

**COAL AND OIL SHALE MINE WORKERS
(PENSIONS) FURTHER AMENDMENT ACT.**

Act No. 39, 1947.

George VI.
No. 39, 1947.

An Act to provide for the payment of a subsidy to certain coal and oil shale mine workers incapacitated by reason of the inhalation of dust; for this purpose to amend the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947; to validate certain matters; and for purposes connected therewith. [Assented to, 19th December, 1947.]

BE

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BE it enacted by the King's Most Excellent Majesty, No. 39, 1947.
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 (Pensions) Further Amendment Act, 1947." Short title, citation, and commencement.

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941-1947.

(3) This Act shall be deemed to have commenced upon the fifth day of November, one thousand nine hundred and forty-seven.

2. (1) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1947, is amended— Amendment of Act No. 45, 1941.

(a) by inserting next after Part IV the following new Part:— New Part. IVA.

PART IVA.

COAL AND OIL SHALE MINE WORKERS
COMPENSATION SUBSIDIES.

19A. Any mine worker who, in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales, Eligibility of mine workers for subsidies.

(a) has at any time before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, been awarded compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or

(b) has at any time before the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, received compensation pursuant to any agreement with an insurer

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insurer within the meaning of the Workers' Compensation Act, 1926-1947, shall be eligible for a subsidy in accordance with the provisions of this Part of this Act.

Amount or
subsidy.

19B. (1) The amount of subsidy per week payable to any mine worker eligible therefor in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1947, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust.

(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) the total amount of the average weekly earnings from employment of such mine worker and his dependants (if any);
- (b) the amount of any age or invalid pension payable to such mine worker and his dependants (if any) under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth;
- (c) the amount of any service pension payable to such mine worker and his dependants (if any) under the Australian Soldiers' Repatriation Act 1920 of the Parliament of the Commonwealth or any amendment thereof;
- (d) the amount of any pension payable under this Act to such mine worker and his dependants (if any); and
- (e) where any weekly payments of compensation are payable to or in respect of such mine worker under the Workers' Compensation

Compensation Act, 1926, or any amend- **No. 39, 1947.**
ment thereof, or any agreement referred
to in paragraph (b) of section 19A of
this Act—the amount of such weekly
payments:

Provided that the Tribunal may dispense with any deduction under this subsection in respect of age or invalid pension in the case of payments of pensions made after the date upon which the subsidy under this Part of this Act is awarded and before the date upon which the age or invalid pension becomes payable.

(3) Where a mine worker either before or after the commencement of the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, has received or receives a lump sum in redemption of weekly payments of compensation under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of section 19A of this Act, no subsidy shall be payable to such mine worker until the expiration of a period ascertained as follows:—

The period shall be the period during which, if the weekly payments of compensation to such mine worker under the award or agreement in respect of such compensation had been continued as from the date of acceptance of such lump sum, the total sum which would have been so payable to such mine worker as from such date would have been equal to the amount of such lump sum.

19c. (1) There shall be established under this Part of this Act a Fund to be known as the Coal and Oil Shale Mine Workers Compensation Subsidy Fund (hereinafter in this Part of this Act referred to as the Subsidy Fund).

Coal and Oil
Shale Mine
Workers
Compensa-
tion Subsidy
Fund.

(2) The Subsidy Fund shall consist of such moneys as are required or authorised by this Act to be paid into that Fund.

(3)

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(3) There shall be payable out of the Subsidy Fund—

- (a) all subsidies payable to mine workers in pursuance of this Part of this Act;
- (b) the expenses involved in the administration of this Part of this Act.

(4) The Subsidy Fund shall be under the control of the Tribunal and shall be operated upon in the manner prescribed.

(5) Any moneys in the Subsidy Fund which are not immediately required for the purposes of this Part of this Act may be invested by the Tribunal in any manner in which trustees are for the time being authorised to invest trust funds. Any interest from time to time accruing from any such investment shall be paid into the Subsidy Fund.

Contributions to Subsidy Fund.

19b. (1) The Tribunal shall as soon as practicable after the day upon which the assent of His Majesty to the Coal and Oil Shale Mine Workers (Pensions) Further Amendment Act, 1947, is signified, make an estimate of the amount required by the Subsidy Fund for the period commencing on the fifth day of November, one thousand nine hundred and forty-seven, and ending on the thirtieth day of June next following, for payment of subsidies and other sums chargeable upon or payable out of the Subsidy Fund and for the provision of a reserve in connection with that Fund.

The amount to be allocated for the reserve shall be such amount as the Governor on the recommendation of the Tribunal may direct at the close of such period.

(2) The Tribunal shall make an estimate of the amount required by the Subsidy Fund for the period of twelve months commencing on the first day of July next following the expiration of the period referred to in subsection one of this section and thereafter for each succeeding period

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period of twelve months for payment of sub-
sidies and other sums chargeable upon or payable
out of the Subsidy Fund and for the provision
of a reserve in connection with that Fund. No. 39, 1947.

The amount to be allocated in any year for
the reserve shall be such amount as the Governor,
upon the recommendation of the Tribunal, may
direct at the close of any such year.

Each estimate under this subsection shall be
made not later than the thirty-first day of March
next preceding the commencement of the period
to which the estimate relates.

(3) The amount estimated by the
Tribunal pursuant to subsection one or sub-
section two of this section shall be paid to the
Tribunal by the owners.

(4) The moneys payable by the owners
under this section shall be of such amounts and
shall be paid in such manner and at such times
as may be prescribed.

Without prejudice to the generality of the
foregoing provisions of this subsection regula-
tions may prescribe the basis or bases upon which
the contributions of individual owners may be
assessed.

Different amounts and different bases of con-
tribution may be prescribed in respect of differ-
ent individual owners.

19E. (1) Where any mine worker has been
awarded a subsidy under this Part of this Act
the subsidy shall, subject to this Act, be payable
to him until his death or the repeal of this Part
of this Act, whichever is the earlier. Subsidies—
special
provisions.

(2) Upon the death of any mine worker
who has been awarded a subsidy under this Part
of this Act no payment from the Subsidy Fund
shall be paid to any dependant of such mine
worker.

No mine worker shall be paid more than one
subsidy under this Part of this Act.

19F.

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Conditions
attaching to
and suspen-
sion of
subsidies.

19F. (1) Where a mine worker is eligible for or has been awarded a subsidy under this Part of this Act he shall forthwith upon being requested by the Registrar so to do—

- (a) register for employment at the office of the Commonwealth Employment Service nearest to his place of residence.
- (b) register for rehabilitation at the office of the Welfare Officer of the Joint Coal Board nearest to his place of residence;
- (c) make application for an age or invalid pension or a pension under this Act;
- (d) accept available employment (not being relief work) offered to him through the Joint Coal Board under any rehabilitation scheme or the Commonwealth Employment Service where such employment is not inconsistent either in itself or by reason of the conditions under which it is performed with the maintenance of his health.

(2) Acceptance of employment (whether under subsection one of this section or otherwise) by a mine worker eligible for or to whom a subsidy has been awarded or by his dependants shall forthwith be notified to the Registrar by such mine worker.

(3) Where the Tribunal determines that a mine worker has, without reasonable cause or excuse, failed to comply with any of the provisions of this section no subsidy shall be payable to such mine worker in respect of the period during which such failure continues or such less period as the Tribunal may fix.

Application
of pro-
visions of
this Act to
subsidies.

19G. The provisions of subsection two of section 11B, sections fourteen, twenty, twenty-two, twenty-five and twenty-nine of this Act shall apply, mutatis mutandis, to and in respect of subsidies under this Part of this Act.

19H.

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19H. Where any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part of this Act is sentenced to imprisonment for any period in excess of one month or becomes an insane patient within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts, his subsidy rights pursuant to this Part of this Act shall be suspended during the period of such imprisonment or while he continues to be such an insane patient, as the case may be.

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Suspension
of subsidy
rights in
certain
events.

- (b) by inserting in subsection two of section one next after the matter relating to Part IV the following new matter:—

Sec. 1.
(Consequen-
tial.)

**PART IVA.—COAL AND OIL SHALE MINE
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19A-19H.**

- (c) (i) by inserting in subsection one of section eighteen after the word “under” the words “this Part of”;
- (ii) by inserting in subsection four of the same section after the word “Act” the words and symbols “(other than Part IVA)”;
- (d) by inserting in section twenty-four after the word “nineteen” wherever occurring the words “or section 19D”;
- (e) by inserting in section twenty-seven after the word “eighteen” the words “and of the Subsidy Fund established under section 19C”;
- (f) (i) by inserting in paragraphs (a), (b) and (c) of subsection two of section thirty-two after the word “pensions” wherever occurring the words “or subsidies”;
- (ii) by inserting in paragraph (f) of the same subsection after the word “pension” wherever occurring the words “or subsidy”.

Sec. 18.
(The
Funds.)
(Consequen-
tial.)

Sec. 24.
(Unpaid
contributions
recoverable
as debt.)

Sec. 27.
(Actuarial
investigation
of funds.)

Sec. 32.
(Regula-
tions.)

(2)

**Married Women (Lecturers and Teachers) Acts
Repeal Act.****No. 39, 1947.**

Validation.

(2) The payment before the commencement of this Act of any amount by way of subsidy to any mine worker who had after the first day of July, one thousand nine hundred and twenty-six, received compensation in respect of incapacity due to the inhalation of dust in coal or oil shale mines in New South Wales is hereby validated.

JURY