

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 18 September, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

Act No. , 1975.

An Act to increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; 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.*

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

1. This Act may be cited as the "Coal and Oil Shale Short title.  
Mine Workers (Superannuation) Amendment Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-  
shall commence on the date of assent to this Act. ment.

10 (2) Section 4 shall be deemed to have commenced on  
25th May, 1971.

3. The Coal and Oil Shale Mine Workers (Superannu- Amendment  
ation) Act, 1941, is amended— of Act No.  
45, 1941.

15 (a) by inserting after section 10A the following Sec. 10AA.  
section:—

10AA. (1) Where—

- 20 (a) an application for a pension under this Act Payment of  
is made by a mine worker or by a person pension  
who may be awarded a pension under this where con-  
Act upon the death of a mine worker; tributions  
refunded.
- (b) a refund of contributions has been made  
under Part IVB to or in respect of that  
mine worker; and
- 25 (c) the Tribunal allows the application referred  
to in paragraph (a),

the

---

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

---

the pension payable under this Act shall—

- 5 (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- 10 (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

15 (2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

20 (3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- 25 (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- 30 (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

(b)

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

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

Sec. 10EA.  
(Appropriate amounts of pensions and additions thereto.)

5 (2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting  
10 instead a reference to the amount that equals the sum of—

(a) the amount the reference to which is so omitted; and

15 (b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

20 (4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week paid as pension to a person who is described in  
25 Item 1, 5 or 6 of the Schedule was or is the sum of—

(a) the amount which would, but for this subsection, have been paid or be payable; and

(b) two dollars,

30 that payment is hereby validated.

(5)

---

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

---

(5) Nothing in this section affects anything contained in section 11A or 13.

(c) by omitting section 19J (1) (b) and by inserting Sec. 19J.  
instead the following paragraph :— (Refund.)

5 (b) that—

(i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—  
10 —he is not eligible for a pension under this Act;

(ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death;  
15 or

(iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;  
20  
25

(d) by omitting section 32 (4) and by inserting instead Sec. 32.  
the following subsection :— (Regulations.)

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had  
30 been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

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

Further amendment of Act No. 45, 1941.

5 (a) by omitting from section 19K the words "An amount payable as a refund under this Part to or in respect of a mine worker shall be" and by inserting instead the words "The reference in section 19J (1) to the total amount of a mine worker's contributions to the Fund is a reference to those contributions as";

Sec. 19K. (Reduction of amount of refund.)

10 (b) by omitting section 19K (a) and by inserting instead the following paragraph :—

15 (a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);

(c) by omitting section 19K (c);

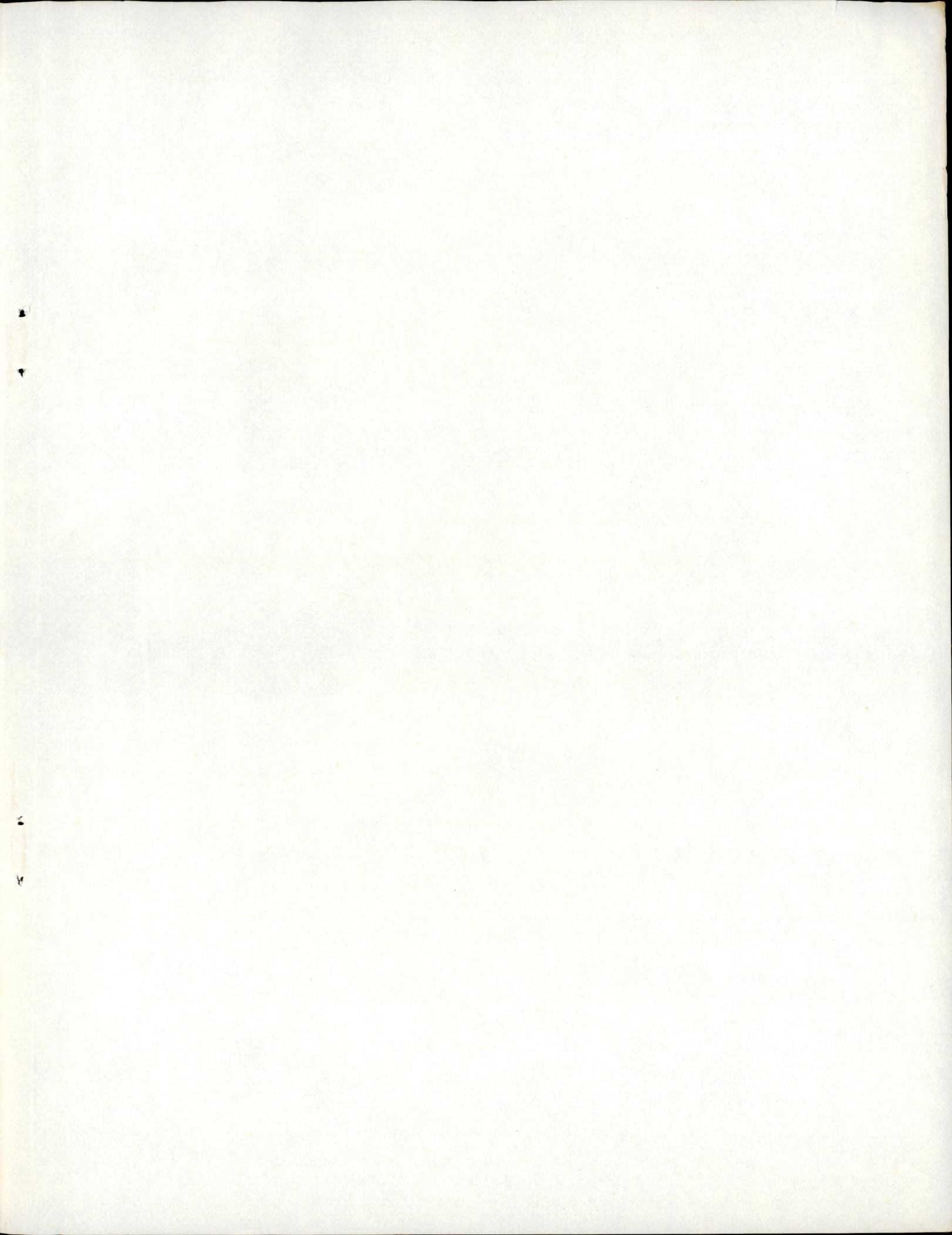
(d) by inserting at the end of section 19K the following subsection :—

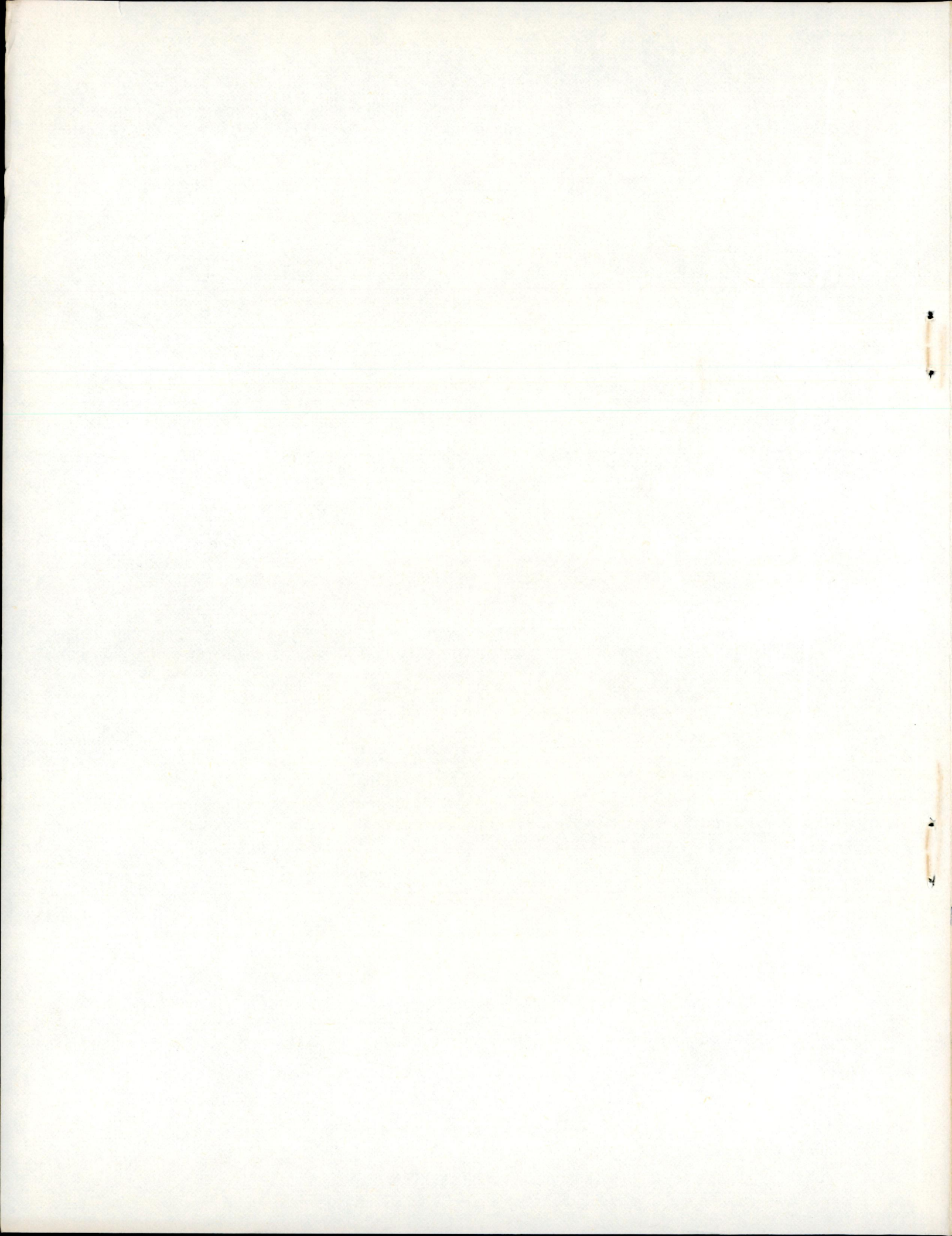
20 (2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

25

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975







No. , 1975.

---

---

## A BILL

To increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; 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 RUDDOCK—10 *September*, 1975.]

---

---

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  
5 follows :—

1. This Act may be cited as the "Coal and Oil Shale Short title.  
Mine Workers (Superannuation) Amendment Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-  
shall commence on the date of assent to this Act. ment.

10 (2) Section 4 shall be deemed to have commenced on  
25th May, 1971.

3. The Coal and Oil Shale Mine Workers (Superannu- Amendment  
ation) Act, 1941, is amended— of Act No.  
45, 1941.

15 (a) by inserting after section 10A the following Sec. 10AA.  
section :—

10AA. (1) Where—

(a) an application for a pension under this Act Payment of  
is made by a mine worker or by a person pension  
who may be awarded a pension under this where con-  
Act upon the death of a mine worker; tributions  
refunded.

20 (b) a refund of contributions has been made  
under Part IVB to or in respect of that  
mine worker; and

25 (c) the Tribunal allows the application referred  
to in paragraph (a),

the

---

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

---

the pension payable under this Act shall—

- 5 (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- 10 (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

15 (2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

20 (3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- 25 (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- 30 (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

(b)

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

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

Sec. 10EA.  
(Appropri-  
ate amounts  
of pensions  
and  
additions  
thereto.)

5 (2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting instead a reference to the amount that equals the sum of—

10 (a) the amount the reference to which is so omitted; and

15 (b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

20 (4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week paid as pension to a person who is described in Item 1, 5 or 6 of the Schedule was or is the sum of—

25 (a) the amount which would, but for this subsection, have been paid or be payable; and

(b) two dollars,

30 that payment is hereby validated.

(5)

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

(5) Nothing in this section affects anything contained in section 11A or 13.

(c) by omitting section 19J (1) (b) and by inserting instead the following paragraph :— Sec. 19J.  
(Refund.)

5 (b) that—

10 (i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—he is not eligible for a pension under this Act;

15 (ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death; or

20 (iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;

25

(d) by omitting section 32 (4) and by inserting instead the following subsection :— Sec. 32.  
(Regulations.)

30 (4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

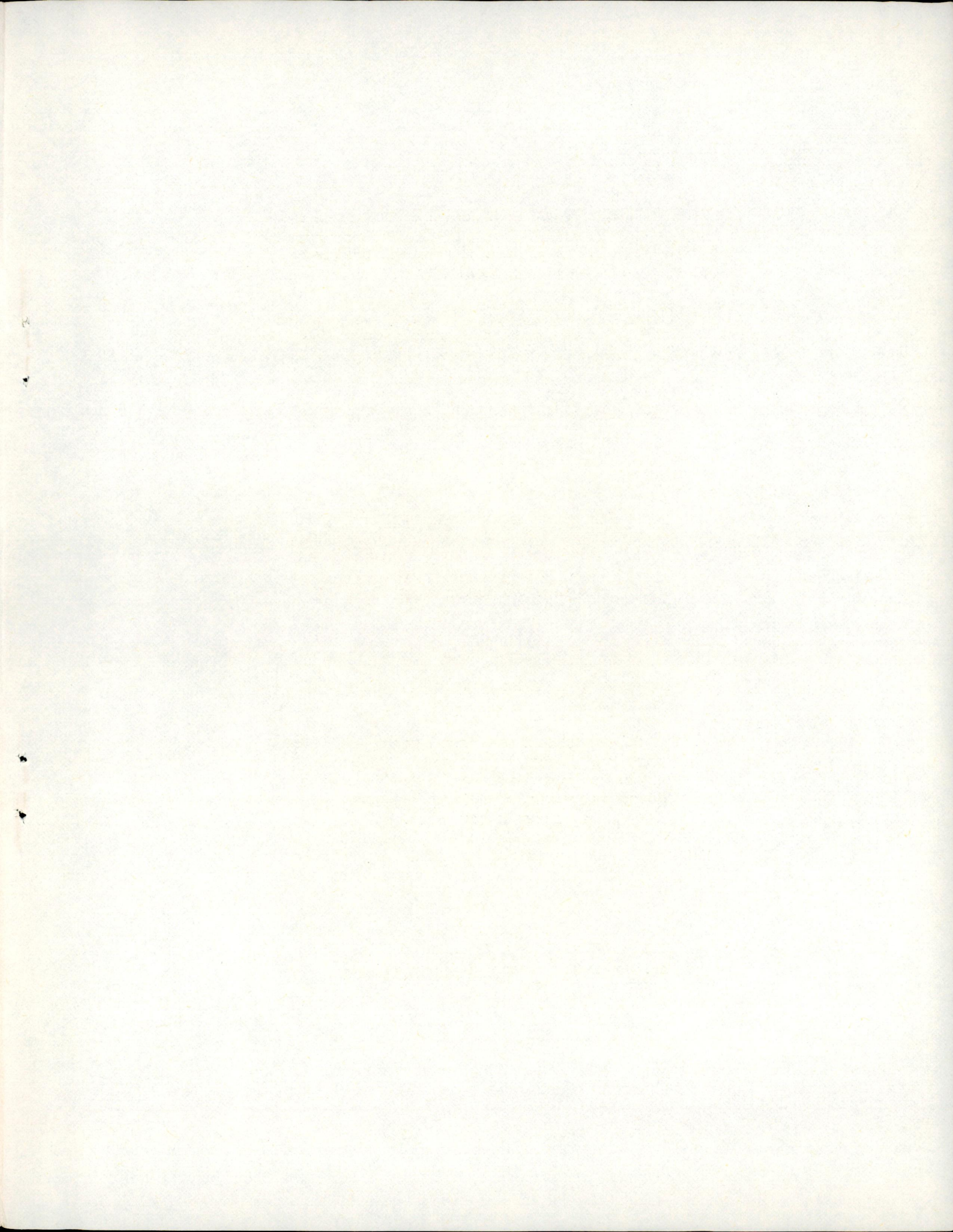
*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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

Further amendment of Act No. 45, 1941.

- 5 (a) by omitting from section 19K the words "An amount payable as a refund under this Part to or in respect of a mine worker shall be" and by inserting instead the words "The reference in section 19J (1) to the total amount of a mine worker's contributions to the Fund is a reference to those contributions as";
- 10 (b) by omitting section 19K (a) and by inserting instead the following paragraph :—
- 15 (a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);
- (c) by omitting section 19K (c);
- (d) by inserting at the end of section 19K the following subsection :—
- 20 (2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by 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 section 10 of the Coal and Oil Shale
- 25 Mine Workers (Superannuation) Amendment Act, 1971.

BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975







**COAL AND OIL SHALE MINE WORKERS  
(SUPERANNUATION) AMENDMENT BILL, 1975**

---

**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable the amount of certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, to be increased by \$2 per week;
  - (b) to validate the payment of the increase referred to in paragraph (a) as from 22nd December, 1974;
  - (c) to make further provisions relating to the refund of contributions to the Coal and Oil Shale Mine Workers Superannuation Fund where a mine worker's employment is terminated before he becomes eligible for a pension;
  - (d) to provide that, where a refund of contributions has been made to or in respect of a mine worker and that mine worker, or a dependant of that mine worker, applies for and is allowed a pension by the Superannuation Tribunal (or, if the application has been referred to the Workers' Compensation Commission, the Commission), the pension shall—
    - (i) if the Tribunal or Commission so determines, not be paid unless the amount, or part of the amount, refunded is repaid; and
    - (ii) if the Tribunal or Commission so determines, be reduced;
  - (e) to make it clear that the amendments made by section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971, permitting refunds of contributions in certain circumstances, provide only for the refund of contributions made in respect of any period after 25th May, 1971, together with interest thereon, and not for the payment of interest on contributions made in respect of any period before that date; and
  - (f) to make other provisions of a minor, consequential or ancillary nature.
-

PROOF

COAL AND OIL SHALE MINE WORKERS  
(SUPERANNUATION) AMENDMENT BILL, 1975

EXPLANATORY NOTE

The objects of the Bill are—

- (a) to enable the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (b) to enable the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (c) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (d) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (e) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (f) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (g) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (h) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;
- (i) to provide for the award of certain benefits to the members of the Coal and Oil Shale Workers' Superannuation Fund, and to provide for the payment of such benefits to the members of that Fund who are entitled to them;

**PROOF**

No. , 1975.

---

---

## A BILL

To increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; 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 RUDDOCK—10 *September*, 1975.]

---

---

**BE**

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

5 **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. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

10 (2) Section 4 shall be deemed to have commenced on 25th May, 1971.

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

15 (a) by inserting after section 10A the following section :— Sec. 10AA.

10AA. (1) Where—

- 20 (a) an application for a pension under this Act is made by a mine worker or by a person who may be awarded a pension under this Act upon the death of a mine worker; Payment of pension where contributions refunded.
- (b) a refund of contributions has been made under Part IVB to or in respect of that mine worker; and
- 25 (c) the Tribunal allows the application referred to in paragraph (a),

the

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

the pension payable under this Act shall—

- 5 (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- 10 (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

15 (2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

20 (3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- 25 (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- 30 (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

(b)

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

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

Sec. 10EA.  
(Appropri-  
ate amounts  
of pensions  
and  
additions  
thereto.)

5 (2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amend-  
10 ment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting instead a reference to the amount that equals the sum of—

(a) the amount the reference to which is so omitted; and

15 (b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

20 (4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week  
25 paid as pension to a person who is described in Item 1, 5 or 6 of the Schedule was or is the sum of—

(a) the amount which would, but for this subsection, have been paid or be payable; and

(b) two dollars,

30 that payment is hereby validated.

(5)

---

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

---

(5) Nothing in this section affects anything contained in section 11A or 13.

(c) by omitting section 19J (1) (b) and by inserting instead the following paragraph :— Sec. 19J.  
(Refund.)

5 (b) that—

(i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—  
10 —he is not eligible for a pension under this Act;

(ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death;  
15 or

(iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;  
20  
25

(d) by omitting section 32 (4) and by inserting instead the following subsection :— Sec. 32.  
(Regulations.)

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.  
30

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

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

Further amendment of Act No. 45, 1941.

5 (a) by omitting from section 19K the words "An amount payable as a refund under this Part to or in respect of a mine worker shall be" and by inserting instead the words "The reference in section 19J (1) to the total amount of a mine worker's contributions to the Fund is a reference to those contributions as";

Sec. 19K. (Reduction of amount of refund.)

10 (b) by omitting section 19K (a) and by inserting instead the following paragraph :—

15 (a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);

(c) by omitting section 19K (c);

(d) by inserting at the end of section 19K the following subsection :—

20 (2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by 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 section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

25



THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
LIBRARY

**New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 66, 1975.**

An Act to increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; 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, 31st October, 1975.]

BE

---

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

---

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

Short title.      **1.** This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975".

Commence-      **2.** (1) Except as provided in subsection (2), this Act  
ment.            shall commence on the date of assent to this Act.

(2) Section 4 shall be deemed to have commenced on 25th May, 1971.

Amendment      **3.** The Coal and Oil Shale Mine Workers (Superannu-  
of Act No.        ation) Act, 1941, is amended—  
45, 1941.

Sec. 10AA.      (a) by inserting after section 10A the following  
                         section :—

Payment of  
pension  
where con-  
tributions  
refunded.

10AA. (1) Where—

(a) an application for a pension under this Act is made by a mine worker or by a person who may be awarded a pension under this Act upon the death of a mine worker;

(b) a refund of contributions has been made under Part IVB to or in respect of that mine worker; and

(c) the Tribunal allows the application referred to in paragraph (a),

---

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

---

the pension payable under this Act shall—

- (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

(2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

(3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

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

Sec. 10EA.  
(Appropri-  
ate amounts  
of pensions  
and  
additions  
thereto.)

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

(2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting instead a reference to the amount that equals the sum of—

(a) the amount the reference to which is so omitted; and

(b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

(4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week paid as pension to a person who is described in Item 1, 5 or 6 of the Schedule was or is the sum of—

(a) the amount which would, but for this subsection, have been paid or be payable; and

(b) two dollars,

that payment is hereby validated.

(5)

---

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

---

(5) Nothing in this section affects anything contained in section 11A or 13.

(c) by omitting section 19J (1) (b) and by inserting instead the following paragraph :— Sec. 19J.  
(Refund.)

(b) that—

- (i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—he is not eligible for a pension under this Act;
- (ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death; or
- (iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;

(d) by omitting section 32 (4) and by inserting instead the following subsection :— Sec. 32.  
(Regulations.)

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

---

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

---

Further amendment of Act No. 45, 1941.

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

Sec. 19K.  
(Reduction of amount of refund.)

(a) by omitting from section 19K the words "An amount payable as a refund under this Part to or in respect of a mine worker shall be" and by inserting instead the words "The reference in section 19J (1) to the total amount of a mine worker's contributions to the Fund is a reference to those contributions as";

(b) by omitting section 19K (a) and by inserting instead the following paragraph:—

(a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);

(c) by omitting section 19K (c);

(d) by inserting at the end of section 19K the following subsection:—

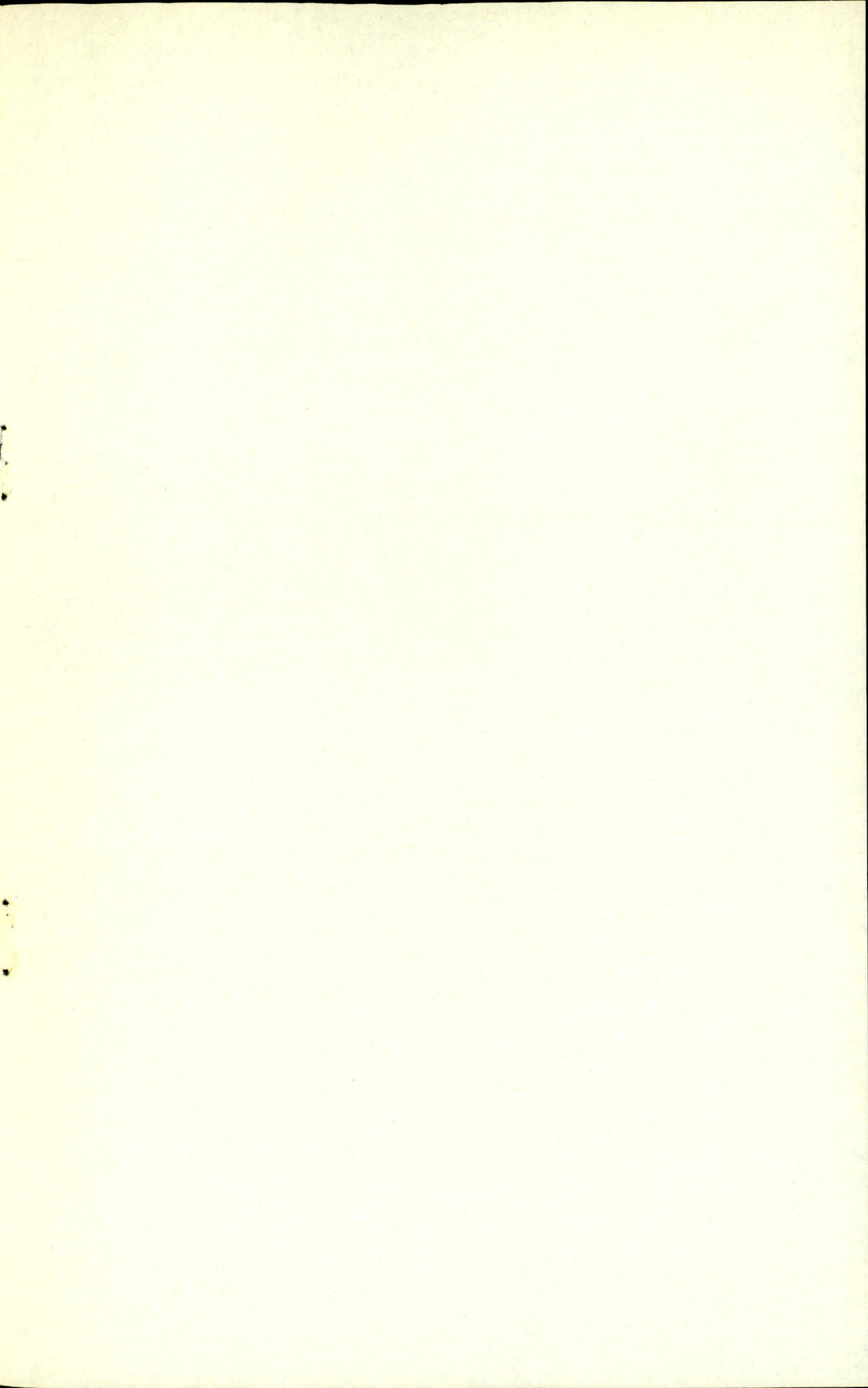
(2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975







*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 October, 1975.*

## **New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 66, 1975.**

An Act to increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; 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, 31st October, 1975.]

BE

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

**J. H. BROWN,**  
*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.      1. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975".

Commence-      2. (1) Except as provided in subsection (2), this Act  
ment.            shall commence on the date of assent to this Act.

(2) Section 4 shall be deemed to have commenced on 25th May, 1971.

Amendment      3. The Coal and Oil Shale Mine Workers (Superannu-  
of Act No.      ation) Act, 1941, is amended—  
45, 1941.

Sec. 10AA.      (a) by inserting after section 10A the following  
section :—

Payment of  
pension  
where con-  
tributions  
refunded.

10AA. (1) Where—

- (a) an application for a pension under this Act is made by a mine worker or by a person who may be awarded a pension under this Act upon the death of a mine worker;
- (b) a refund of contributions has been made under Part IVB to or in respect of that mine worker; and
- (c) the Tribunal allows the application referred to in paragraph (a),

the

---

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

---

the pension payable under this Act shall—

- (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

(2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

(3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

(b)

---

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

---

Sec. 10EA.  
(Appropri-  
ate amounts  
of pensions  
and  
additions  
thereto.)

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

(2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting instead a reference to the amount that equals the sum of—

(a) the amount the reference to which is so omitted; and

(b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

(4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week paid as pension to a person who is described in Item 1, 5 or 6 of the Schedule was or is the sum of—

(a) the amount which would, but for this subsection, have been paid or be payable; and

(b) two dollars,

that payment is hereby validated.

(5)

---

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

---

(5) Nothing in this section affects anything contained in section 11A or 13.

(c) by omitting section 19J (1) (b) and by inserting Sec. 19J.  
instead the following paragraph :— (Refund.)

(b) that—

- (i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—he is not eligible for a pension under this Act;
- (ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death; or
- (iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;

(d) by omitting section 32 (4) and by inserting instead Sec. 32.  
the following subsection :— (Regulations.)

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

---

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

---

Further amendment of Act No. 45, 1941.

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

Sec. 19K.  
(Reduction of amount of refund.)

(a) by omitting from section 19K the words "An amount payable as a refund under this Part to or in respect of a mine worker shall be" and by inserting instead the words "The reference in section 19J (1) to the total amount of a mine worker's contributions to the Fund is a reference to those contributions as";

(b) by omitting section 19K (a) and by inserting instead the following paragraph :—

(a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);

(c) by omitting section 19K (c);

(d) by inserting at the end of section 19K the following subsection :—

(2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by 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 section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 31st October, 1975.*





