

**COAL AND OIL SHALE MINE WORKERS (SUPER-
ANNUATION) AMENDMENT ACT, 1979, No. 10**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 10, 1979.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, with respect to the entitlement of mine workers and other persons to benefits under that Act, and in other respects. [Assented to, 12th April, 1979.]

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, 1979".

Commence-
ment. **2.** (1) This section, sections 1 and 6 and Schedule 2 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Except as provided in subsections (1), (2), (4) and (5), this Act shall be deemed to have commenced on 26th March, 1978.

(4) Schedule 1 (2) (b), (3) and (5) shall be deemed to have commenced on 24th September, 1978.

(5) Schedule 1 (9) shall commence on 15th April, 1979.

Principal
Act. **3.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—ANCILLARY PROVISIONS.

Amendment
of Act No.
45, 1941. **5.** The Principal Act is amended in the manner set forth in Schedule 1.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

6. Schedule 2 has effect.

Ancillary provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3A (1) (a)—

Omit “after 25th March, 1978,” insert instead “(whether commencing before, on or after 26th March, 1978)”.

(b) Section 3A (2)—

After “if” where secondly occurring, insert “, in the case of a period ending after 25th March, 1978”.

(c) Section 3A (6)—

After section 3A (5), insert :—

(6) The Tribunal may not make a declaration under subsection (1) in relation to a mine worker unless the mine worker has, apart from this section, been engaged in the coal or oil shale mining industries after 25th March, 1978.

(2) (a) Section 10EA (1) (c) (i)—

Omit “or (iii)”, insert instead “, (iii) or (iv)”.

(b) Section 10EA (1) (c) (ii)—

Omit “at the first mine workers’ pension pay period occurring after the expiration of the period of 5 years referred to in subparagraph (i) attained the age of 60 years”, insert instead “attained the age of 65 years”.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 10EA (1) (c) (ii)—

Omit “or” where secondly occurring.

(d) Section 10EA (1) (c) (iii)—

Omit “age,” insert instead “age; or”.

(e) Section 10EA (1) (c) (iv)—

After section 10EA (1) (c) (iii), insert :—

- (iv) in the case of a person who is in receipt of a pension referred to in Column 3 of Schedule 1 (3) and who is, at the first mine workers’ pension pay period occurring after the expiration of the period of 5 years referred to in subparagraph (i), not, solely by reason of age, eligible for a pension under a law of the Commonwealth—the day immediately preceding the first mine workers’ pension pay period occurring after the day on which the person becomes, by reason of age, so eligible,

(f) Section 10EA (2A)—

After section 10EA (2), insert :—

- (2A) For the purposes of subsection (1) (c) (i), a pension shall be deemed to have become payable on the date of commencement of the period for which payment of the pension is first made from the Fund.

(3) Section 10F (1) (b)—

Omit “50”, insert instead “55”.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 10H (2)—

Omit the subsection.

(5) (a) Section 13 (4)—

After “Subject to”, insert instead “subsection (5) and”.

(b) Section 13 (5)—

After section 13 (4), insert :—

(5) The provisions of this section apply to any amount payable pursuant to section 10EA (1) (c) (ii), and so apply as if—

(a) references in those provisions to age, invalid or widows’ pensions were references to invalid pensions or wives’ pensions, but excluding any amount payable to any person in respect of a child under the age of 16 years;

(b) subsection (1) were amended by omitting the following words :—

Notwithstanding anything contained in this subsection where any pension under the Social Services Act includes an amount (hereinafter referred to as the additional amount) payable to any person in respect of a child under the age of sixteen years of which such person has the care, custody or control the amount attributable to age,

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

invalid or widow's pension under the Social Services Act to be deducted from a pension under this Act shall—

- (a) if in respect of such child no pension or addition to a pension is payable under this Act, not include the additional amount; and
- (b) if in respect of such child a pension or addition to a pension is payable under this Act, include that part of the additional amount as does not exceed the amount of pension or addition to a pension payable under this Act in respect of such child.

(c) subsection (4) had never been in force.

(6) (a) Section 14E (1) (b)—

Omit “and” where secondly occurring.

(b) Section 14E (1) (c)—

Omit “(3),”, insert instead “(3); and”.

(c) Section 14E (1) (d)—

After section 14E (1) (c), insert :—

- (d) except where the Tribunal is satisfied that the incapacity was caused by injury as a mine worker—would have been entitled to a lump sum benefit payment under section 14A had he continued being engaged in those industries until the date of retirement,

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Section 14F (1)—

Omit “26th May, 1978”, insert instead “26th May, 1979”.

(8) Section 28B—

Omit “Part III” wherever occurring, insert instead “Part II”.

(9) (a) Section 32 (7) (c)—

Omit “2nd February, 1979”, insert instead “1st February, 1980”.

(b) Section 32 (7) (d)—

Omit “15th April, 1979”, insert instead “6th April, 1980”.

SCHEDULE 2.

Sec. 6.

ANCILLARY PROVISIONS.

1. (1) The amounts specified in Column 4 of Schedule 1 (2) to the Principal Act and Column 5 of that Schedule shall be deemed, in respect of the period between 24th September, 1978, and 30th December, 1978 (both dates inclusive), to have been \$111.50 and \$25.70 respectively.
- (2) Subclause (1) of this clause does not affect the operation of the order under section 10F of the Principal Act published in Gazette No. 3 of 5th January, 1979.

Certain pension amounts under Principal Act deemed to have been increased.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2—*continued.*ANCILLARY PROVISIONS—*continued.*

Revocation of certain regulations. 2. All regulations made pursuant to section 32 (5) of the Principal Act, and in force immediately before the date of assent to this Act, shall, on that date, be revoked.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 12th April, 1979.*

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941 ("the Principal Act"), with respect to the entitlement of mine workers and other persons to benefits under the Principal Act, and in other respects.

The Bill—

- (a) authorises the Superannuation Tribunal ("the Tribunal") to declare, in relation to a mine worker, a period (whether commencing before, on or after 26th March, 1978) to be a period of engagement and work in the coal or oil shale mining industries (Schedule 1 (1) (a));
- (b) prevents the Tribunal from making such a declaration in relation to a mine worker unless the mine worker has been engaged in the coal or oil shale mining industries after 25th March, 1978 (Schedule 1 (1) (c));
- (c) authorises, in the case of a person in receipt of a pension under section 7 or 8 of the Principal Act, the payment of a pension to that person, until he attains the age of 65 years, of the amount specified in Column 4 of Schedule 1 to the Principal Act opposite the relevant description of the person (Schedule 1 (2) (b));
- (d) authorises in the case of widows and certain other female dependants who are in receipt of a pension under section 10 of the Principal Act, the payment to those persons, until the day immediately preceding the first mine workers' pension pay period occurring after the day on which those persons become, by reason of age, eligible for a pension under a law of the Commonwealth, of a pension or an addition to a pension of the amount specified in Column 4 of Schedule 1 (3) to the Principal Act (Schedule 1 (2) (e));
- (e) provides that, for the purposes of section 10EA (1) (c) (i) of the Principal Act, a pension shall be deemed to have become payable on the date of commencement of the period for which payment of the pension is first made from the Coal and Oil Shale Mine Workers Superannuation Fund (Schedule 1 (2) (f));

- (f) provides, in the case of persons entitled (by virtue of section 8A of the Principal Act) to receive a pension at the married man's rate, for payment to those persons of an amount equal to 55 per cent (instead of 50 per cent) of the weekly rate of wage prescribed for the classification of loaderman in the relevant industrial award applying to the coal mining industry in New South Wales (Schedule 1 (3));
- (g) repeals section 10H (2) of the Principal Act, which presently provides for the payment, in respect of such periods or at such times by way of lump sum or otherwise as the Tribunal from time to time determines, of the amount by which a pension has been reduced, by reason of other benefits receivable by the pensioner, under subsection (1) of that section (Schedule 1 (4));
- (h) provides that deductions for Commonwealth invalid and wives' pensions to be made from amounts payable to persons, under 65 years of age, in receipt of pensions under the Principal Act for permanent incapacity, shall not include any amounts payable by the Commonwealth to any persons in respect of children under the age of 16 years (Schedule 1 (5));
- (i) provides that the eligibility of a mine worker incapacitated by an injury sustained outside the course of his employment, to the lump sum benefit payment specified in section 14E of the Principal Act, is dependent upon the Tribunal being satisfied that the person would have been entitled to a lump sum benefit payment under section 14A of the Principal Act on retirement, had he continued in employment until his retirement (Schedule 1 (6));
- (j) extends (by 12 months) the period during which a person in receipt of, or eligible for, a pension under section 7 or 8 of the Principal Act by way of incapacity (where, in either case, the eligibility arose on or after 7th November, 1977, and before 26th March, 1978) may apply to the Tribunal to commute, in accordance with section 14F of the Principal Act, his pension to a lump sum benefit payment (Schedule 1 (7));
- (k) extends (by 12 months) the period during which the Principal Act may be amended by regulations made pursuant to section 32 (5) of that Act (Schedule 1 (9)); and
- (l) effects ancillary provisions (Schedule 2).

The Bill makes other provisions of a minor, consequential or ancillary nature.

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, with respect to the entitlement of mine workers and other persons to benefits under that Act, and in other respects.

[MR MULOCK—27 *March*, 1979.]

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 :—

- 5 **1.** This Act may be cited as the "Coal and Oil Shale Mine **Short title.**
Workers (Superannuation) Amendment Act, 1979".
- 2.** (1) This section, sections 1 and 6 and Schedule 2 shall **Commence-**
commence on the date of assent to this Act. **ment.**
- (2) Section 5 shall, in its application to a provision of
10 Schedule 1, commence or be deemed to have commenced on the
day on which the provision commences or is deemed to have
commenced, as the case may require.
- (3) Except as provided in subsections (1), (2), (4) and
15 (5), this Act shall be deemed to have commenced on 26th March,
1978.
- (4) Schedule 1 (2) (b), (3) and (5) shall be deemed to
have commenced on 24th September, 1978.
- (5) Schedule 1 (9) shall commence on 15th April, 1979.
- 3.** The Coal and Oil Shale Mine Workers (Superannuation) **Principal**
20 Act, 1941, is referred to in this Act as the **Principal Act.**
- 4.** This Act contains the following Schedules :— **Schedules.**
SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.
SCHEDULE 2.—ANCILLARY PROVISIONS.
- 5.** The Principal Act is amended in the manner set forth in **Amendment**
25 Schedule 1. **of Act No.**
45, 1941.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

6. Schedule 2 has effect.

Ancillary
provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3A (1) (a)—

5 Omit “after 25th March, 1978,”, insert instead
“(whether commencing before, on or after 26th
March, 1978)”.

(b) Section 3A (2)—

10 After “if” where secondly occurring, insert “, in the
case of a period ending after 25th March, 1978”.

(c) Section 3A (6)—

After section 3A (5), insert :—

15 (6) The Tribunal may not make a declaration
under subsection (1) in relation to a mine worker
unless the mine worker has, apart from this section,
been engaged in the coal or oil shale mining industries
after 25th March, 1978.

(2) (a) Section 10EA (1) (c) (i)—

Omit “or (iii)”, insert instead “, (iii) or (iv)”.

20 (b) Section 10EA (1) (c) (ii)—

25 Omit “at the first mine workers’ pension pay period
occurring after the expiration of the period of 5 years
referred to in subparagraph (i) attained the age of
60 years”, insert instead “attained the age of 65
years”.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 10EA (1) (c) (ii)—

Omit “or” where secondly occurring.

5 (d) Section 10EA (1) (c) (iii)—

Omit “age,” insert instead “age; or”.

(e) Section 10EA (1) (c) (iv)—

After section 10EA (1) (c) (iii), insert :—

10 (iv) in the case of a person who is in receipt of a
pension referred to in Column 3 of Schedule
1 (3) and who is, at the first mine workers’
pension pay period occurring after the expira-
tion of the period of 5 years referred to in
15 subparagraph (i), not, solely by reason of
age, eligible for a pension under a law of the
Commonwealth—the day immediately pre-
ceding the first mine workers’ pension pay
period occurring after the day on which the
person becomes, by reason of age, so eligible,

20 (f) Section 10EA (2A)—

After section 10EA (2), insert :—

(2A) For the purposes of subsection (1) (c) (i),
a pension shall be deemed to have become payable
on the date of commencement of the period for which
25 payment of the pension is first made from the Fund.

(3) Section 10F (1) (b)—

Omit “50”, insert instead “55”.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 10H (2)—

Omit the subsection.

5 (5) (a) Section 13 (4)—

After “Subject to”, insert instead “subsection (5) and”.

(b) Section 13 (5)—

After section 13 (4), insert :—

10 (5) The provisions of this section apply to any amount payable pursuant to section 10EA (1) (c) (ii), and so apply as if—

15 (a) references in those provisions to age, invalid or widows’ pensions were references to invalid pensions or wives’ pensions, but excluding any amount payable to any person in respect of a child under the age of 16 years;

20 (b) subsection (1) were amended by omitting the following words :—

25 Notwithstanding anything contained in this subsection where any pension under the Social Services Act includes an amount (hereinafter referred to as the additional amount) payable to any person in respect of a child under the age of sixteen years of which such person has the care, custody or control the amount attributable to age,

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

invalid or widow's pension under the Social Services Act to be deducted from a pension under this Act shall—

5

(a) if in respect of such child no pension or addition to a pension is payable under this Act, not include the additional amount; and

10

(b) if in respect of such child a pension or addition to a pension is payable under this Act, include that part of the additional amount as does not exceed the amount of pension or addition to a pension payable under this Act in respect of such child.

15

(c) subsection (4) had never been in force.

20 (6) (a) Section 14E (1) (b)—

Omit "and" where secondly occurring.

(b) Section 14E (1) (c)—

Omit "(3),", insert instead "(3); and".

(c) Section 14E (1) (d)—

25

After section 14E (1) (c), insert :—

(d) except where the Tribunal is satisfied that the incapacity was caused by injury as a mine worker—would have been entitled to a lump sum benefit payment under section 14A had he continued being engaged in those industries until the date of retirement,

30

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Section 14F (1)—

Omit “26th May, 1978”, insert instead “26th May, 1979”.

5 (8) Section 28B—

Omit “Part III” wherever occurring, insert instead “Part II”.

(9) (a) Section 32 (7) (c)—

10 Omit “2nd February, 1979”, insert instead “1st February, 1980”.

(b) Section 32 (7) (d)—

Omit “15th April, 1979”, insert instead “6th April, 1980”.

SCHEDULE 2.

Sec. 6.

15

ANCILLARY PROVISIONS.

1. (1) The amounts specified in Column 4 of Schedule 1 (2) to the Principal Act and Column 5 of that Schedule shall be deemed, in respect of the period between 24th September, 1978, and 30th December, 1978 (both dates inclusive), to have been \$111.50 and \$25.70 respectively.

20 (2) Subclause (1) of this clause does not affect the operation of the order under section 10F of the Principal Act published in Gazette No. 3 of 5th January, 1979.

Certain pension amounts under Principal Act deemed to have been increased.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2—*continued.*

ANCILLARY PROVISIONS—*continued.*

2. All regulations made pursuant to section 32 (5) of the Principal Act, Revocation and in force immediately before the date of assent to this Act, shall, on of certain regulations. that date, be revoked.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[16c]



