

**Coal and Oil Shale Mine Workers (Pensions)
Amendment Act.**

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

Act No. 7, 1948.

George VI. An Act to amend the Coal and Oil Shale Mine
No. 7, 1948. Workers (Pensions) Acts, 1941-1947, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 22nd April, 1948.]

BE it enacted by the King'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
citation.**

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948."

(2) The Coal and Oil Shale Mine Workers (Pensions) Act, 1941, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Pensions) Act, 1941-1948.

**Amendment
of Act No.
45, 1941.**

Sec. 6.

**(Pensions—
mine
workers who
are retired.)**

2. (1) The principal Act is amended—

(a) by inserting at the end of section six the following new subsection:—

(5) (a) The amount of pension per week payable to any mine worker who has, before the commencement of the pension pay period next following the date upon which His Majesty's Assent to the Coal and Oil Shale Mine Workers (Pensions) Amendment Act, 1948, has been signified, been awarded a pension pursuant to subsection one, two or three of this section, shall as on and from such commencement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence. (b)

**Coal and Oil Shale Mine Workers (Pensions)
Amendment Act.**

21

(b) The amount of pension per week payable to any mine worker who, on or after the commencement of the pension pay period, referred to in paragraph (a) of this subsection, becomes eligible for a pension pursuant to subsection one, two or three of this section, shall as from the date of retirement and notwithstanding anything contained in this section be two pounds twelve shillings and sixpence. No. 7, 1948.

- (b) by omitting from subsection one of section seven the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence"; Sec. 7.
(Pension—
permanent
incapacity.)
- (c) by omitting from subsection one of section eight the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds twelve shillings and sixpence"; Sec. 8.
(Hard luck
cases.)
- (d) by omitting from subsection one of section nine the words "one pound ten shillings" wherever occurring and by inserting in lieu thereof the words "one pound seventeen shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (e) by omitting from section ten the words "one pound fifteen shillings" wherever occurring and by inserting in lieu thereof the words "two pounds"; Sec. 10.
(Pension
payable to
dependants.)
- (f) by omitting from subsection three of section eleven the words "four pounds five shillings and sixpence" and by inserting in lieu thereof the words "five pounds ten shillings and sixpence." Sec. 11.
(Pensions—
special
provisions.)

(2) The amendments made by paragraphs (b), (c), (d) and (f) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all mine workers who were immediately before such commencement in receipt of a pension pursuant to section six, seven or eight or an addition to a pension pursuant to section nine of the
Principal

**Coal and Oil Shale Mine Workers (Pensions)
Amendment Act.**

No. 7, 1948. Principal Act, as well as to mine workers becoming eligible for any such pension or addition thereto after such commencement.

(3) The amendments made by paragraph (e) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified, and shall be deemed to extend to and from such commencement apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten of the Principal Act, as well as to persons becoming eligible for any such pension after such commencement.

Further
amendment
of Act No.
45, 1941.
Sec. 11A.
(Earnings
from
employ-
ment.)

3. (1) The principal Act is further amended—

(a) by omitting subsection one of section 11A and by inserting in lieu thereof the following subsection:—

(1) If any person to whom a pension has been awarded under section six of this Act (in this section hereinafter referred to as the "pensioner") or any persons in respect of whom such pensioner may be eligible for an addition to such pension under section nine of this Act (in this section hereinafter referred to as the "dependants") engage in employment then the total amount payable to such pensioner as pension (including all additions for which he may be eligible under section nine of this Act) shall be reduced by the amount by which the average weekly earnings of such pensioner and of such dependants exceeds two pounds ten shillings per week:

Provided that where the average weekly earnings of any such dependant exceeds the amount of the addition for which such pensioner may be eligible under section nine of this Act in respect of such dependant the average weekly earnings of such dependant shall for the purposes of this subsection be deemed to be the amount of such addition.

(b)

**Coal and Oil Shale Mine Workers (Pensions)
Amendment Act.**

23

(b) (i) by omitting from subparagraph (i) of paragraph (b) of subsection three of section nineteen the words "two-seventh parts" and by inserting in lieu thereof the words "two-ninth parts";

No. 7, 1948.
Sec. 19.
(Contributions.)

(ii) by omitting from subparagraph (ii) of the same paragraph the words "five-seventh parts" and by inserting in lieu thereof the words "seven-ninth parts";

(c) by inserting at the end of subsection two of section twenty-one the following new paragraphs:—

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

(b) Where any person, who upon the death of a mine worker is eligible for or has been awarded a pension under section ten of this Act, becomes an insane patient within the meaning of the Lunacy Act, 1898-1947, the pension rights of such person pursuant to this Act shall be suspended while such person continues to be such an insane patient.

(c) Notwithstanding the foregoing provisions of this subsection the period during which the pension rights of any insane patient shall be suspended as aforesaid shall not, if the Tribunal so directs, include any period during which such patient is on leave from any institution for the insane prior to his discharge.

(d) Upon any direction by the Tribunal under paragraph (c) of this subsection the eligibility of any person for a pension in accordance with section ten of this Act and the rights conferred upon any such person by the operation of the foregoing provisions of this subsection shall cease and determine.

(2) The amendment made by paragraph (a) of subsection one of this section shall take effect as on and from the commencement of the pension pay period next following the date upon which His Majesty's Assent to this Act has been signified.

(3)

Closer Settlement Validation Act.**No. 7, 1948.**

(3) The estimate made by the Pensions Tribunal constituted under the Principal Act, in accordance with section nineteen of the Principal Act, of the amount required by the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and forty-seven, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased by the operation of this Act, and the estimate as so varied shall for all purposes of the Principal Act, as amended by this Act, be deemed to be the estimate of the amount required by each such Fund for the aforesaid period of twelve months for payment of pensions and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.

Validation.

4. The action of the Pensions Tribunal in awarding and paying as an addition to the pension of the invalid widow of a mine worker an amount equivalent to the amount which would have been paid to such mine worker in accordance with the provisions of subsection five of section nine of the Principal Act, had such mine worker not predeceased his invalid wife, is hereby validated.
