"Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

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

5 (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

10 (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—

15 "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(c) (i) by inserting next after subsection three of section 2E the following new subsection :—

20 (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.

25 (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";

30 (iii)

Sec. 2E.  
(Extension of definition of "mine worker" to cavelled out mine workers, etc.)

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

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

5 (4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

15 (d) by inserting next after section 2I the following new section :— New sec. 2J.

20 2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section. Further extension of the definition of "Mine worker".

(2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

30 (3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

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(4) The order shall take effect from the day specified therein as the date of commencement of the order.

5 (5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

10 (6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

15 (7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

20 (8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

25 (9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

(10)

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

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5 (10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

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

20 (11) As from the date of commencement of the order 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 and the operation of the order :

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

30 (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or

(b) in any other case—to the date of commencement of the order :

35 Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this

Act

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

Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

(12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

(13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

(14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—

"date of commencement of the order" means the day specified in the order as the date of commencement thereof;

"date of the order" means the date on which the order is made;

"mine work" means any work declared to be mine work under subsection one of this section.

(e) (i) by omitting from subsection four of section three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

(ii)

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

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

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

5 (8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

10

15

3. Part II of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

(a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

20

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

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

25 Where a mine worker’s date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any period



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

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5 period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

10 (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph :—

15 Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of  
20 section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall  
25 not be eligible, for a pension pursuant to subsection one of this section.

(v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
30 section 10EA of this Act";

(vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
35 section 10EA of this Act";

(vii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- 5 (vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (viii) by omitting subsections four to fifteen (inclusive) of the same section;
- (b) by inserting next after section six the following new sections :—
- 10 6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act. New entrants not eligible for pension under section six.
- 15 6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and— Pensions—mine workers who are retired—new entrants.
- 20 (a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or
- 25 (b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,
- but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

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

(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

- 5 (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or
- 10 (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—
- 15 (i) every period between those periods was an approved interval referred to in subsection three of this section; and
- 20 (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

- 25 (a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or
- 30 (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

35 the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is satisfied

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

satisfied that he failed without good reason to be engaged in those industries for any part of that period.

5 In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

10 (4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

15 (5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

20 (6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

25 (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;

30 (b) his employment as a mine worker was terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood);

(c)

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

- 5 (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- 10 (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension—permanent incapacity.)
- 15 (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- 20 (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 25 (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- 30 (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- 35 (ii)

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

5 (ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

10 (b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall  
15 be payable only during any period of dependency until such child attains the age of sixteen years.

20 This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether  
25 born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

30 Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;

35 (iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)

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

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- 5 (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 10 (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- 15 (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- 25 (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- 30 (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a
- 35 pension

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

- 5 pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;
- 10 (xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 15 (xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 20 (xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 25 (f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 30 (ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 35 (iii) by omitting from subsection (1C) of the same section the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- (iv)

Sec. 10.  
(Pension payable to dependants.)



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

- 5 (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 10 (v) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- (g) (i) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 10A the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 15 (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 20 (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- 25 (iv) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- 30 (h) by omitting section 10c;

Sec. 10A.  
(De facto wife.)

Sec. 10c.  
(Increases in pensions and additions thereto.)

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

(i) by omitting section 10D;

Sec. 10D.  
(Further increases in pensions and additions thereto.)

(j) by omitting section 10E;

Sec. 10E.  
(Further increases in pensions and additions thereto.)

(k) by inserting next before section 10F the following new section :—

New sec. 10EA.

5            10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to—

Appropriate amounts of pensions and additions thereto.

10            (a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—

15            (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

20            (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;

              (b) a person who is described in Item 3 or 4 of that Schedule shall—

25            (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

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

5 any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

10 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

15 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

20 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

25 the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

30 (1) by omitting section 10F and by inserting in lieu thereof the following sections :—

Subst. sec. 10F, new sec. 10G.

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

5 (a) by omitting the reference to the amount in the Third Column appearing opposite the figure "1" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

10 (i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;

15 (b) by omitting the reference to the amount in the Third Column appearing opposite the figure "2" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

20 (i) the amount the reference to which is so omitted under this paragraph; and

25 (ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

30 (2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase,  
35 amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 5 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

10 (3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by

15 omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 20 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

(4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this

25 section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

(5) In an order made under this section, different dates may be specified for the purposes of

30 subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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

(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

5 (7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

10 10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

Construction of references to date of retirement upon certain increases in pension.

15 (a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

20 whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

25 (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11. (Pensions—special provisions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

Sec. 11B. (Power to cancel pensions.)

30 (1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel

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

- cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.
- 5 (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
- 10 (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part"; Sec. 12.  
(No pension while compensation payable.)
- 15 (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- 20 In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- 25 (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- 30 (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu thereof the words "Social Services Act"; Sec. 13.  
(Deductions from pensions.)
- (ii)

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

- 5 (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- 10 (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- 15 (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- 20 (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- (vii) by inserting next before subsection two of the same section the following new subsections :—
- 25 (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
- 30 (a) the firstmentioned person; or  
(b) some other person in respect of the firstmentioned person,

in



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

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5 in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

10 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

20 (1c) Where the Tribunal is satisfied that, but for—

(a) the refusal of an application made for a pension under the Social Services Act by a female; or

25 (b) the cancellation of a female's pension under that Act,

30 on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her,  
35 the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

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

of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

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

(3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

4. (1) Part II of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

- (a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")";
- (ii)
- Sec. 9. (Pensions—additional payments in respect of dependants.)

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

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- 5 (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a prescribed period, where the dependant's average weekly income during that period";
- 10 (iv) by omitting from the same subsection 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";
- 15 (v) by inserting at the end of the same subsection the following new paragraphs : —
- In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—
- 20 (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- 25 (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter
- 30 Notwithstanding anything in the foregoing provisions of this subsection, where—
- (i) the dependant has ceased to be employed in any employment (including self employment) during a period
- 35 specified

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

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specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

- 5 (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

10 then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

- 15 (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

20 (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

30 (1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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

5 the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words “(including self employment)” the words “during any quarter”; Sec. 11A. (Income from employment.)
- 10 (ii) by inserting in the same subsection after the word “pensioner” where secondly occurring the words “during that quarter”;
- 15 (iii) by omitting from the same subsection the words “the immediately preceding” and by inserting in lieu thereof the word “that”.

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as “the appointed day”) the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

20

25

(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

30

(3)

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

(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

Sec. 15.  
(The  
Tribunal.)

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)

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

- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- 5 (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- 10
- (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
- 15
- (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- 20
- (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".
- 25

## 6. (1) Part III of the Principal Act is further amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration"
- Sec. 15.  
(The  
Tribunal.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

Arbitration Act 1904–1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

5 (ii) by omitting paragraph (f) of subsection nine of the same section and by inserting in lieu thereof the following paragraph :—

10 (f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

(b) by inserting next after section sixteen the following new section :— New sec.  
16A.

15 16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation. Delegation.

20

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

30 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)



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

(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (5) Any act or thing done or suffered by  
the Registrar when acting in the exercise of any  
delegation made under this section and within the  
terms of the delegation shall have the like force  
or effect as if the act or thing had been done or  
10 suffered by the Tribunal.

(6) Notwithstanding anything in this section,  
the Tribunal shall not under this section  
delegate to the Registrar the exercise or performance  
of such of its powers, authorities, duties  
15 or functions as are specified or described in the  
regulations.

(2) Paragraph (b) 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.

20 7. (1) Part IV of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part IV.—  
Funds and  
Contributions.)

(a) (i) by inserting in paragraph (c) of subsection Sec. 18.  
six of section eighteen after the word (The Fund.)  
“moneys” the words “due to the Tribunal  
and”;

19—C

(ii)

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

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

5 (d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

15 (6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

30 (c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(b) (i) by inserting in subsection six of section nine- Sec. 19.  
teen after the word "wages" the words "or (Contribu-  
other sums due to mine workers"; tions and  
reserves.)

(ii)

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

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

5 (6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

15 (6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of its collection, whichever is the later—

20 (a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so collected; and

25 (b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that amount is paid to the Tribunal.

30 (6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

35 (6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

(2) Subparagraph (ii) of paragraph (b) 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.

- 5    8. (1) Part IV of the Principal Act is further amended—
- Further  
amendment  
of Act No.  
45, 1941.  
(Part IV.—  
Funds and  
Contribu-  
tions.)
- (a) by inserting next after subsection one of section nineteen the following new subsection :—
- Sec. 19.  
(Contribu-  
tions and  
reserves.)
- 10        (1A) All moneys standing to the credit of the Fund immediately before the first day of July, one thousand nine hundred and sixty-nine, shall form part of the reserve.
- 15        (b) (i) by omitting from paragraph (a) of subsection two of the same section the words “income (hereinafter called “the investment income”) accrued during that period of twelve months from all Fund moneys invested by the Tribunal” and by inserting in lieu thereof the words “investment income of that period of twelve months”;
- 20        (ii) by omitting from paragraph (b) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;
- 25        (iii) by omitting from paragraph (c) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;
- (c)

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

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

(8) In this section, "investment income", in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

(b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

(a) by omitting from subsection three of section 19A the words "section six" and by inserting in lieu thereof the words "section six, 6B";

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

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words "section six" and by inserting in lieu thereof the words "section six, 6B";

Sec. 19B. (Amount of subsidy.)

(ii)

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

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

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

10 (a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

15 would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

20 (b) where any weekly payments of compensation are payable to or in respect of him under the Workers' Compensation Act, 1926, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act—  
25 the amount of such weekly payments :

30 Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of  
35 this Act.

(iii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";
- 5 (iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";
- 10 (v) by inserting at the end of the same subsection the following new paragraph :—  
 In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.
- 15 (vi) by omitting subsection five of the same section ;
- 20 (c) (i) by omitting from subsection five of section 19D the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961"; Sec. 19D. (Contributions to Subsidy Fund.)
- 25 (ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";
- (d) (i) by omitting paragraph (b) of subsection one of section 19F; Sec. 19F. (Conditions attaching to and suspension of subsidies.)
- (ii)

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

- (ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";
- 5 (e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,"; Sec. 19H. (Suspension of subsidy rights in certain events.)
- 10 (ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon 15 the tenth day of April, one thousand nine hundred and seventy.

10. The Principal Act is further amended by inserting next after Part IVA the following new Part :— Further amendment of Act No. 45, 1941. New Part IVB.

**PART IVB.**

20 **REFUND OF MINE WORKERS' CONTRIBUTIONS.**

25 19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued. Interpretation.

19J.



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

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19J. (1) Subject to this Part, where a mine worker's Refund.  
engagement in the coal or oil shale mining industries  
has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

- 5 (i) by reason of his attaining the age at  
which he is obliged to retire under this  
Act or by reason of his retirement upon  
attaining an age at which he may retire  
under this Act;
- 10 (ii) by reason of retrenchment or cavi out,  
slackness of trade or act of God (includ-  
ing fire or flood) or by reason of his ill  
health; or
- (iii) by reason of his death; and

15 (b) that neither he nor any other person is eligible  
for a pension under this Act consequent upon  
that termination of his engagement or on his  
death, as the case may be,

20 the Tribunal shall refund to him or to his personal repre-  
sentatives, or failing them, to such person (if any)  
as the Tribunal may determine, an amount equal to the  
total amount of the mine worker's contributions paid to  
the Fund in respect of any period before that  
termination of his engagement.

25 (2) Where a mine worker's engagement in the  
coal or oil shale mining industries has been terminated  
by reason of any matter referred to in subparagraph (ii)  
of paragraph (a) of subsection one of this section—

30 (a) no refund shall, while he remains alive, be made  
to him under this section consequent upon that  
termination of his engagement unless he elects  
that it be made to him or unless the Tribunal is

satisfied

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

satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- 5 (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have  
10 been engaged, during that period, otherwise than in those industries.

- (3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been  
15 retrenched.

19κ. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable : — Reduction of amount of refund.

- 20 (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and  
25 Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commence-  
30 ment of the said section ten.

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.***11. Part V of the Principal Act is amended—**

Further  
amendment  
of Act No.  
45, 1941.  
(Part V.—  
Miscel-  
laneous.)

- 5 (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 10 (ii) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- (iii) by omitting from the same paragraph the words "an insane" where thirdly occurring and by inserting in lieu thereof the words "such a";
- 15 (iv) by omitting from paragraph (b) of the same subsection the words "an insane patient within the meaning of the Lunacy Act, 1898-1947," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";
- 20 (v) by omitting from the same paragraph the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a";
- 25 (vi) by omitting from paragraph (c) of the same subsection the words "insane patient" and by inserting in lieu thereof the words "patient within the meaning of the Mental Health Act, 1958,";

(vii)

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

- 5 (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- 10 (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 15 (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- 20 (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund"; Sec. 27.  
(Actuarial investigation of funds.)
- (c) by omitting from section twenty-eight the word "Colonial"; Sec. 28.  
(Advances by Treasury.)
- 25 (d) by omitting from subsection one of section thirty the words "or police". Sec. 30.  
(Recovery of penalties.)

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

## SCHEDULE.

New Schedule. Secs. 10EA, 10F.

5 FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
10		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
15	2 A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
20	3 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or	2.50
25	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
30	4 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or	0.85
35	(b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	
40		

SCHEDULE.

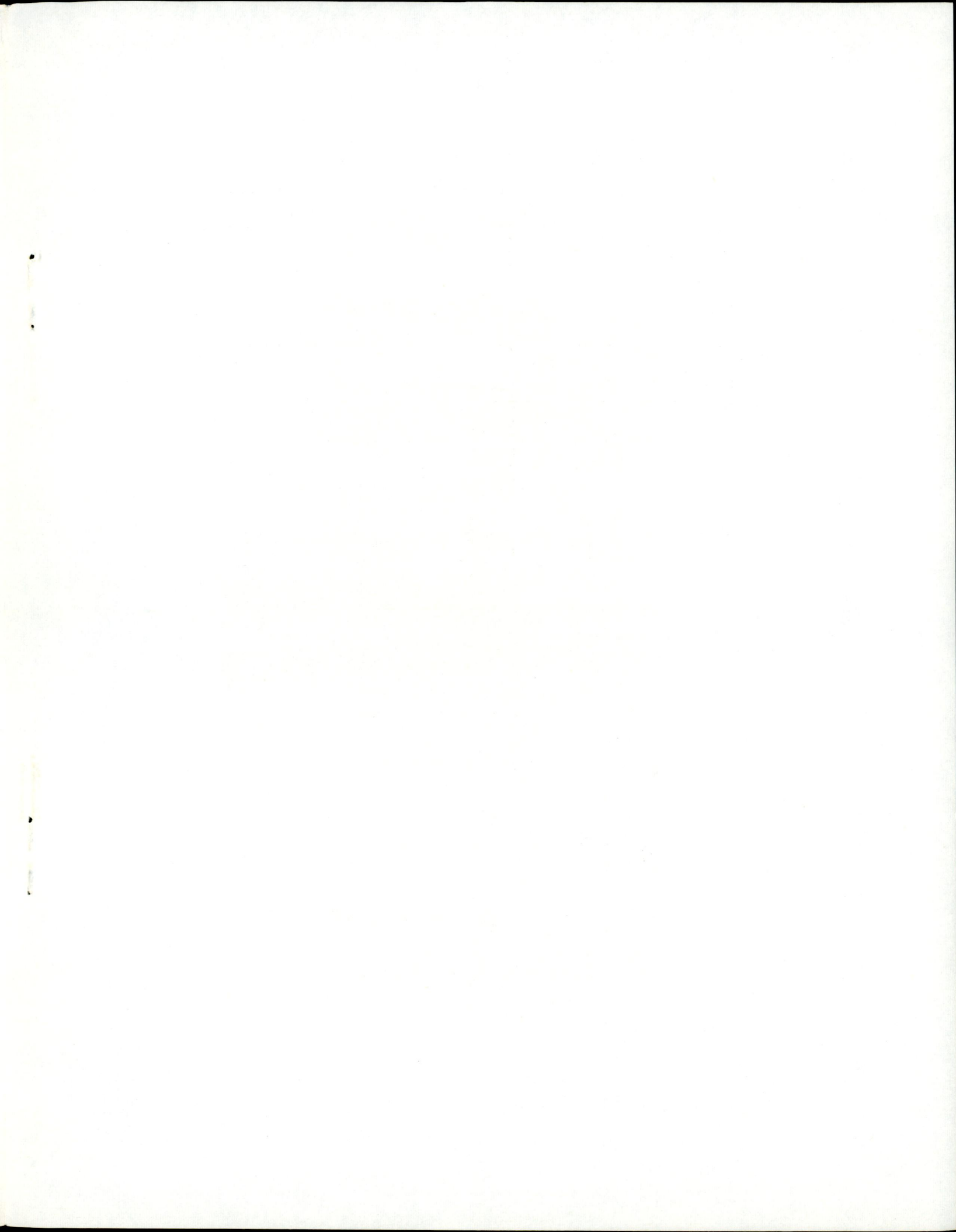
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*SCHEDULE—*continued.*

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
5	Item.	Amount of Pension or Addition.
	Description of Person.	\$
10	5	19.25
15		
20	6	19.25
25		

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[40c]







## COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL, 1971.

### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to exclude service as a mine worker before 21st November, 1941, in determining eligibility for a pension under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941 (hereinafter referred to as "the Principal Act"), or for a permit under section 2E of the Principal Act;
- (b) to limit the duration of a permit granted to a mine worker under section 2E of the Principal Act to five years, except in special circumstances;
- (c) to empower the Minister on the recommendation of the Superannuation Tribunal (hereinafter referred to as "the Tribunal") to extend the definition of "Mine worker" in the Principal Act so as to include persons engaged in performing certain work in or about or in connection with a coal or oil shale mine (whether under a contract or otherwise);
- (d) to enable the Tribunal to disregard breaks in the continuity of service of a mine worker for the purposes of the Principal Act if it is just and equitable to do so;
- (e) to provide that, except in certain circumstances, a mine worker retiring after the commencement of this Bill who was not a contributor to the Coal and Oil Shale Mine Workers Superannuation Fund (hereinafter referred to as "the Fund") immediately before that commencement, or who became a contributor after that commencement, is to be eligible for a pension only if he has fifteen years' service as a mine worker, broken only by "approved intervals" (within the meaning of the Principal Act as amended by this Bill);
- (f) to render a mine worker eligible for an addition to his pension for each dependent child or step-child (instead of only one) and to make each such child or step-child eligible for a pension on the death of the mine worker;
- (g) to increase to forty years the age at which a pension is, after one year, to cease to be payable to a female (other than a widow) to whom a pension is granted in the event of the death of a mine worker;
- (h) to empower the Tribunal to cancel a pension granted to a mine worker by reason of his incapacity to work if it is just and equitable to do so;
- (i) to provide that, where a mine worker is not eligible for a pension or for a subsidy because of a lump sum payment, the period during which the ineligibility continues shall be calculated without reference to deductions which would otherwise be taken into account;
- (j) to enable the Tribunal to deduct from a person's pension under the Principal Act an amount equal to a pension under the Commonwealth Social Services Act, notwithstanding that the lastmentioned pension is not payable because of that person's absence from Australia or, in the case of a woman, because of her refusal to apply for it or because of its cancellation;

- (k) to provide that eligibility for an addition to a pension in respect of a woman is to be calculated by reference to her income in the current period and to disregard, in certain cases, income received before she became a dependant or income received as a lump sum in respect of the termination of her employment;
- (l) to provide that deductions from a mine worker's pension in respect of his income are to be calculated by reference to his income in the current period;
- (m) to reconstitute the Tribunal and to provide that it shall consist of seven members, namely, the chairman, three persons appointed on the nomination of owners of mines, two persons appointed on the nomination of the Australian Coal and Shale Employees' Federation, and one person appointed on the nomination of other unions whose members are or include mine workers;
- (n) to enable the Tribunal to delegate any of its powers, authorities, duties or functions to the Registrar, except those which may be specified in the regulations;
- (o) to make further provision with respect to the use of moneys of the Fund for the acquisition or construction of a building to accommodate the Tribunal and its officers;
- (p) to permit the Tribunal to impose interest on unpaid contributions to the Fund;
- (q) to make it clear that the income 85 per cent of which is to be set aside to the reserve in the Fund includes capital gain as well as interest;
- (r) to provide that the moneys of the Fund as at 1st July, 1969, form part of the reserve of the Fund;
- (s) to provide that subsidies are to be subject to the same deductions as pensions;
- (t) to provide that a pension or lump sum paid to a person from a superannuation scheme shall, in certain circumstances, be disregarded in determining eligibility for or the amount of a subsidy;
- (u) to provide for the refund of contributions made to the Fund by a mine worker after the commencement of this Bill in certain circumstances and only if a pension is not payable to the mine worker or any of his dependants;
- (v) to insert into the Principal Act a Schedule containing the current rates of pensions and additions to pensions and to remove references to rates that have been superseded;
- (w) to provide for the amendment of the Schedule referred to in paragraph (v) hereof upon the increase of amounts payable as pensions under the Commonwealth Social Services Act;
- (x) to remove certain obsolete provisions and to clarify certain provisions; and
- (y) to make other amendments of a minor, consequential or ancillary character.

PROOF

No. , 1971.

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## A BILL

To make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith.

[MR FIFE—28 April, 1971.]

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BE

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

**B**E 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, 1971".

Short title and construction.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended—

Amendment of Act No. 45, 1941. (Part I.—Preliminary.)

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

Sec. 1. (Short title, commencement and construction.)

15 PART IVB.—REFUND OF MINE WORKERS' CONTRIBUTIONS—ss. 19I-19K.

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

20 (b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition:—

Sec. 2. (Definitions.)

25 "Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

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

5 (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

10 (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—

15 "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

20 (c) (i) by inserting next after subsection three of section 2E the following new subsection :— (Extension of definition of "mine worker" to cavelled out mine workers, etc.)  
25 (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.

30 (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";

(iii)

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

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

5 (4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

15 (d) by inserting next after section 2I the following new section :— New sec. 2J.

20 2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section. Further extension of the definition of "Mine worker".

25 (2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

30 (3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

(4) The order shall take effect from the day specified therein as the date of commencement of the order.

5 (5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

10 (6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

15 (7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

20 (8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

25 (9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

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

5 (10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

10 Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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 else-  
15 where contained in this Act, in the application of that provision to and in respect of such person, be construed as a reference to the date upon which he so retires or is retired.

20 (11) As from the date of commencement of the order 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 and the operation of the order :

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

30 (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or

(b) in any other case—to the date of commencement of the order :

35 Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this

Act



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

5 Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

10 (12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

15 (13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

20 (14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—  
25 "date of commencement of the order" means the day specified in the order as the date of commencement thereof;  
"date of the order" means the date on which the order is made;  
30 "mine work" means any work declared to be mine work under subsection one of this section.

(e) (i) by omitting from subsection four of section three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

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

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

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

5 (8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

10

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3. Part II of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

(a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

20

25

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

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

Where a mine worker’s date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any period

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

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5 period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

10 (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph :—

15 Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine  
20 Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall  
25 not be eligible, for a pension pursuant to subsection one of this section.

(v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
30 section 10EA of this Act";

(vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in  
35 section 10EA of this Act";

(vii)

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

- 5 (vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (viii) by omitting subsections four to fifteen (inclusive) of the same section;
- (b) by inserting next after section six the following new sections :— New secs. 6A, 6B.
- 10 6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act. New entrants not eligible for pension under section six.
- 15 6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and— Pensions—mine workers who are retired—new entrants.
- 20 (a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or
- 25 (b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,
- but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

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

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

- 5           (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or
- 10           (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—
- 15                 (i) every period between those periods was an approved interval referred to in subsection three of this section; and
- 20                 (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

- 25           (a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or
- 30           (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

35           the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is satisfied

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

satisfied that he failed without good reason to be engaged in those industries for any part of that period.

5 In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

10 (4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

15 (5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

20 (6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

25 (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;

30 (b) his employment as a mine worker was terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood);

(c)

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

- 5 (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- 10 (c) (i) by omitting from subsection one of section Sec. 7. seven the words "thirteen dollars seventy-five (Pension— cents per week" and by inserting in lieu thereof permanent the words "the appropriate amount per week incapa- referred to in section 10EA of this Act"; city.)
- 15 (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- 20 (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- 25 (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 30 (d) by omitting from subsection one of section eight Sec. 8. the words "thirteen dollars seventy-five cents per (Hard week" and by inserting in lieu thereof the words luck "the appropriate amount per week referred to in cases.) section 10EA of this Act";
- 35 (e) (i) by omitting from subsection one of section nine Sec. 9. the words "section six" and by inserting in (Pensions— lieu thereof the words "section six, section additional 6B"; payments in respect of depen- dants.)
- (ii)

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

5 (ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

10 (b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall be payable only during any period of dependency until such child attains the age of sixteen years.

20 This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

30 Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;

35 (iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)



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

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- 5 (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- 10 (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- 15 (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- 20 (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- 25 (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- 30 (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a
- 35 pension

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

- 5 pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;
- 10 (xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 15 (xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 20 (xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 25 (f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;
- 30 (ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- 35 (iii) by omitting from subsection (1C) of the same section the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;
- (iv)

Sec. 10.  
(Pension payable to dependants.)

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

- (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (v) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- (g) (i) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 10A the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (iv) by omitting from the same subsection the word "thirty" and by inserting in lieu thereof the word "forty";
- (h) by omitting section 10C;

Sec. 10A.  
(De facto wife.)

Sec. 10c.  
(Increases in pensions and additions thereto.)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (i) by omitting section 10D; Sec. 10D.  
(Further increases in pensions and additions thereto.)
- (j) by omitting section 10E; Sec. 10E.  
(Further increases in pensions and additions thereto.)
- (k) by inserting next before section 10F the following new section :— New sec. 10EA.
- 5           10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to— Appropriate amounts of pensions and additions thereto.
- 10           (a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—
- 15                 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or
- 20                 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;
- (b) a person who is described in Item 3 or 4 of that Schedule shall—
- 25                 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5 any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

10 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

15 (i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

20 (ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

25 the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

30 (1) by omitting section 10F and by inserting in lieu thereof the following sections :—

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Subst. sec. 10F, new sec. 10G.

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

- 5 (a) by omitting the reference to the amount in the Third Column appearing opposite the figure “1” in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 10 (i) the amount the reference to which is so omitted under this paragraph; and
- (ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;
- 15 (b) by omitting the reference to the amount in the Third Column appearing opposite the figure “2” in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—
- 20 (i) the amount the reference to which is so omitted under this paragraph; and
- 25 (ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.
- 30 (2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase,
- 35 amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 5 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

10 (3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by

15 omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- 20 (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

(4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this

25 section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

(5) In an order made under this section, different dates may be specified for the purposes of

30 subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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

(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

5 (7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

10 10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

Construction of references to date of retirement upon certain increases in pension.

15 (a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

20 whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

25 (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11. (Pensions—special provisions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

Sec. 11B. (Power to cancel pensions.)

30 (1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel



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

- cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.
- 5 (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
- 10 (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part";
- 15 (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- 20 In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- 25 (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- 30 (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu thereof the words "Social Services Act";
- (ii)

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

Sec. 13.  
(Deductions from pensions.)

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

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- 5 (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- 10 (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- 15 (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- 20 (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- 25 (vii) by inserting next before subsection two of the same section the following new subsections :—
- 30 (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
- (a) the firstmentioned person; or
- (b) some other person in respect of the firstmentioned person,

in

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

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5 in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

10 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

20 (1c) Where the Tribunal is satisfied that, but for—

(a) the refusal of an application made for a pension under the Social Services Act by a female; or

25 (b) the cancellation of a female's pension under that Act,

30 on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her, the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

35 of

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of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

5 The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

15 (viii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

20 (3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

4. (1) Part II of the Principal Act is further amended—

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

25 (a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")";

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

(ii)

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

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- 5 (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a
- 10 prescribed period, where the dependant's average weekly income during that period";
- (iv) by omitting from the same subsection 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";
- 15 (v) by inserting at the end of the same subsection the following new paragraphs : —
- In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—
- 20 (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- 25 (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter
- 30
- Notwithstanding anything in the foregoing provisions of this subsection, where—
- (i) the dependant has ceased to be employed in any employment (including self employment) during a period
- 35 specified

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

specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

5 (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

10 then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

15 (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

20 (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

30 (1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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

5 the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words "(including self employment)" the words "during any quarter"; Sec. 11A. (Income from employment.)
- 10 (ii) by inserting in the same subsection after the word "pensioner" where secondly occurring the words "during that quarter";
- 15 (iii) by omitting from the same subsection the words "the immediately preceding" and by inserting in lieu thereof the word "that".

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as "the appointed day") the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

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(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

30

(3)

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

(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

Sec. 15.  
(The  
Tribunal.)

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)



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

- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- 5 (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- 10 (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
- 15 (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- 20 (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".
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6. (1) Part III of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part III.—The Tribunal.)
- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration" Sec. 15. (The Tribunal.)

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Arbitration Act 1904–1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

5 (ii) by omitting paragraph (f) of subsection nine of the same section and by inserting in lieu thereof the following paragraph :—

10 (f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

(b) by inserting next after section sixteen the following new section :— New sec.  
16A.

15 16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation. Delegation.

20 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

25 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

30 (4)

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

(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (5) Any act or thing done or suffered by  
the Registrar when acting in the exercise of any  
delegation made under this section and within the  
terms of the delegation shall have the like force  
or effect as if the act or thing had been done or  
10 suffered by the Tribunal.

(6) Notwithstanding anything in this section, the Tribunal shall not under this section delegate to the Registrar the exercise or performance of such of its powers, authorities, duties or functions as are specified or described in the  
15 regulations.

(2) Paragraph (b) 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.

20 7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection six of section eighteen after the word "moneys" the words "due to the Tribunal and";

Sec. 18. (The Fund.)

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

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

5 (d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

15 (6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

30 (c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

(b) (i) by inserting in subsection six of section nine- Sec. 19.  
teen after the word "wages" the words "or (Contribu-  
other sums due to mine workers"; tions and  
reserves.)

(ii)

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

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

5 (6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that  
10 interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

15 (6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of  
20 its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so  
25 collected ; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that  
30 amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

35 (6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

(2) Subparagraph (ii) of paragraph (b) 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.

- 5     8. (1) Part IV of the Principal Act is further amended—
- Further  
amendment  
of Act No.  
45, 1941.  
(Part IV.—  
Funds and  
Contribu-  
tions.)
- (a) by inserting next after subsection one of section  
nineteen the following new subsection :—
- (1A) All moneys standing to the credit of the  
Fund immediately before the first day of July, one  
thousand nine hundred and sixty-nine, shall form  
part of the reserve.
- (b) (i) by omitting from paragraph (a) of subsection  
two of the same section the words “income  
(hereinafter called “the investment income”)  
accrued during that period of twelve months  
from all Fund moneys invested by the  
Tribunal” and by inserting in lieu thereof the  
words “investment income of that period of  
twelve months”;
- (ii) by omitting from paragraph (b) of the same  
subsection the words “accrued during” and by  
inserting in lieu thereof the word “of”;
- (iii) by omitting from paragraph (c) of the same  
subsection the words “accrued during” and by  
inserting in lieu thereof the word “of”;
- (c)

Sec. 19.  
(Contribu-  
tions and  
reserves.)

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

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

(8) In this section, "investment income", in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

(b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

(a) by omitting from subsection three of section 19A the words "section six" and by inserting in lieu thereof the words "section six, 6B";

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

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words "section six" and by inserting in lieu thereof the words "section six, 6B";

Sec. 19B. (Amount of subsidy.)

(ii)

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

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

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

10 (a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

15 would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

20 (b) where any weekly payments of compensation are payable to or in respect of him under the Workers' Compensation Act, 1926, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act—  
25 —the amount of such weekly payments :

30 Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of this Act.

35

(iii)



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

- (iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";
- 5 (iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";
- 10 (v) by inserting at the end of the same subsection the following new paragraph : —  
 In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.
- 15 (vi) by omitting subsection five of the same section;
- 20 (c) (i) by omitting from subsection five of section 19D Sec. 19D. the words "by virtue of the operation of the (Contributions to amendments of this Act made by the Coal and Subsidy Oil Shale Mine Workers (Superannuation) Fund.) Amendment Act, 1961";
- 25 (ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";
- (d) (i) by omitting paragraph (b) of subsection one Sec. 19F. of section 19F; (Conditions attaching to and suspension of subsidies.)
- (ii)

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

- (ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";
- 5 (e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,"; Sec. 19H. (Suspension of subsidy rights in certain events.)
- 10 (ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon  
 15 the tenth day of April, one thousand nine hundred and seventy.

10. The Principal Act is further amended by inserting next after Part IVA the following new Part : — Further amendment of Act No. 45, 1941. New Part IVB.

PART IVB.

20 REFUND OF MINE WORKERS' CONTRIBUTIONS.

19i. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was  
 25 issued. Interpretation.

19j.

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

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19J. (1) Subject to this Part, where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

- 5 (i) by reason of his attaining the age at which he is obliged to retire under this Act or by reason of his retirement upon attaining an age at which he may retire under this Act;
- 10 (ii) by reason of retrenchment or cavi out, slackness of trade or act of God (including fire or flood) or by reason of his ill health; or
- (iii) by reason of his death; and

15 (b) that neither he nor any other person is eligible for a pension under this Act consequent upon that termination of his engagement or on his death, as the case may be,

20 the Tribunal shall refund to him or to his personal representatives, or failing them, to such person (if any) as the Tribunal may determine, an amount equal to the total amount of the mine worker's contributions paid to the Fund in respect of any period before that termination of his engagement.

25 (2) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated by reason of any matter referred to in subparagraph (ii) of paragraph (a) of subsection one of this section—

30 (a) no refund shall, while he remains alive, be made to him under this section consequent upon that termination of his engagement unless he elects that it be made to him or unless the Tribunal is

satisfied

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

satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- 5 (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have  
10 been engaged, during that period, otherwise than in those industries.

- 15 (3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

19K. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable :— Reduction of amount of refund.

- 20 (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- 25 (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- 30 (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of the said section ten.

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

**11.** Part V of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part V.—Miscellaneous.)

- 5 (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words “an insane patient within the meaning of the Lunacy Act of 1898, as amended,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”; Sec. 21. (Suspension of pension rights in certain events—alternative pensions to dependants.)
- 10 (ii) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- (iii) by omitting from the same paragraph the words “an insane” where thirdly occurring and by inserting in lieu thereof the words “such a”;
- 15 (iv) by omitting from paragraph (b) of the same subsection the words “an insane patient within the meaning of the Lunacy Act, 1898–1947,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”;
- 20 (v) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- 25 (vi) by omitting from paragraph (c) of the same subsection the words “insane patient” and by inserting in lieu thereof the words “patient within the meaning of the Mental Health Act, 1958,”;

(vii)

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

- 5 (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- 10 (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- 15 (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- 20 (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund"; Sec. 27.  
(Actuarial investigation of funds.)
- (c) by omitting from section twenty-eight the word "Colonial"; Sec. 28.  
(Advances by Treasury.)
- 25 (d) by omitting from subsection one of section thirty the words "or police". Sec. 30.  
(Recovery of penalties.)

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

## SCHEDULE.

New Schedule. Secs. 10EA, 10F.

5 FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
10		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
15	2 A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
20	3 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	2.50
25		
30	4 A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	0.85
35		
40		

SCHEDULE.

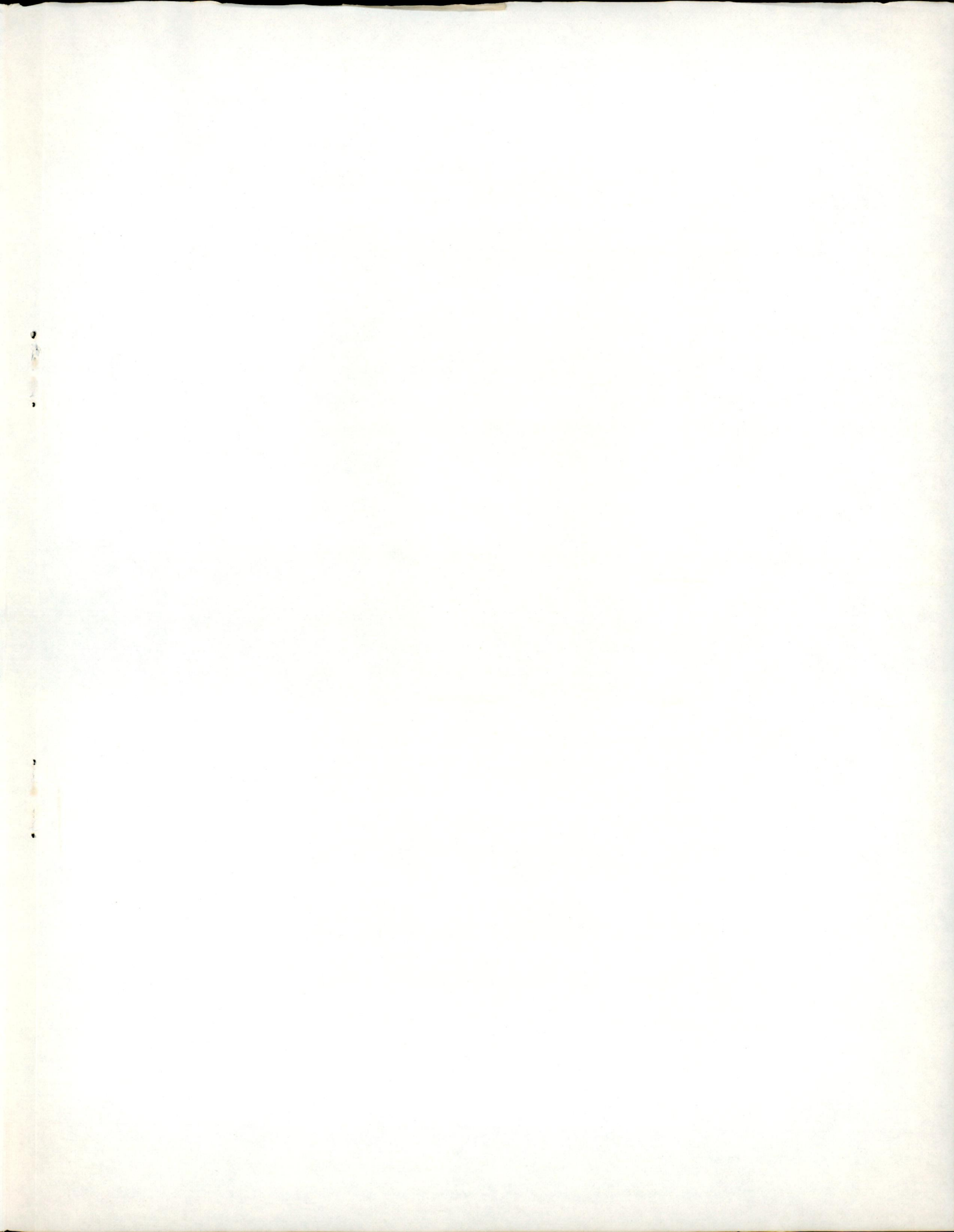
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*SCHEDULE—*continued.*

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
5	Item.	Amount of Pension or Addition.
	Description of Person.	\$
10	5	19.25
15	6	19.25
20		
25		

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971







# New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 17, 1971.

An Act to make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith. [Assented to, 25th May, 1971.]

BE

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

**B**E 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 con-  
struction.

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971".

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

Amendment  
of Act No.  
45, 1941.  
(Part I.—  
Preliminary.)

2. Part I of the Principal Act is amended—

Sec. 1.  
(Short  
title, com-  
mencement  
and con-  
struction.)

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

**PART IVB.—REFUND OF MINE WORKERS'  
CONTRIBUTIONS—ss. 19I–19K.**

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

Sec. 2.  
(Defini-  
tions.)

(b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition :—

"Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

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

- (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";
- (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—
- "Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.
- (c) (i) by inserting next after subsection three of section 2E the following new subsection :—
- (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.
- (Extension of definition of "mine worker" to cavilled out mine workers, etc.)
- (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";
- (iii)

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

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

(4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

New sec.  
2J.

(d) by inserting next after section 2I the following new section :—

Further  
extension  
of the  
definition  
of "Mine  
worker".

2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section.

(2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

(3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

(iii)

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

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(4) The order shall take effect from the day specified therein as the date of commencement of the order.

(5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

(6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

(7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

(8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

(9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

(10)

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

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(10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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.

(11) As from the date of commencement of the order 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 and the operation of the order :

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

- (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or
- (b) in any other case—to the date of commencement of the order :

Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this

**Act**



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

Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

(12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

(13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

(14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—

"date of commencement of the order" means the day specified in the order as the date of commencement thereof;

"date of the order" means the date on which the order is made;

"mine work" means any work declared to be mine work under subsection one of this section.

- (e) (i) by omitting from subsection four of section three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";

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

(ii)

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

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

(8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries: Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

Further amendment of Act No. 45, 1941.

(Part II.—Compulsory Retirement and Pensions.)

3. Part II of the Principal Act is amended—

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

(a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

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

Where a mine worker's date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any

(ii)

period

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

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period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

(iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iv) by inserting at the end of subsection (1A) of the same section the following new paragraph:—

Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall not be eligible, for a pension pursuant to subsection one of this section.

(v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(vii)

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

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(vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(viii) by omitting subsections four to fifteen (inclusive) of the same section;

New secs.  
6A, 6B.

(b) by inserting next after section six the following new sections :—

New  
entrants not  
eligible for  
pension  
under sec-  
tion six.

6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act.

Pensions—  
mine  
workers  
who are  
retired—  
new  
entrants.

6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and—

(a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or

(b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,

but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

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

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

- (a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or
- (b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—
  - (i) every period between those periods was an approved interval referred to in subsection three of this section; and
  - (ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

- (a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or
- (b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is  
satisfied

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

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satisfied that he failed without good reason to be engaged in those industries for any part of that period.

In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

(4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

(5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

(6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

- (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;
- (b) his employment as a mine worker was terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood);

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension—permanent incapacity.)
- (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- (ii)

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

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(ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall be payable only during any period of dependency until such child attains the age of sixteen years.

This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible ;

(iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(v)



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

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- (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a  
pension

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

pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;

(xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

Sec. 10.  
(Pension  
payable to  
dependants.)

(f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

(iii)

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- (iii) by omitting from subsection (1C) of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (g) (i) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 10A the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 10A. (De facto wife.)
- (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (h) by omitting section 10C;
- (i)

Sec. 10C.  
(Increases in pensions and additions thereto.)

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Sec. 10D.  
(Further  
increases  
in pensions  
and  
additions  
thereto.)

(i) by omitting section 10D;

Sec. 10E.  
(Further  
increases  
in pensions  
and  
additions  
thereto.)

(j) by omitting section 10E;

New sec.  
10EA.

(k) by inserting next before section 10F the following new section :—

Appropriate  
amounts of  
pensions  
and  
additions  
thereto.

10EA. (1) For the purposes of any provision of this Act in which there is a reference to the appropriate amount per week payable as a pension or addition to a pension the appropriate amount per week payable to—

(a) a person who is described in Item 1, 2 or 5 of the Schedule to this Act shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any such description on the eighth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible;

(b) a person who is described in Item 3 or 4 of that Schedule shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in any

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any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

(1) by omitting section 10F and by inserting in lieu thereof the following sections :—

Subst. sec. 10F, new sec. 10G.

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

(a) by omitting the reference to the amount in the Third Column appearing opposite the figure "1" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

(i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;

(b) by omitting the reference to the amount in the Third Column appearing opposite the figure "2" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

(i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

(2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

(3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

(4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

(5) In an order made under this section, different dates may be specified for the purposes of subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

(7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

Construction of references to date of retirement upon certain increases in pension.

10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

- (a) the eighth day of April, one thousand nine hundred and seventy-one; or
- (b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

Sec. 11.  
(Pensions—special provisions.)

- (m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11B.  
(Power to cancel pensions.)

- (n) (i) by inserting next after subsection one of section 11B the following new subsection :—

(1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel



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cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.

- (ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";
  - (iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";
- (o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part";
- Sec. 12.  
(No pension while compensation payable.)
- (ii) by inserting at the end of paragraph (b) of the same subsection the following new paragraph :—
- In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.
- (iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";
- (p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu thereof the words "Social Services Act";
- Sec. 13.  
(Deductions from pensions.)

(ii)

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- (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- (vii) by inserting next before subsection two of the same section the following new subsections :—
  - (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
    - (a) the firstmentioned person; or
    - (b) some other person in respect of the firstmentioned person,

in

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

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in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

(1c) Where the Tribunal is satisfied that, but for—

- (a) the refusal of an application made for a pension under the Social Services Act by a female; or
- (b) the cancellation of a female's pension under that Act,

on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the first-mentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her, the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

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of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

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

(3) In this section, “Social Services Act” has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

**4. (1) Part II of the Principal Act is further amended—**

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

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

- (a) (i) by inserting in subsection (1A) of section nine after the word “person” where firstly occurring the words “(in this subsection referred to as “the dependant”)”;

(ii)

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a prescribed period, where the dependant's average weekly income during that period";
- (iv) by omitting from the same subsection 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";
- (v) by inserting at the end of the same subsection the following new paragraphs :—

In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—

- (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter.

Notwithstanding anything in the foregoing provisions of this subsection, where—

- (i) the dependant has ceased to be employed in any employment (including self employment) during a period  
specified

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

specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

- (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

- (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and

- (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.

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

(1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words “(including self employment)” the words “during any quarter”; Sec. 11A.  
(Income from employment.)
- (ii) by inserting in the same subsection after the word “pensioner” where secondly occurring the words “during that quarter”;
- (iii) by omitting from the same subsection the words “the immediately preceding” and by inserting in lieu thereof the word “that”.

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as “the appointed day”) the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

(3)

(a)

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(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

Sec. 15.  
(The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word “five” and by inserting in lieu thereof the word “seven”;

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)



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- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
  - (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words “as the representative of any of the classes of persons referred to in” and by inserting in lieu thereof the words “in pursuance of paragraph (b), (d), (e) or (f) of”;
- (ii) by omitting from the same subsection the words “representative of such class” and by inserting in lieu thereof the words “to be appointed in pursuance of that paragraph”;
- (d) (i) by omitting from subsection six of the same section the word “three” where firstly occurring and by inserting in lieu thereof the word “four”;
- (ii) by omitting from the same subsection the words “paragraph (d) or (e)” and by inserting in lieu thereof the words “paragraph (d), (e) or (f)”.
6. (1) Part III of the Principal Act is further amended—
- Further amendment of Act No. 45, 1941. (Part III.—The Tribunal.)
- (a) (i) by omitting from the definition of “mining union” in subsection three of section fifteen the words “Commonwealth Conciliation and Arbitration”
- Sec. 15. (The Tribunal.)

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Arbitration Act 1904–1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

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

(f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

New sec.  
16A.

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

Delegation.

16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)

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(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by the Registrar when acting in the exercise of any delegation made under this section and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Tribunal.

(6) Notwithstanding anything in this section, the Tribunal shall not under this section delegate to the Registrar the exercise or performance of such of its powers, authorities, duties or functions as are specified or described in the regulations.

(2) Paragraph (b) 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.

7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection six of section eighteen after the word “moneys” the words “due to the Tribunal and”;

Sec. 18. (The Fund.)

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

(d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

(6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

(c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

Sec. 19.  
(Contributions and reserves.)

- (b) (i) by inserting in subsection six of section nineteen after the word "wages" the words "or other sums due to mine workers";

(ii)

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

(6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

(6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so collected; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

(6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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(2) Subparagraph (ii) of paragraph (b) 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.

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

Sec. 19. (Contributions and reserves.)

8. (1) Part IV of the Principal Act is further amended—

(a) by inserting next after subsection one of section nineteen the following new subsection :—

(1A) All moneys standing to the credit of the Fund immediately before the first day of July, one thousand nine hundred and sixty-nine, shall form part of the reserve.

(b) (i) by omitting from paragraph (a) of subsection two of the same section the words “income (hereinafter called “the investment income”) accrued during that period of twelve months from all Fund moneys invested by the Tribunal” and by inserting in lieu thereof the words “investment income of that period of twelve months”;

(ii) by omitting from paragraph (b) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;

(iii) by omitting from paragraph (c) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;

(Ω)

(c)

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

(8) In this section, “investment income”, in relation to a period of twelve months, means income in the nature of—

(a) interest accrued during that period from all Fund moneys invested by the Tribunal; and

(b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IVA.—Coal and Oil Shale Mine Workers Compensation Subsidies.)

(a) by omitting from subsection three of section 19A the words “section six” and by inserting in lieu thereof the words “section six, 6B”;

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

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words “section six” and by inserting in lieu thereof the words “section six, 6B”;

Sec. 19B. (Amount of subsidy.)

(iii)

(ii)

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

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

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

(a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

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

Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of this Act.

(iii)



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(iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";

(iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";

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

In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.

(vi) by omitting subsection five of the same section;

(c) (i) by omitting from subsection five of section 19D the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961";

Sec. 19D.  
(Contributions to Subsidy Fund.)

(ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";

(d) (i) by omitting paragraph (b) of subsection one of section 19F;

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

(ii)

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

(ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";

**Sec. 19H.**  
(Suspension  
of subsidy  
rights in  
certain  
events.)

(e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";

(ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

Further  
amendment  
of Act No.  
45, 1941.  
New Part  
IVB.

**10.** The Principal Act is further amended by inserting next after Part IV<sub>A</sub> the following new Part :—

**PART IVB.**

**REFUND OF MINE WORKERS' CONTRIBUTIONS.**

Interpreta-  
tion.

19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued.

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

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19J. (1) Subject to this Part, where a mine worker's **Refund.** engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

(i) by reason of his attaining the age at which he is obliged to retire under this Act or by reason of his retirement upon attaining an age at which he may retire under this Act;

(ii) by reason of retrenchment or caving out, slackness of trade or act of God (including fire or flood) or by reason of his ill health; or

(iii) by reason of his death; and

(b) that neither he nor any other person is eligible for a pension under this Act consequent upon that termination of his engagement or on his death, as the case may be,

the Tribunal shall refund to him or to his personal representatives, or failing them, to such person (if any) as the Tribunal may determine, an amount equal to the total amount of the mine worker's contributions paid to the Fund together with interest thereon at the rate of three per cent per annum in respect of any period before that termination of his engagement.

(2) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated by reason of any matter referred to in subparagraph (ii) of paragraph (a) of subsection one of this section—

(a) no refund shall, while he remains alive, be made to him under this section consequent upon that termination of his engagement unless he elects that it be made to him or unless the Tribunal is

satisfied

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

satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have been engaged, during that period, otherwise than in those industries.

(3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

19K. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable :—

- (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of the said section ten.

Reduction  
of amount  
of refund.

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.***11. Part V of the Principal Act is amended—**

Further amendment of Act No. 45, 1941. (Part V.—Miscellaneous.)

- (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words “an insane patient within the meaning of the Lunacy Act of 1898, as amended,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”; Sec. 21. (Suspension of pension rights in certain events—alternative pensions to dependants.)
- (ii) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- (iii) by omitting from the same paragraph the words “an insane” where thirdly occurring and by inserting in lieu thereof the words “such a”;
- (iv) by omitting from paragraph (b) of the same subsection the words “an insane patient within the meaning of the Lunacy Act, 1898–1947,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”;
- (v) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- (vi) by omitting from paragraph (c) of the same subsection the words “insane patient” and by inserting in lieu thereof the words “patient within the meaning of the Mental Health Act, 1958,”;

(vii)

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

- (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
- (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
- (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- Sec. 27. (b) by omitting from section twenty-seven the words (Actuarial investigation of funds.) "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund";
- Sec. 28. (c) by omitting from section twenty-eight the word (Advances by Treasury.) "Colonial";
- Sec. 30. (d) by omitting from subsection one of section thirty (Recovery of penalties.) the words "or police".

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

## SCHEDULE.

New Schedule. Secs. 10EA, 10F.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
2	A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
3	A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	2.50
4	A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	0.85

SCHEDULE.

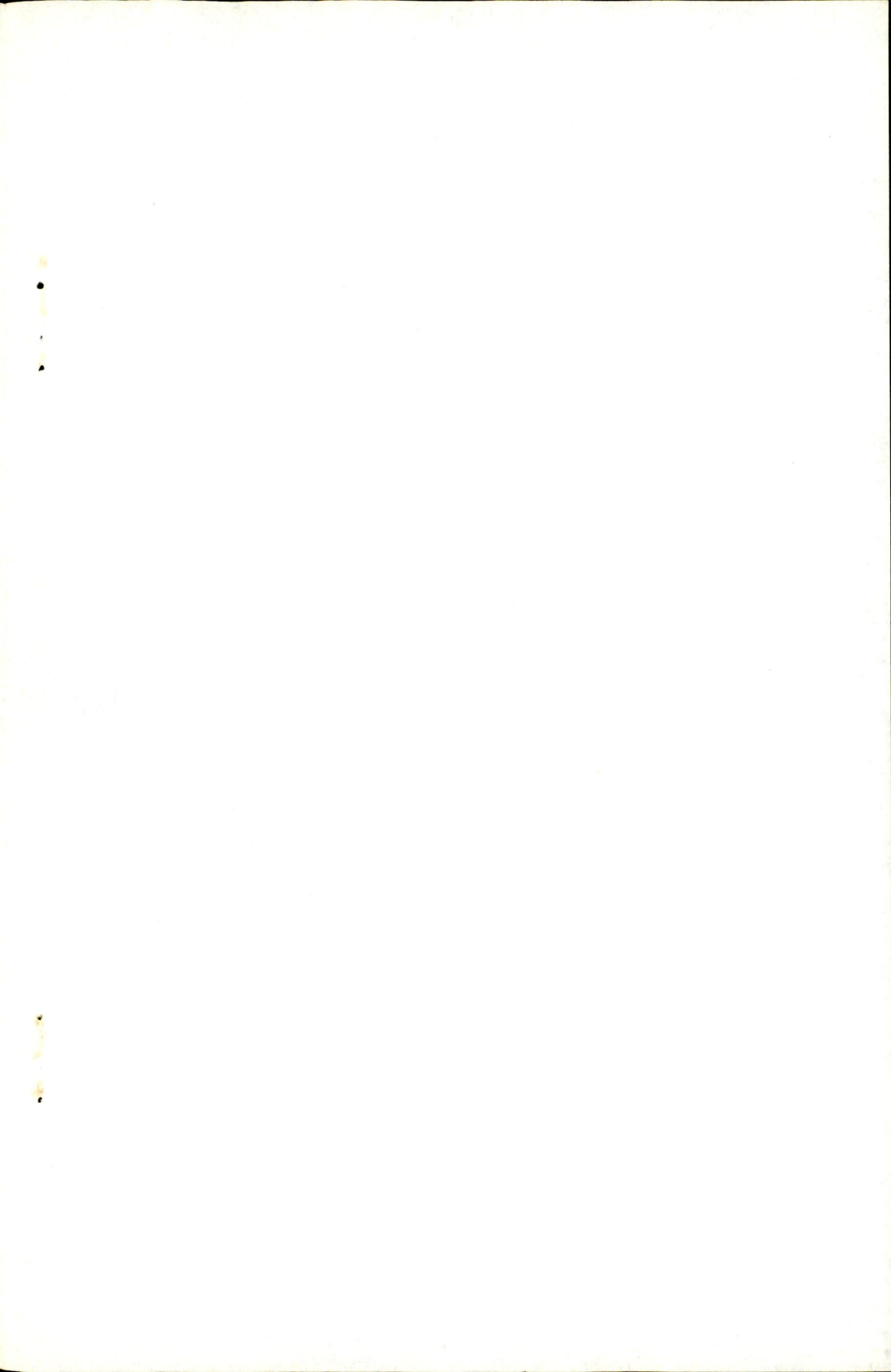
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*SCHEDULE—*continued.*

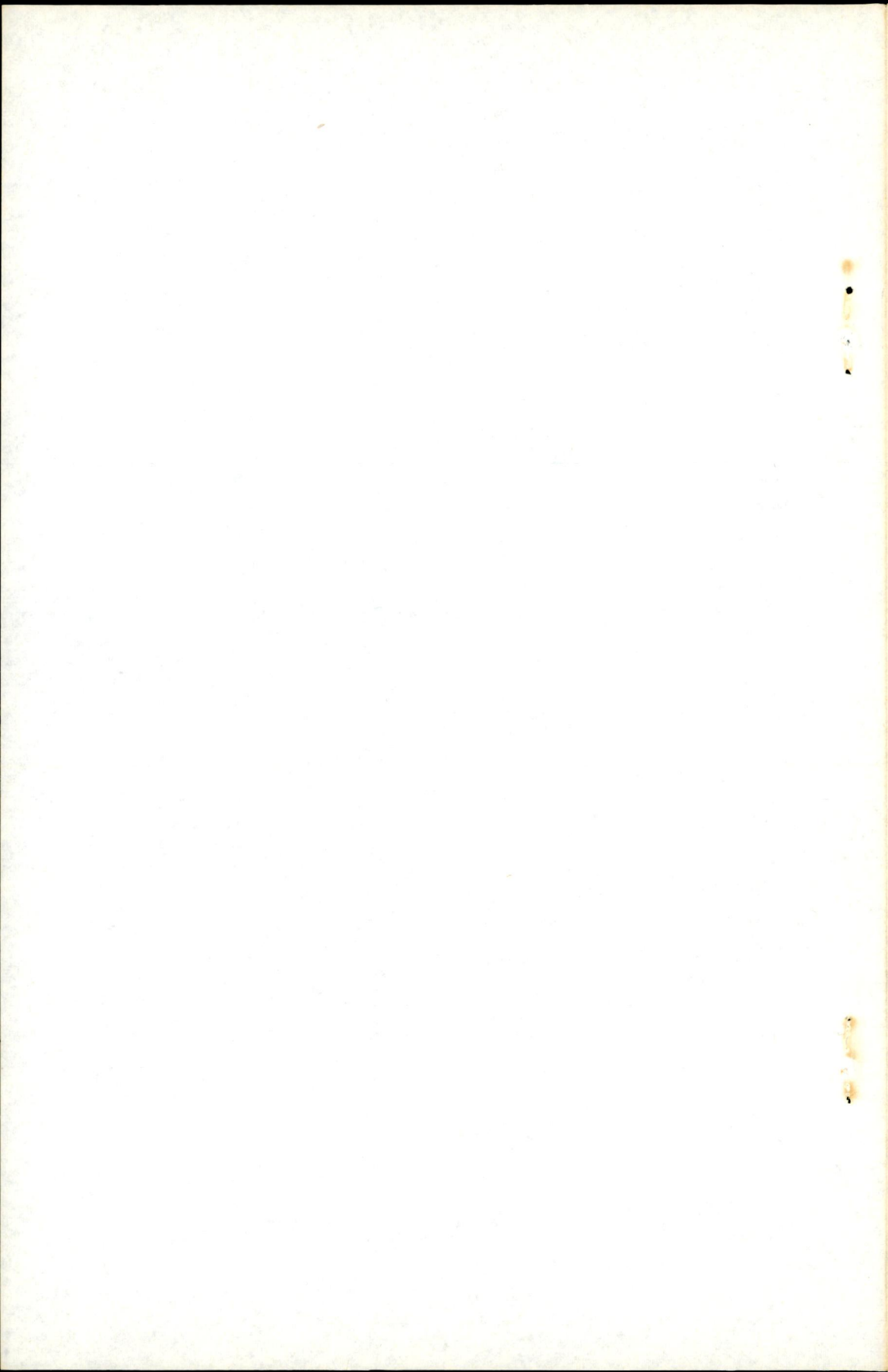
FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
5	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, not being a person who is referred to in Item 3, 4 or 6 hereof.	\$ 19.25
6	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, being a person who is in receipt of a widow's pension under the Social Services Act.	19.25

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971







*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, 6 May, 1971.*

## New South Wales



ANNO VICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 17, 1971.**

An Act to make further provisions relating to the entitlement of mine workers and other persons to pensions and relating to the constitution, powers, authorities, duties and functions of the Superannuation Tribunal; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith. [Assented to, 25th May, 1971.]

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.*

**B**E 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 con-  
struction.

**1.** (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971".

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is in this Act referred to as the Principal Act.

Amendment  
of Act No.  
45, 1941.  
(Part I.—  
Preliminary.)

**2.** Part I of the Principal Act is amended—

**Sec. 1.**  
(Short  
title, com-  
mencement  
and con-  
struction.)

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

**PART IVB.—REFUND OF MINE WORKERS'  
CONTRIBUTIONS—SS. 19I-19K.**

(ii) by inserting at the end of the same subsection the word and symbol "SCHEDULE.";

**Sec. 2.**  
(Defini-  
tions.)

(b) (i) by inserting next before the definition of "Injury" in subsection one of section two the following new definition :—

"Conciliation and Arbitration Act" means the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

(ii)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

- (ii) by omitting from paragraph (h) of the definition of "Mine worker" in the same subsection the words "Commonwealth Conciliation and Arbitration Act 1904-1934 of the Parliament of the Commonwealth" and by inserting in lieu thereof the words "Conciliation and Arbitration Act";
- (iii) by inserting next after the definition of "Regulations" in the same subsection the following new definition :—

"Social Services Act" means the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament.

- (c) (i) by inserting next after subsection three of section 2E the following new subsection :—
- (3A) Any period for which a person, who, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, applies for a permit under this section, was a mine worker before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded for the purposes of paragraph (c) of subsection three of this section.
- Sec. 2E.  
(Extension of definition of "mine worker" to cavelled out mine workers, etc.)
- (ii) by omitting from subsection four of the same section the words "may be renewed from time to time for a further period specified therein" and by inserting in lieu thereof the words "that period may, from time to time, be extended by the Tribunal";

(iii)

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

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

(4A) The period for which a person may, after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, be authorised to be employed in some industry, other than the coal or oil shale mining industry, upon the occurrence of any event referred to in paragraph (a) of subsection two of this section shall not exceed five years, unless the Tribunal, upon application made to it by that person and having regard to the circumstances of the case, otherwise determines.

New sec.  
2J.

(d) by inserting next after section 2I the following new section :—

Further  
extension  
of the  
definition  
of "Mine  
worker".

2J. (1) Where any work is performed or to be performed in or about or in connection with a coal or oil shale mine in New South Wales, whether in pursuance of a contract or otherwise, the Minister may, from time to time, by order in writing (which order is, in this section, referred to as "the order"), declare that that work or so much of that work as is specified or described in the order shall be mine work for the purposes of this section.

(2) The specification or description of any work in the order may be made by reference to such matters as the Minister thinks fit.

(3) Without affecting the generality of subsection two of this section, work may be specified or described in the order by reference to the work performed or to be performed by a person or class of persons specified or described therein.

(4)

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

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(4) The order shall take effect from the day specified therein as the date of commencement of the order.

(5) The Minister shall not, in the order, specify a day under subsection four of this section that is earlier than three months before the date of the order unless the Minister is satisfied that in all the circumstances of the case it is just and reasonable to do so.

(6) Subject to this section, the Minister may, in the order, specify a day under subsection four of this section that is before or after the commencement of section two of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

(7) As from the date of commencement of the order the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in mine work, whether or not he is or would, but for subsection eight of this section, be a mine worker by virtue of any other provision of this Act.

(8) During any period that a person is a mine worker by virtue of this section and the operation of the order he shall be deemed, notwithstanding anything elsewhere contained in this Act, not to be a mine worker during that period by virtue of any other provision of this Act.

(9) Without affecting the generality of any other provision of this section, the Minister may, in the order, declare that a person specified or described therein, or a person of a class of persons specified or described therein, is not a mine worker by virtue of this section and the operation of the order, and the declaration shall have effect according to its tenor.

(10)

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

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(10) The retiring age of any person who by virtue of this section and the operation of the order is a mine worker shall be such age as is specified in the order, and applicable to him, as his retiring age :

Provided that, where an age (being later than the age of sixty years) is so specified and applicable to him, he 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.

(11) As from the date of commencement of the order 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 and the operation of the order :

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

- (a) where the date of the order is later than the date of commencement of the order—to the date of the order ; or
- (b) in any other case—to the date of commencement of the order :

Provided further that the provisions of this Act, in their application to and in respect of such person, shall be deemed to be modified to the following extent, that is to say—sections five and six of this

Act



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

Act shall have and take effect as if the age specified in the order and applicable to such person, or where such person retires or is retired before the age of sixty-five years, as permitted by the proviso to subsection ten of this section, the age at which such person retires or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly.

(12) For the purposes of this Act, all mine work shall be deemed to be work in or about a coal or oil shale mine.

(13) The regulations may make provision for or with respect to requiring any person to forward notices, to make returns or to give information for the purpose of enabling the Tribunal to determine whether any work should be declared to be mine work.

(14) Any power or duty conferred or imposed upon the Minister by this section may be exercised or performed by him upon the recommendation of the Tribunal.

(15) In this section—

"date of commencement of the order" means the day specified in the order as the date of commencement thereof;

"date of the order" means the date on which the order is made;

"mine work" means any work declared to be mine work under subsection one of this section.

- (e) (i) by omitting from subsection four of section **Sec. 3.** three the words "Commonwealth Conciliation and Arbitration Act 1904-1934" and by inserting in lieu thereof the words "Conciliation and Arbitration Act"; (Special provisions as to calculation of periods of employment.)
- (ii)

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

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

(8) Where a mine worker ceases to be engaged in the coal or oil shale mining industries for any period not exceeding three months, or for any periods none of which exceed three months, the Tribunal may, if it is just and equitable to do so, disregard that period or those periods for the purpose of determining continuity of engagement in those industries : Provided that the Tribunal shall not disregard a period under this subsection unless the mine worker became engaged in those industries upon the expiration of the period.

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

**3. Part II of the Principal Act is amended—**

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

- (a) (i) by omitting from subsection one of section six the words “two pounds per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

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

Where a mine worker's date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, any  
 period

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

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period for which he was engaged in the coal or oil shale mining industries in New South Wales before the eighth day of October, one thousand nine hundred and forty-one, shall be disregarded in determining his eligibility for a pension pursuant to this subsection.

- (iii) by omitting from subsection (1A) of the same section the words "two pounds fifteen shillings per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iv) by inserting at the end of subsection (1A) of the same section the following new paragraph :—

Any person who became a mine worker after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949, and before the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or who becomes a mine worker after the commencement of that section, shall be deemed never to have been eligible, and shall not be eligible, for a pension pursuant to subsection one of this section.

- (v) by omitting from subsection two of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (vi) by omitting from subsection three of the same section the words "two pounds per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(vii)

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

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(vii) by omitting from the same subsection the words "six pounds two shillings and sixpence per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(viii) by omitting subsections four to fifteen (inclusive) of the same section;

New secs.  
6A, 6B.

(b) by inserting next after section six the following new sections :—

New entrants not eligible for pension under section six.

6A. A mine worker shall not be eligible for a pension pursuant to section six of this Act if he is a new entrant within the meaning of section 6B of this Act.

Pensions—mine workers who are retired—new entrants.

6B. (1) In this section, "new entrant" means a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and—

(a) who was not engaged in the coal or oil shale mining industries immediately before that commencement; or

(b) who was so engaged immediately before that commencement but ceased to be so engaged for any period after that commencement and before the date of retirement,

but does not include a mine worker declared by the Tribunal under subsection six of this section not to be a new entrant.

(iv)

(2)

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

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(2) A new entrant shall be eligible as from the date of retirement to a pension of the appropriate amount per week referred to in section 10EA of this Act—

(a) if he has been continuously engaged in the coal or oil shale mining industries for a period of not less than fifteen years immediately before the date of retirement; or

(b) if he has been engaged in the coal or oil shale mining industries for two or more periods together amounting to not less than fifteen years and if—

(i) every period between those periods was an approved interval referred to in subsection three of this section; and

(ii) he has been continuously engaged in those industries for the period of twelve months immediately before the date of retirement.

(3) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

(a) that it was so terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood); or

(b) that it was so terminated by reason of his ill health and that he did not become eligible for a pension under this Act by virtue thereof,

the period commencing upon that termination of his engagement in those industries and ending when he becomes again engaged in those industries shall be an approved interval for the purposes of subsection two of this section, unless the Tribunal is

satisfied

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

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satisfied that he failed without good reason to be engaged in those industries for any part of that period.

In this subsection, "period" means period that is wholly before or wholly after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, or that is partly before and partly after that commencement.

(4) For the purposes of this section, a mine worker shall not be deemed to be "engaged in the coal or oil shale mining industries" by reason of the operation of paragraph (b) or (c) of subsection two of section two of this Act.

(5) For the purposes of this section, an apprentice whose employment as a mine worker is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

(6) The Tribunal may declare a mine worker whose date of retirement is later than the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and who was not engaged in the coal or oil shale mining industries immediately before that commencement, not to be a new entrant if the Tribunal is satisfied that—

- (a) he was employed as a mine worker at any time after the first day of January, one thousand nine hundred and forty-two;
- (b) his employment as a mine worker was terminated by reason of retrenchment or cavil out, slackness of trade or act of God (including fire or flood);

(c)

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

- (c) a permit was not issued to him under section 2E of this Act by virtue of that termination of his employment because he did not satisfy the requirements set out in paragraph (a), (b) or (c) of subsection three of that section; and
- (d) he became engaged in the coal or oil shale mining industries at the earliest reasonable opportunity after that commencement.
- (c) (i) by omitting from subsection one of section seven the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 7. (Pension—permanent incapacity.)
- (ii) by omitting paragraph (a) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (a) that he has been incapacitated by injury as a mine worker and that such incapacity arose after the twenty-first day of November, one thousand nine hundred and forty-one; and
- (iii) by omitting from subsection (1A) of the same section the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (d) by omitting from subsection one of section eight the words "thirteen dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act"; Sec. 8. (Hard luck cases.)
- (e) (i) by omitting from subsection one of section nine the words "section six" and by inserting in lieu thereof the words "section six, section 6B"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- (v) (ii)

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

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(ii) by omitting from paragraph (a) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(iii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph :—

(b) the appropriate amount per week referred to in section 10EA of this Act in respect of each child or step-child who is or becomes totally dependent on his earnings, which amount shall be payable only during any period of dependency until such child attains the age of sixteen years.

This paragraph applies in respect of any child or step-child whether born before or after the commencement of section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, and whether born before or after the date on which such mine worker becomes eligible for such pension, and whether legitimate or illegitimate :

Provided that no addition shall be payable under this paragraph in respect of any illegitimate child born after the date on which such mine worker becomes so eligible;

(iv) by omitting from paragraph (c) of the same subsection the words "an amount of twelve dollars twenty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";

(ii)

(v)



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

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- (v) by omitting from paragraph (d) of the same subsection the words "where no amount is payable under paragraph (b) of this subsection an amount of eighty-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (vi) by omitting from subsection (1A) of the same section the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "Social Services Act";
- (vii) by omitting from subsection five of the same section the words "section six" and by inserting in lieu thereof the words "section six, section 6B";
- (viii) by inserting in the same subsection after the words "capable of performing," the words "and where he proves to the satisfaction of the Tribunal that his monetary circumstances warrant an addition to his pension pursuant to this subsection,";
- (ix) by omitting from the same subsection the words "under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" and by inserting in lieu thereof the words "under the Social Services Act";
- (x) by omitting from the same subsection the words "equivalent to the difference between the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, for age or invalid pension, and the amount per week payable as an addition to a  

pension

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

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pension pursuant to paragraph (a) of subsection one of this section” and by inserting in lieu thereof the words “equal to the amount (if any) by which the amount per week payable as an addition to a pension pursuant to paragraph (a) of subsection one of this section exceeds the maximum rate per week applicable in the circumstances and fixed by or in accordance with the Social Services Act for age or invalid pension”;

(xi) by omitting from subsection (5A) of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(xii) by omitting from subsection six of the same section the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(xiii) by omitting from the same subsection the words “an amount of two dollars fifty cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

Sec. 10.  
(Pension  
payable to  
dependants.)

(f) (i) by omitting from paragraph (a) of subsection one of section ten the words “section six” and by inserting in lieu thereof the words “section six, section 6B”;

(ii) by omitting from the same subsection the words “twelve dollars seventy-five cents per week” and by inserting in lieu thereof the words “the appropriate amount per week referred to in section 10EA of this Act”;

(iii)

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- (iii) by omitting from subsection (1C) of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iv) by omitting from subsection (1D) of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (g) (i) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 10A the words "section six" and by inserting in lieu thereof the words "section six, section 6B";  
Sec. 10A. (De facto wife.)
- (ii) by omitting from subsection three of the same section the words "twelve dollars seventy-five cents per week" and by inserting in lieu thereof the words "the appropriate amount per week referred to in section 10EA of this Act";
- (iii) by omitting from subsection four of the same section the words "the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1949" and by inserting in lieu thereof the words "section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971";
- (h) by omitting section 10c;  
Sec. 10c. (Increases in pensions and additions thereto.)
- (i)

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Sec. 10D.  
(Further  
increases  
in pensions  
and  
additions  
thereto.)

(i) by omitting section 10D;

Sec. 10E.  
(Further  
increases  
in pensions  
and  
additions  
thereto.)

(j) by omitting section 10E;

New sec.  
10EA.

(k) by inserting next before section 10F the following  
new section :—

Appropriate  
amounts of  
pensions  
and  
additions  
thereto.

10EA. (1) For the purposes of any provision of  
this Act in which there is a reference to the appro-  
priate amount per week payable as a pension or  
addition to a pension the appropriate amount per  
week payable to—

(a) a person who is described in Item 1, 2 or 5  
of the Schedule to this Act shall—

(i) in the case of a person who is in  
receipt of, or eligible to receive, the  
pension or addition referred to in  
any such description on the eighth  
day of April, one thousand nine  
hundred and seventy-one—be, as  
from that day; or

(ii) in the case of a person who becomes  
eligible therefor after that day—be,  
as from the day on which he  
becomes so eligible;

(b) a person who is described in Item 3 or 4 of  
that Schedule shall—

(i) in the case of a person who is in  
receipt of, or eligible to receive, the  
pension or addition referred to in  
any

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any such description on the day on which section three of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, commences—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible; or

(c) a person who is described in Item 6 of that Schedule shall—

(i) in the case of a person who is in receipt of, or eligible to receive, the pension or addition referred to in that description on the thirteenth day of April, one thousand nine hundred and seventy-one—be, as from that day; or

(ii) in the case of a person who becomes eligible therefor after that day—be, as from the day on which he becomes so eligible,

the amount specified in the Third Column of that Schedule opposite the relevant description.

(2) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

(1) by omitting section 10F and by inserting in lieu thereof the following sections :—

Subst. sec. 10F, new sec. 10G.

10F. (1) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of

Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.

the

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

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the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act—

(a) by omitting the reference to the amount in the Third Column appearing opposite the figure "1" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

(i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount by which the weekly rate of age pension for a single pensioner is so increased;

(b) by omitting the reference to the amount in the Third Column appearing opposite the figure "2" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

(i) the amount the reference to which is so omitted under this paragraph; and

(ii) the amount which, together with the amount referred to in subparagraph (ii) of paragraph (a) of this subsection, equals the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

(2) Where the age pension payable to a single pensioner under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by omitting the reference to the amount in the Third Column  
appearing

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appearing opposite the figures "5" and "6" in the First Column respectively and by inserting in lieu thereof a reference to the amount that equals the sum of—

- (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said age pension is so increased.

(3) Where the amount of child's allowance for a first child payable under the Social Services Act is increased, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the increase, amend the Schedule to this Act by omitting the reference to the amount in the Third Column appearing opposite the figure "3" in the First Column and by inserting in lieu thereof a reference to the amount that equals the sum of—

- (a) the amount the reference to which is so omitted under this subsection; and
- (b) the amount by which the weekly rate of the said child's allowance is so increased.

(4) The Minister, on the recommendation of the Tribunal, shall, in an order made under this section, specify the date as from which any amendment to the Schedule to this Act effected in pursuance of this section shall take effect.

(5) In an order made under this section, different dates may be specified for the purposes of subsection four of this section in respect of different classes of pensioners or pensions or additions to pensions, and the dates so specified may be dates before or after the date of publication of the order in the Gazette.

(6)

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

(6) The Schedule to this Act, as amended in pursuance of this section, shall be the Schedule to this Act.

(7) Nothing in this section affects anything contained in section 11A or thirteen of this Act.

Construction of references to date of retirement upon certain increases in pension.

10G. Where any provision of this Act relates to a person's eligibility for a pension under this Act from the date of retirement, that provision shall, in respect of a person who is described in Item 1 of the Schedule to this Act and who is in receipt of, or eligible to receive, the pension referred to in that description on—

(a) the eighth day of April, one thousand nine hundred and seventy-one; or

(b) the day on which any amendment to that Item effected in pursuance of section 10F of this Act takes effect,

whichever day is the later or the latest, be read and construed as if the reference to the date of retirement were omitted therefrom and a reference to that day were substituted therefor.

Sec. 11.  
(Pensions—special provisions.)

(m) by omitting from subsection one of section eleven the words "section six" and by inserting in lieu thereof the words "section six, section 6B";

Sec. 11B.  
(Power to cancel pensions.)

(n) (i) by inserting next after subsection one of section 11B the following new subsection :—

(1A) Where a person has been awarded a pension pursuant to section seven of this Act the Tribunal may, from time to time, review the case, and may, notwithstanding that when he was awarded the pension he possessed the necessary qualifications for eligibility therefor,

cancel



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cancel the pension if the Tribunal is satisfied that, having regard to a change in the circumstances of the particular case, it is just and equitable to do so.

(ii) by inserting in subsection two of the same section after the word "pension" where firstly occurring the words "or addition to a pension";

(iii) by inserting in the same subsection after the word "pension" where secondly and thirdly occurring the words "or addition";

(o) (i) by omitting from subsection two of section twelve the words "either before or after the commencement of this Part";

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

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

In calculating the total sum so paid to the mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from that total sum.

(iii) by omitting from subsection four of the same section the words "for a pension under section six" and by inserting in lieu thereof the words "a pension under section six, section 6B";

(p) (i) by omitting from section thirteen the words "Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament" wherever occurring (except in subsection three) and by inserting in lieu thereof the words "Social Services Act";

Sec. 13.  
(Deductions from pensions.)

(ii)

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- (ii) by omitting from subsection one of the same section the words "or, in the case of a permanently incapacitated mine worker under sixty years of age, from earnings derived or which might be derived from available employment of the nature referred to in subsection two of section seven of this Act";
- (iii) by omitting from the same subsection the words "such Social Services Consolidation Act 1947, as so amended," wherever occurring and by inserting in lieu thereof the words "the Social Services Act";
- (iv) by omitting from the same subsection the words "any child or children" and by inserting in lieu thereof the words "a child";
- (v) by omitting from the same subsection the words "any such child" wherever occurring and by inserting in lieu thereof the words "such child";
- (vi) by omitting from the same subsection the words "such a child" and by inserting in lieu thereof the words "such child";
- (vii) by inserting next before subsection two of the same section the following new subsections :—
  - (1B) Where the Tribunal is satisfied that, but for the absence from Australia of any person (in this subsection referred to as "the firstmentioned person"), any amount (in this subsection referred to as "the firstmentioned amount") would be payable under the Social Services Act to—
    - (a) the firstmentioned person; or
    - (b) some other person in respect of the firstmentioned person,

in

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in respect of any period for which a pension is payable under this Act to the firstmentioned person or to that other person, the Tribunal may deduct, from the amount payable as such pension, the whole of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to the firstmentioned person or to that other person in respect of the firstmentioned person, as the case may require, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

(1c) Where the Tribunal is satisfied that, but for—

- (a) the refusal of an application made for a pension under the Social Services Act by a female; or
- (b) the cancellation of a female's pension under that Act,

on any ground other than a ground relating to her means as assessed (within the meaning of that Act) in relation to her, any amount (in this subsection referred to as "the firstmentioned amount") would be payable as pension under that Act to her in respect of any period for which a pension is payable under section ten or 10A of this Act to her, the Tribunal may deduct, from the amount payable as such pension under this Act, the whole

of

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of the prescribed amount or such part of the prescribed amount as the Tribunal may determine.

The prescribed amount for the purposes of this subsection is the amount that equals the amount that the Tribunal is satisfied would be deducted, from the amount so payable as such pension under this Act, in pursuance of subsection one of this section if the firstmentioned amount was paid under the Social Services Act to a female referred to in this subsection, but does not include any amount that would be so deducted whether or not this subsection had been enacted.

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

(3) In this section, "Social Services Act" has the meaning ascribed thereto by subsection one of section two of this Act, and includes any agreement referred to in section one hundred and thirty-seven of the Social Services Act.

Further amendment of Act No. 45, 1941. (Part II.—Compulsory Retirement and Pensions.)

4. (1) Part II of the Principal Act is further amended—

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

(a) (i) by inserting in subsection (1A) of section nine after the word "person" where firstly occurring the words "(in this subsection referred to as "the dependant")";

(ii)

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- (ii) by inserting in the same subsection after the words "mine worker" where firstly occurring the words "(in this subsection referred to as "the mine worker")";
- (iii) by omitting from the same subsection the words "such mine worker where the income of such person" and by inserting in lieu thereof the words "the mine worker during a prescribed period, where the dependant's average weekly income during that period";
- (iv) by omitting from the same subsection 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";
- (v) by inserting at the end of the same subsection the following new paragraphs :—

In this subsection, "prescribed period" means, except as hereinafter provided in this subsection—

- (a) the period commencing on the tenth day of April, one thousand nine hundred and seventy, and ending on the thirty-first day of December next following; or
- (b) the period of twelve months commencing on the first day of January, one thousand nine hundred and seventy-one, or any subsequent period of twelve months commencing on the first day of January in any year thereafter.

Notwithstanding anything in the foregoing provisions of this subsection, where—

- (i) the dependant has ceased to be employed in any employment (including self employment) during a period  
specified

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

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specified in paragraph (a) or (b) of the definition of "prescribed period" in this subsection; and

- (ii) no addition was payable to the mine worker under paragraph (a) or (c) of subsection one of this section in respect of the dependant at any time (whether before or after the commencement of section four of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971) before the dependant has so ceased to be employed,

then, for the purposes of the foregoing provisions of this subsection, in so far as those provisions apply to and in respect of the mine worker and the dependant, the period referred to in subparagraph (i) of this paragraph shall, instead of being treated as one prescribed period, be deemed to consist of two prescribed periods, namely :—

- (iii) the period commencing on the day on which the period so referred to commences and ending on the day on which the dependant has so ceased to be employed; and
  - (iv) the period commencing on the day following the day on which the dependant has so ceased to be employed and ending on the day on which the period so referred to ends.
- (vi) by inserting next after the same subsection the following new subsection :—

(1B) Notwithstanding anything in subsection (1A) of this section, no regard shall, for the purposes of that subsection, be had to

the

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

the income of a person, where the Tribunal is satisfied that such income was paid as a lump sum in respect of or in consequence of the termination of any employment of that person and that such income should be so disregarded having regard to the circumstances of the case.

- (b) (i) by inserting in subsection one of section 11A after the words “(including self employment)” the words “during any quarter”; Sec. 11A.  
(Income from employment.)
- (ii) by inserting in the same subsection after the word “pensioner” where secondly occurring the words “during that quarter”;
- (iii) by omitting from the same subsection the words “the immediately preceding” and by inserting in lieu thereof the word “that”.

(2) This section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

5. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this section referred to as “the appointed day”) the Superannuation Tribunal constituted under the Principal Act shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section fifteen of the Principal Act as amended by this section. Reconstitution of the Superannuation Tribunal.

(2) Nothing in this section prejudices or affects in any way the continuity of the body corporate declared to be such under subsection seven of section eighteen of the Principal Act, and it shall continue notwithstanding the provisions of this section and be deemed, notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them, to have always continued.

(9)

(3)

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(3) For the purposes only of the appointment of persons to be members of the Superannuation Tribunal as reconstituted under this section, and of any matters necessary for or incidental to that appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(4) The persons so appointed shall assume their offices as members of the Superannuation Tribunal as so reconstituted upon the appointed day, and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) Part III of the Principal Act is amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

Sec. 15.  
(The  
Tribunal.)

(a) by omitting from subsection two of section fifteen the word "five" and by inserting in lieu thereof the word "seven";

(b) (i) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) three shall be appointed on the nomination of organisations of the owners of coal mines in New South Wales;

(ii) by omitting paragraphs (d) and (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—

(d) one shall be appointed on the nomination of the Northern District Branch of the Australian Coal and Shale Employees' Federation;

(e)



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- (e) one shall be appointed on the nomination of the Southern District Branch and the Western District Branch of that Federation; and
- (f) one shall be appointed on the nomination of the mining unions (except that Federation).
- (c) (i) by omitting from subsection five of the same section the words "as the representative of any of the classes of persons referred to in" and by inserting in lieu thereof the words "in pursuance of paragraph (b), (d), (e) or (f) of";
- (ii) by omitting from the same subsection the words "representative of such class" and by inserting in lieu thereof the words "to be appointed in pursuance of that paragraph";
- (d) (i) by omitting from subsection six of the same section the word "three" where firstly occurring and by inserting in lieu thereof the word "four";
- (ii) by omitting from the same subsection the words "paragraph (d) or (e)" and by inserting in lieu thereof the words "paragraph (d), (e) or (f)".

6. (1) Part III of the Principal Act is further amended—

Further  
amendment  
of Act No.  
45, 1941.  
(Part III.—  
The  
Tribunal.)

- (a) (i) by omitting from the definition of "mining union" in subsection three of section fifteen the words "Commonwealth Conciliation and Arbitration"
- Sec. 15.  
(The  
Tribunal.)

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

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Arbitration Act 1904–1934, of the Parliament of the Commonwealth” and by inserting in lieu thereof the words “Conciliation and Arbitration Act”;

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

(f) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

New sec.  
16A.

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

Delegation.

16A. (1) The Tribunal may, by instrument in writing, delegate to the Registrar the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it (other than this power of delegation) by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the Registrar in accordance with the terms of the delegation.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation

(4)

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(4) Notwithstanding any delegation made under this section the Tribunal may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by the Registrar when acting in the exercise of any delegation made under this section and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Tribunal.

(6) Notwithstanding anything in this section, the Tribunal shall not under this section delegate to the Registrar the exercise or performance of such of its powers, authorities, duties or functions as are specified or described in the regulations.

(2) Paragraph (b) 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.

7. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

(a) (i) by inserting in paragraph (c) of subsection six of section eighteen after the word "moneys" the words "due to the Tribunal and";

(ii)

(ii)

Sec. 18. (The Fund.)

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

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

(d) Nothing in paragraph (a) of this subsection prevents the Tribunal from acting, with the approval of the Governor, jointly with any person or body of persons or with the Government of the State in relation to all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of that paragraph.

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

(6A) (a) Notwithstanding the provisions of subsection five of this section the Tribunal may, upon such terms as may be agreed upon, lend any moneys in the Fund which are not immediately required for the purposes of the Fund to the Government of the State for the purpose of acquiring or constructing a building suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal.

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

(c) All moneys received by the Tribunal in relation to the loan referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

Sec. 19.  
(Contributions and reserves.)

(b) (i) by inserting in subsection six of section nineteen after the word "wages" the words "or other sums due to mine workers";

(ii)

(ii)

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

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

(6A) Subject to subsection (6B) of this section, where any amount is payable by an owner under subsection five of this section, or by a mine worker under subsection six of this section, and that amount is not paid to the Tribunal within twenty-eight days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner or mine worker, as the case may require, to the Tribunal until that amount is paid to the Tribunal.

(6B) Where any amount has been collected by a mine worker's employer under subsection six of this section and the amount has not been paid to the Tribunal within twenty-eight days of its becoming due to the Tribunal or of its collection, whichever is the later—

(a) no interest shall be payable on that amount by the mine worker under subsection (6A) of this section in respect of the period after the amount was so collected; and

(b) the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the employer to the Tribunal until that amount is paid to the Tribunal.

(6C) Any interest directed to be paid under subsection (6A) or (6B) of this section may be recovered in like manner as contributions.

(6D) Any interest received by the Tribunal under this section shall be paid into the Fund.

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

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(2) Subparagraph (ii) of paragraph (b) 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.

Further amendment of Act No. 45, 1941. (Part IV.—Funds and Contributions.)

Sec. 19. (Contributions and reserves.)

8. (1) Part IV of the Principal Act is further amended—

(a) by inserting next after subsection one of section nineteen the following new subsection :—

(1A) All moneys standing to the credit of the Fund immediately before the first day of July, one thousand nine hundred and sixty-nine, shall form part of the reserve.

(b) (i) by omitting from paragraph (a) of subsection two of the same section the words “income (hereinafter called “the investment income”) accrued during that period of twelve months from all Fund moneys invested by the Tribunal” and by inserting in lieu thereof the words “investment income of that period of twelve months”;

(ii) by omitting from paragraph (b) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;

(iii) by omitting from paragraph (c) of the same subsection the words “accrued during” and by inserting in lieu thereof the word “of”;

(c)

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

(8) In this section, “investment income”, in relation to a period of twelve months, means income in the nature of—

- (a) interest accrued during that period from all Fund moneys invested by the Tribunal; and
- (b) capital gains accrued as a result of the realisation of any such investments during that period,

less any amount representing capital losses incurred as a result of the realisation of any such investments during that period.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.

9. (1) Part IVA of the Principal Act is amended—

Further amendment of Act No. 45, 1941.  
(Part IVA.—  
Coal and  
Oil Shale  
Mine  
Workers  
Compensa-  
tion  
Subsidies.)

(a) by omitting from subsection three of section 19A the words “section six” and by inserting in lieu thereof the words “section six, 6B”; Sec. 19A.  
(Eligibility of mine workers for subsidies.)

(b) (i) by omitting from paragraph (b) of subsection one of section 19B the words “section six” and by inserting in lieu thereof the words “section six, 6B”; Sec. 19B.  
(Amount of subsidy.)

(ii)

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

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

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

(a) an amount equal to the amount by which, if he were receiving a pension under section seven or eight of this Act—

(i) that pension; and

(ii) any additions thereto which he would be receiving under section nine of this Act,

would have been reduced having regard to the provisions of sections 11A and thirteen of this Act;

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

Provided that, in the case of a mine worker who is of or over the age of sixty years, paragraph (b) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled if he were receiving a pension under section six, 6B, seven or eight of this Act and any additions thereto which he would be receiving under section nine of this Act.

(iii)



Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(iii) by omitting from subsection (2A) of the same section the words "one or (1A)" and by inserting in lieu thereof the word "one";

(iv) by omitting from subsection three of the same section the words "either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947,";

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

In calculating the total sum which would have been so payable to such mine worker for the purposes of this subsection, no regard shall be had to any provision of this Act that would, but for this paragraph, require the deduction of any amount from such total sum.

(vi) by omitting subsection five of the same section;

(c) (i) by omitting from subsection five of section 19D the words "by virtue of the operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961";

Sec. 19D.  
(Contributions to Subsidy Fund.)

(ii) by omitting from the same subsection the words "by virtue of the operation of such amendments";

(d) (i) by omitting paragraph (b) of subsection one of section 19F;

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

(ii)

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

(ii) by omitting from paragraph (d) of the same subsection the words "the Joint Coal Board under any rehabilitation scheme or";

Sec. 19H.  
(Suspension  
of subsidy  
rights in  
certain  
events.)

(e) (i) by omitting from section 19H the words "an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts," and by inserting in lieu thereof the words "a patient within the meaning of the Mental Health Act, 1958,";

(ii) by omitting from the same section the words "an insane" where secondly occurring and by inserting in lieu thereof the word "a".

(2) Subparagraph (ii) of paragraph (b) of subsection one of this section shall be deemed to have commenced upon the tenth day of April, one thousand nine hundred and seventy.

Further  
amendment  
of Act No.  
45, 1941.  
New Part  
IVB.

**10.** The Principal Act is further amended by inserting next after Part IVA the following new Part :—

**PART IVB.**

**REFUND OF MINE WORKERS' CONTRIBUTIONS.**

Interpreta-  
tion.

19I. In this Part, "contributions" means contributions paid to the Fund by a mine worker and includes contributions paid in pursuance of a term or condition subject to which a permit under section 2E of this Act was issued.

19J.

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

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19J. (1) Subject to this Part, where a mine worker's engagement in the coal or oil shale mining industries has been terminated and the Tribunal is satisfied—

(a) that it was so terminated—

(i) by reason of his attaining the age at which he is obliged to retire under this Act or by reason of his retirement upon attaining an age at which he may retire under this Act;

(ii) by reason of retrenchment or cavi out, slackness of trade or act of God (including fire or flood) or by reason of his ill health; or

(iii) by reason of his death; and

(b) that neither he nor any other person is eligible for a pension under this Act consequent upon that termination of his engagement or on his death, as the case may be,

the Tribunal shall refund to him or to his personal representatives, or failing them, to such person (if any) as the Tribunal may determine, an amount equal to the total amount of the mine worker's contributions paid to the Fund together with interest thereon at the rate of three per cent per annum in respect of any period before that termination of his engagement.

(2) Where a mine worker's engagement in the coal or oil shale mining industries has been terminated by reason of any matter referred to in subparagraph (ii) of paragraph (a) of subsection one of this section—

(a) no refund shall, while he remains alive, be made to him under this section consequent upon that termination of his engagement unless he elects that it be made to him or unless the Tribunal is

satisfied

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

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satisfied that he is unable for any reason to make that election and that it is just and equitable to do so; and

- (b) that mine worker shall, if the Tribunal has refunded to him an amount under this section consequent upon that termination of his engagement in respect of any period before that termination of his engagement, be deemed for the purposes of section six or 6B of this Act to have been engaged, during that period, otherwise than in those industries.

(3) For the purposes of this section, an apprentice whose employment is terminated on completion of his apprenticeship shall be deemed to have been retrenched.

Reduction  
of amount  
of refund.

19K. An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by such of the following amounts as may be applicable:—

- (a) an amount equal to any amount previously refunded to or in respect of him under this Part;
- (b) an amount equal to any contributions paid by him to the Fund in respect of any period before the commencement of section ten of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971;
- (c) an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of the said section ten.

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.***11. Part V of the Principal Act is amended—**

Further amendment of Act No. 45, 1941. (Part V.—Miscellaneous.)

- (a) (i) by omitting from paragraph (a) of subsection two of section twenty-one the words “an insane patient within the meaning of the Lunacy Act of 1898, as amended,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”; Sec. 21. (Suspension of pension rights in certain events—alternative pensions to dependants.)
- (ii) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- (iii) by omitting from the same paragraph the words “an insane” where thirdly occurring and by inserting in lieu thereof the words “such a”;
- (iv) by omitting from paragraph (b) of the same subsection the words “an insane patient within the meaning of the Lunacy Act, 1898–1947,” and by inserting in lieu thereof the words “a patient within the meaning of the Mental Health Act, 1958,”;
- (v) by omitting from the same paragraph the words “an insane” where secondly occurring and by inserting in lieu thereof the word “a”;
- (vi) by omitting from paragraph (c) of the same subsection the words “insane patient” and by inserting in lieu thereof the words “patient within the meaning of the Mental Health Act, 1958,”;

(vii)

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

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- (vii) by omitting from the same paragraph the words "institution for the insane" and by inserting in lieu thereof the words "admission centre, mental hospital, or authorised hospital, within the meaning of that Act";
  - (viii) by omitting from paragraph (a) of subsection three of the same section the words "Deserted Wives and Children Act, 1901-1931," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
  - (ix) by omitting from paragraph (a) of subsection four of the same section the words "Deserted Wives and Children Act, 1901-1939," and by inserting in lieu thereof the words "Maintenance Act, 1964,";
  - (x) by omitting from the same subsection the word "specified" and by inserting in lieu thereof the words "referred to";
- Sec. 27.  
(Actuarial investigation of funds.)
- (b) by omitting from section twenty-seven the words "each of the funds established under section eighteen" and by inserting in lieu thereof the words "the Fund";
- Sec. 28.  
(Advances by Treasury.)
- (c) by omitting from section twenty-eight the word "Colonial";
- Sec. 30.  
(Recovery of penalties.)
- (d) by omitting from subsection one of section thirty the words "or police".

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

12. The Principal Act is further amended by inserting next after Part V the following new Schedule :—

Further amendment of Act No. 45, 1941.

## SCHEDULE.

New Schedule. Secs. 10EA, 10F.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
		\$
1	A person who is in receipt of, or eligible to receive, a pension under section 6, 6B, 7 or 8 or who becomes eligible therefor.	20.25
2	A person who is in receipt of, or eligible to receive, an addition under paragraph (a) or (c) of subsection (1) of section 9, whether by virtue of the operation of subsection (1) of section 10A or otherwise, or who becomes eligible therefor.	15.25
3	A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (b) of subsection (1), or subsection (2), (3), (4) or (6) of section 9, or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	2.50
4	A person— (a) who is in receipt of, or eligible to receive, an addition under paragraph (d) of subsection (1) of section 9 or who becomes eligible therefor; or (b) who is in receipt of, or eligible to receive, a pension equal to an addition referred to in paragraph (a) hereof by virtue of subsection (1) or (1F) of section 10 or who becomes eligible therefor.	0.85

SCHEDULE.

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

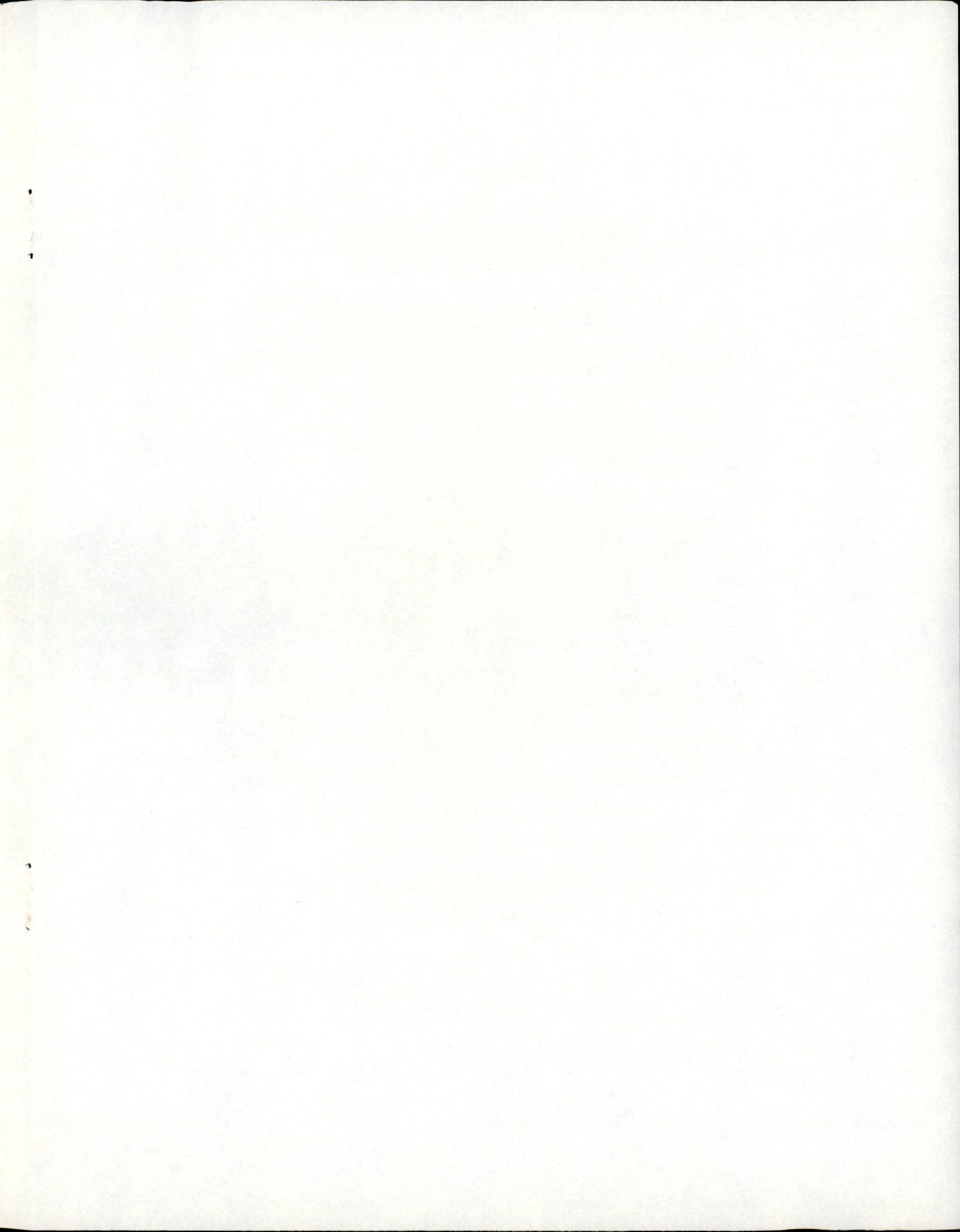
FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Item.	Description of Person.	Amount of Pension or Addition.
		\$
5	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, not being a person who is referred to in Item 3, 4 or 6 hereof.	19.25
6	A person who is in receipt of, or eligible to receive, a pension under section 10 (except subsection (1E)), whether by virtue of the operation of subsection (1) of section 10A or otherwise, or section 10A (except subsection (5)), or who becomes eligible therefor, being a person who is in receipt of a widow's pension under the Social Services Act.	19.25

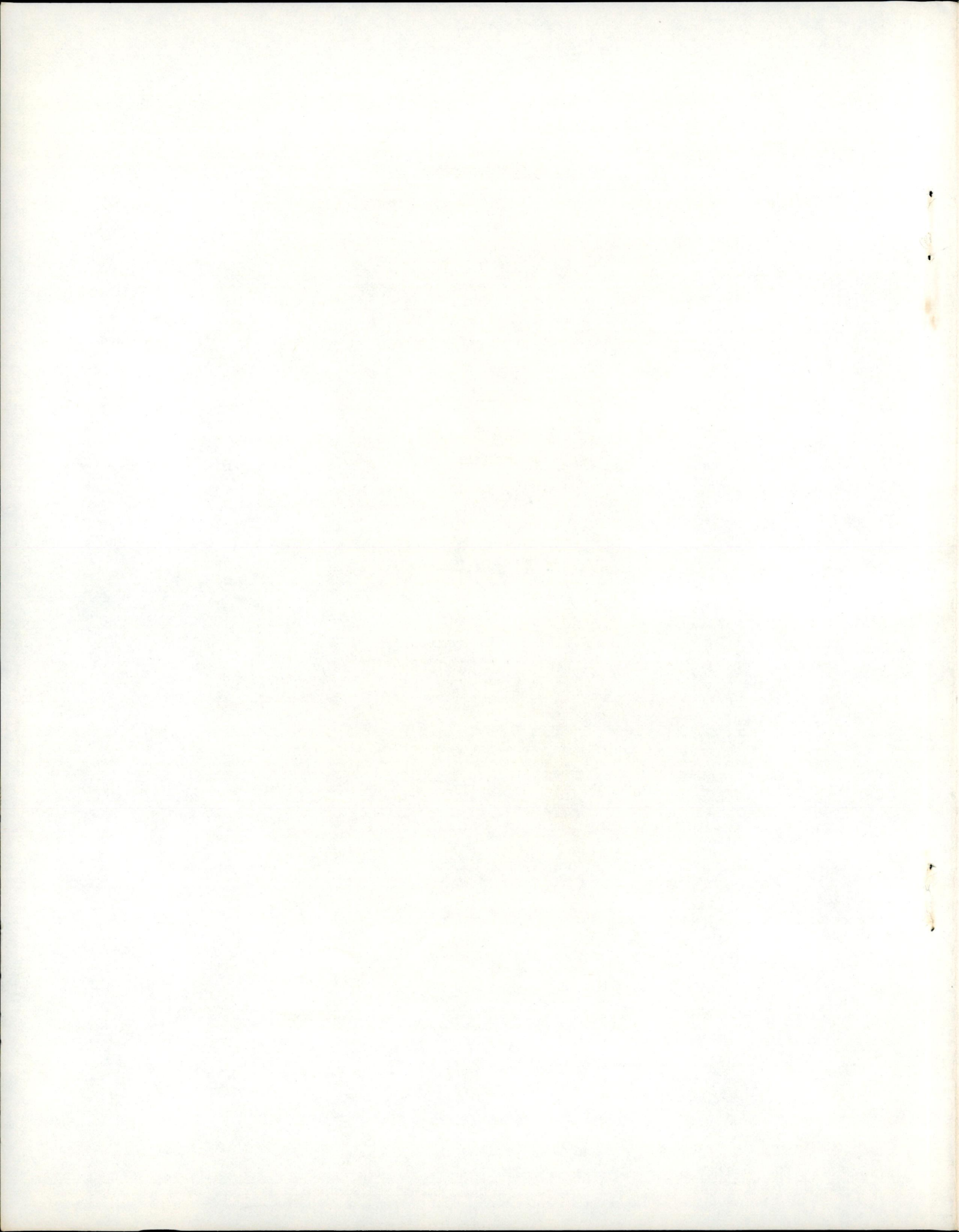
*In the name and on behalf of Her Majesty I assent to this Act.*

**K. W. STREET,**  
By Deputation from  
*His Excellency the Governor.*

*Government House,*  
*Sydney, 25th May, 1971.*







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

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*Schedule of Amendments referred to in Legislative Council's  
Message of 6 May, 1971.*

No. 1.—Page 17, clause 3, lines 8 to 10 inclusive. *Omit* all words on these lines.

No. 2.—Page 17, clause 3, lines 27 to 29 inclusive. *Omit* all words on these lines.

