

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

Act No. 52, 1951.

George VI. An Act to amend the Coal and Oil Shale Mine
No. 52, 1951. Workers (Superannuation) Act, 1941, as amended by subsequent Acts, and the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, in certain respects; and for purposes connected therewith. [Assented to, 28th December, 1951.]

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:—

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951."

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951.

2.

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

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2. The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1950, is amended—

No. 52, 1951.

Amendment
of Act No.
37, 1950.

(a) by omitting from subsection two of section one the words “commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 1 (2).
(Commence-
ment.)

(b) (i) by omitting from subsection four of section three the words “commence upon the day appointed and notified pursuant to subsection two of section one of this Act” and by inserting in lieu thereof the words “be deemed to have commenced upon the seventeenth day of December, one thousand nine hundred and fifty”;

Sec. 3.
(Further
amendment
of Act No.
45, 1941.)

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

(5) Subject to subsections three and four of this section, this section shall—

(a) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-fourth day of October, one thousand nine hundred and fifty, be deemed to have commenced upon the said day;

(b) in any other case be deemed to have commenced upon the second day of November, one thousand nine hundred and fifty.

and a reference in subsection two of this section to the commencement of this section shall be construed accordingly.

3.

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Amendment Act.**

No. 52, 1951.

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

**Extension
of definition
of "mine
worker" by
regulation.**

3. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is amended by inserting next after section 2c the following new section:—

2d. (1) The Governor may, from time to time, by regulation extend the definition of "Mine worker" in subsection one of section two of this Act to include such persons or classes of persons as may be specified in such regulation.

(2) Any such regulation shall—

- (a) make such provision as to the retiring age of the persons or members of the classes of persons to whom such regulation relates as the Governor may determine;
- (b) where appropriate prescribe the person liable for payment of owner's contributions under section nineteen of this Act in respect of the persons or members of the classes of persons to whom such regulation relates;
- (c) incorporate such of the provisions of sections two, 2A, 2B and 2c of this Act with such modifications as the Governor may deem necessary to extend the provisions of this Act to the persons or members of the classes of persons to whom such regulation relates;
- (d) contain such other provisions incidental or ancillary to the foregoing as the Governor deems necessary; and
- (e) have effect according to its tenor.

(3) For the purposes of this Act the work of persons or members of classes of persons to whom the definition of "Mine worker" in subsection one of section two of this Act has been extended pursuant to subsection one of this section shall be deemed to be work in or about a coal or oil shale mine.

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4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

No. 52, 1951.

Further
Amendment
of Act No.
45, 1941.

- (a) by inserting at the end of section six the following new subsection:—
- (8) (a) The amount of pension per week payable to any mine worker who has, before the first day of November, one thousand nine hundred and fifty-one, been awarded a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from such date and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.
- (b) The amount of pension per week payable to any mine worker who, on or after the first day of November, one thousand nine hundred and fifty-one, becomes eligible for a pension pursuant to subsection one, (1A), two or three of this section, shall as on and from the date of retirement and notwithstanding anything contained in this section be three pounds seventeen shillings and six pence.
- (b) by omitting from subsections one and (1A) of section seven the words “three pounds seven shillings and six pence” wherever occurring and by inserting in lieu thereof the words “three pounds seventeen shillings and six pence”;
- (c) by omitting from subsection one of section eight the words “three pounds seven shillings and six pence” and by inserting in lieu thereof the words “three pounds seventeen shillings and six pence”;
- (d) (i) by omitting from subsection one of section nine the words “two pounds twelve shillings and six pence” wherever occurring and by inserting in lieu thereof the words “three pounds two shillings and six pence”;
- (ii) by omitting from subsections five and (5A) of the same section the words “two pounds five

Sec. 6.

(Pensions—
mine workers
who are
retired.)

Sec. 7.

(Pension—
permanent
incapacity.)

Sec. 8.

(Hard luck
cases.)

Sec. 9.

(Pensions—
additional
payments in
respect of
dependants.)

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five shillings" wherever occurring and by inserting in lieu thereof the words "two pounds fifteen shillings";

Sec. 10.
(Pension payable to dependants.)

(e) (i) by omitting from subsections one and (1c) of section ten the words "two pounds twelve shillings and six pence" wherever occurring and by inserting in lieu thereof the words "three pounds two shillings and six pence";

(ii) by omitting from subsection (1E) of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".

Sec. 10A.
(De facto wife.)

(f) (i) by omitting from subsection three of section 10A the words "two pounds twelve shillings and six pence" and by inserting in lieu thereof the words "three pounds two shillings and six pence";

(ii) by omitting from subsection five of the same section the words "two pounds five shillings" and by inserting in lieu thereof the words "two pounds fifteen shillings".

(2) (a) The amendments made by paragraph (b), paragraph (c) and paragraph (d) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all mine workers who were immediately before such date in receipt of a pension pursuant to section seven or eight or an addition to a pension pursuant to section nine of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the commencement of such amendments, apply in respect of all persons who were immediately before such commencement in receipt of a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine

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Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any such pension after such commencement. No. 52, 1951.

(c) The amendments made by subparagraph (ii) of paragraph (e) and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to extend to and from the first day of November, one thousand nine hundred and fifty-one, apply in respect of all persons who were immediately before such date in receipt of an addition to a pension pursuant to section ten or 10A of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to persons becoming eligible for any addition to such pension after such date.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d), and subparagraph (ii) of paragraph (e), and subparagraph (ii) of paragraph (f) of subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subparagraph (i) of paragraph (e) and subparagraph (i) of paragraph (f) of subsection one of this section shall—

(i) in the case of a widow who was entitled to a widow's pension under any legislation of the Commonwealth relating to Social Services on the twenty-third day of October, one thousand nine hundred and fifty-one, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one,

and a reference in paragraph (b) of subsection two of this section to the commencement of such amendments shall be construed accordingly.

5. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

(a) by omitting subsection two of section seven;

(b)

Further amendment of Act No. 45, 1941. Sec. 7. (Pension—permanent incapacity.)

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Amendment Act.**

No. 52, 1951.
Subst. sec.
18.
The Fund.

(b) by omitting section eighteen and by inserting in lieu thereof the following section:—

18. (1) There shall be a fund which shall be known as the Coal and Oil Shale Mine Workers Superannuation Fund (in this Act referred to as the "Fund").

(2) (a) The Fund shall consist of—

(i) all moneys which, immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were standing to the credit of the Coal Mine Workers' Pensions Fund and the Oil Shale Mine Workers' Pensions Fund; and

(ii) such moneys as are required or authorised by this Act to be paid to the Fund.

(b) There shall be payable out of the Fund all pensions payable to mine workers or the dependants of mine workers who were employed or engaged in the coal or oil shale mining industry and to mine workers or the dependants of mine workers who, in the opinion of the Tribunal, were engaged in work associated with the coal or oil shale mining industry.

(3) The expenses involved in the administration of this Act (other than Part IVA) shall be paid out of the Fund.

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

(5) (a) Any moneys in the Fund which are not immediately required for the purposes of the Fund 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 Fund.

(b)

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(b) Any moneys which immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, were invested pursuant to subsection six of the section which this section replaces shall as from such commencement be deemed to be moneys of the Fund invested pursuant to this subsection. No. 52, 1951.

(6) (a) Notwithstanding the provisions of subsection five of this section any moneys in the Fund which are not immediately required for the purposes of that Fund may be applied by the Tribunal—

- (i) to the acquisition of a building which the Governor may approve as suitable for the office accommodation of the Tribunal, the Registrar and the officers and employees of the Tribunal or in the acquisition of land and the construction thereon of a building which the Governor may approve as suitable for such purposes;
- (ii) to the maintenance, repair and management of such building;
- (iii) to the payment of rates, charges and outgoings payable in respect of such building.

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.

(b) For the purposes of this subsection the Tribunal is hereby declared to be a body corporate under the name of the "Coal and Oil Shale Mine Workers' Superannuation Tribunal."

The said body corporate shall have perpetual succession and a common seal and may in the corporate name sue and be sued and shall be capable

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capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

(c) All rent and other moneys received in respect of the building referred to in paragraph (a) of this subsection shall be paid to the credit of the Fund.

**Sec. 19.
(Contributions.)**

(c) by omitting subsections one, two and three of section nineteen and by inserting in lieu thereof the following subsections:—

(1) (a) The Tribunal shall make an estimate of the amount required by the Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, and thereafter for each succeeding period of twelve months for payment of pensions and other sums chargeable upon or payable out of the Fund and for the provision of a reserve in connection with the Fund.

(b) Each estimate made 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.

(2) The amount to be provided for the reserve in respect of the year which commenced on the first day of July, one thousand nine hundred and fifty-one, or of any subsequent year shall be such amount as the Governor may on the recommendation of the Tribunal at the close of the year direct.

(3) (a) The amounts estimated by the Tribunal pursuant to subsection two of this section as enacted immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, for the period of twelve months which commenced on the first day of July, one thousand
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nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable by virtue of the operation of that Act. ^{No. 52, 1951.}

(b) A sum equivalent to one-fourth of the total of such amounts as so varied or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(c) The balance of the total of such amounts as so varied shall be paid to the Tribunal—

- (i) as to two-eleventh parts thereof by the mine workers;
- (ii) as to nine-eleventh parts thereof by the owners.

(d) Any amount paid to the Tribunal before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1951, pursuant to subsection three of this section as enacted immediately before such commencement in respect of the period of twelve months which commenced on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to have been paid to the Fund pursuant to this subsection.

(3A) (a) One fourth of the amount estimated by the Tribunal pursuant to subsection one of this section in respect of each period of twelve months commencing on the first day of July or the sum of eighty thousand pounds, whichever is the less, shall be paid by the Colonial Treasurer to the Tribunal.

(b) The balance of any amount so estimated by the Tribunal shall be paid to the Tribunal—

- (i) as to two-eleventh parts thereof by the mine workers;
- (ii)

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(ii) as to nine-eleventh parts thereof by the owners.

(2) The amendment made by paragraph (c) 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.

(3) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

(Consequential.)

Sec. 1.
(Division into Parts.)

(a) by omitting from subsection two of section one the word "Funds" and by inserting in lieu thereof the word "Fund";

Sec. 2.
(Definitions.)

(b) by omitting from the definition of "Tribunal" in subsection one of section two the word "Pensions" and by inserting in lieu thereof the word "Superannuation";

Sec. 4.
(Reciprocating States.)

(c) (i) by omitting from paragraph (c) of subsection two of section four the words "funds established under this Act or either of them" and by inserting in lieu thereof the words "fund established under this Act";

(ii) by omitting from paragraph (d) of the same subsection the words "funds established under this Act, or either of them, to the corresponding funds or" and by inserting in lieu thereof the words "fund established under this Act to the corresponding";

Sec. 7.
(Pension—permanent incapacity.)

(d) by omitting paragraph (d) of subsection (1A) of section seven and by inserting in lieu thereof the following paragraph:—

(d) that he has paid contributions for a period of at least five years to one or more of the following funds, that is to say, the Coal Mine Workers' Pensions Fund, the Oil Shale Mine Workers' Pensions Fund and the Coal and Oil Shale Mine Workers Superannuation Fund.

(e)

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- (e) by inserting in subsection (1F) of section ten after the word "Fund" where secondly occurring the words "or the Coal and Oil Shale Mine Workers Superannuation Fund"; **No. 52, 1951.**
Sec. 10.
(Pension payable to dependants.)
- (f) (i) by omitting from subsection one of section fifteen the word "Pensions" and by inserting in lieu thereof the word "Superannuation";
Sec. 15.
(The Tribunal.)
- (ii) by omitting from subsections six and seven of the same section the words "or the Coal Mine Workers' Pensions Fund" wherever occurring;
- (iii) by omitting from the same subsections the words "or the Oil Shale Mine Workers' Pensions Fund" wherever occurring;
- (g) (i) by omitting from section twenty-eight the word "funds" where firstly occurring and by inserting in lieu thereof the word "fund";
Sec. 28.
(Advances by Treasury.)
- (ii) by omitting from the same section the words "to either or both of the funds" and by inserting in lieu thereof the words "to the fund."

6. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, is further amended—

Further amendment of Act No. 45, 1941.

- (a) by inserting at the end of section 19A the following new subsection:—

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

(3) A mine worker who in accordance with the foregoing provisions of this section is eligible for a subsidy in accordance with the provisions of this Part of this Act shall not be entitled to any benefits under section six, seven, eight or nine of this Act.

(b)

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No. 52, 1951.

Sec. 19B.
(Amount of
subsidy.)

(b) (i) by omitting subsection one of section 19B and by inserting in lieu thereof the following subsections:—

(1) (a) This subsection shall apply to any mine worker eligible for a subsidy in pursuance of section 19A of this Act who—

(i) has not attained the age of sixty years; or

(ii) has attained that age and to or in respect of whom no weekly payments of compensation are payable under the Workers' Compensation Act, 1926, or any amendment thereof, or any agreement referred to in paragraph (b) of subsection one of section 19A of this Act.

(b) The amount of subsidy per week payable to any mine worker to whom this subsection applies shall, subject to any deductions required to be made as hereinafter provided, be—

(i) the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926-1951, to or in respect of such mine worker had such mine worker been awarded compensation for total incapacity due to the inhalation of dust; or

(ii) an amount equivalent to the pension and additions thereto which such mine worker would be entitled to receive per week under section six, seven, eight or nine of this Act had such mine worker been eligible therefor,

whichever is the greater.

(1A) (a) This subsection shall apply to any mine worker eligible for subsidy in pursuance

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pursuance of section 19A of this Act and ^{No. 52, 1951.}
who has attained the age of sixty years and
to or in respect of whom weekly payments
of compensation are payable under the
Workers' Compensation Act, 1926, or any
amendment thereof, or any agreement
referred to in paragraph (b) of subsection
one of section 19A of this Act.

(b) The amount of subsidy per
week payable to any mine worker to whom
this subsection applies shall, subject to any
deductions required to be made as herein-
after provided, be an amount equivalent to
the pension and additions thereto which
such mine worker would be entitled to
receive per week under section six, seven,
eight or nine of this Act had he been
eligible therefor.

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

(a) an amount equivalent to an amount
by which the average weekly earnings
of such mine worker and his
dependants (if any) from employ-
ment other than employment offered
to and accepted by him in accordance
with the provisions of paragraph (d)
of subsection one of section 19F
exceeds two pounds ten shillings per
week;

(iii) by omitting paragraphs (c) and (d) of the
same subsection;

(iv) by inserting at the end of the same sub-
section the following new proviso and
subsection:—

Provided that paragraph (e) of this sub-
section shall apply only in the case of any
subsidy payable to a mine worker who is
under the age of sixty years.

(2A)

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No. 52, 1954.

(2A) Where a subsidy is payable to a mine worker under this Part of this Act and such mine worker has been offered and has accepted employment in accordance with the provisions of paragraph (d) of subsection one of section 19F of this Act, an amount equivalent to one-third of such subsidy shall be deducted, during the period of such employment, from the amount of subsidy to which such mine worker is eligible in accordance with the provisions of subsection one or (1A) and subsection two of this section.

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

(4) The disqualification under subsection three of this section shall—

(a) in respect of a mine worker who, before the first day of November, one thousand nine hundred and fifty-one, has attained the age of sixty years, cease to have effect on the said date;

(b) in respect of a mine worker who, after such date, attains the age of sixty years, cease to have effect upon the date on which he attains that age.

Sec. 19F.
(Conditions
attaching to
and suspen-
sion of
subsidies.)

(c) by omitting from subsection one of section 19F the words “or a pension under this Act.”

(2) (a) The amendments made by subsection one of this section shall be deemed to have commenced on the first day of November, one thousand nine hundred and fifty-one.

(b) The amendments made by subsection one of this section shall be deemed to extend to and from the said date apply in respect of all mine workers who were immediately before such date in receipt of subsidy pursuant to Part IVA of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, as well as to mine workers becoming eligible for any such subsidy after such date.

(3)

(3) The estimate made by the Pensions Tribunal ^{No. 52, 1951.} constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1950, in accordance with section 19D of that Act, of the amount required by the Coal and Oil Shale Mine Workers Compensation Subsidy Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-one, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable by virtue of the operation of subsection one of this section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, be deemed to be the estimate of the amount required by such Fund for the aforesaid period of twelve months for payment of subsidy and other sums chargeable upon or payable out of that Fund and for the provision of a reserve in connection with that Fund.
