

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

**Act No. 52, 1952.**

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 4th December, 1952.]

**Elizabeth II,  
No. 52, 1952.**

**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.** (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1952".

**Short title  
and  
citation.**

(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, 1941-1952.

**2.**

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Amendment  
of Act No.  
45, 1941.

Sec. 6.  
(Pensions  
—mine  
workers  
who are  
retired.)

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, is amended—

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

(9) (a) The amount of pension per week payable to any mine worker who has, before the second day of October, one thousand nine hundred and fifty-two, 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 four pounds ten shillings.

(b) The amount of pension per week payable to any mine worker who, on or after the second day of October, one thousand nine hundred and fifty-two, 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 four pounds ten shillings.

Sec. 7.  
(Pension  
—perman-  
ent incapa-  
city.)

(b) by omitting from subsections one and (1A) of section seven the words “three pounds seventeen shillings and six pence” wherever occurring and by inserting in lieu thereof the words “four pounds ten shillings”;

Sec. 8.  
(Hard luck  
cases.)

(c) by omitting from subsection one of section eight the words “three pounds seventeen shillings and six pence” and by inserting in lieu thereof the words “four pounds ten shillings”;

Sec. 9.  
(Pensions  
—addi-  
tional pay-  
ments in  
respect of  
depend-  
ants.)

(d) (i) by omitting from subsection one of section nine the words “three pounds two shillings and six pence” wherever occurring and by inserting in lieu thereof the words “three pounds fifteen shillings”;

(ii) by omitting from subsections five and (5A) of the same section the words “two pounds fifteen shillings” wherever occurring and by inserting in lieu thereof the words “three pounds seven shillings and six pence”;

(e)

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- (e) (i) by omitting from subsections one and (1c) of section ten the words "three pounds two shillings and six pence" wherever occurring and by inserting in lieu thereof the words "four pounds"; Sec. 10.  
(Pension payable to dependants.)
- (ii) by omitting from subsection (1E) of the same section the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence";
- (f) (i) by omitting from subsection three of section 10A the words "three pounds two shillings and six pence" and by inserting in lieu thereof the words "three pounds fifteen shillings"; Sec. 10A.  
(De facto wife.)
- (ii) by omitting from subsection five of the same section the words "two pounds fifteen shillings" and by inserting in lieu thereof the words "three pounds seven shillings and six pence".

(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 second day of October, one thousand nine hundred and fifty-two, 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, 1941-1951, 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 Workers (Superannuation) Act, 1941-1951, as well as to persons becoming eligible for any such pension after such commencement.

(c)

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(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 second day of October, one thousand nine hundred and fifty-two, 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, 1941-1951, 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 second day of October, one thousand nine hundred and fifty-two.

(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 September, 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 second day of October, one thousand nine hundred and fifty-two,

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

**3.** (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, is further amended—

- (a) by omitting from paragraph (a) of subsection one of section nine the words "where such wife is totally or mainly dependent on his earnings, which amount shall be payable until her death

or

**Further  
amendment  
of Act No.  
45, 1941.**

**Sec. 9.  
(Pensions—  
additional  
payments  
in respect  
of depend  
ants.)**

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or until she ceases to be his wife” and by inserting in lieu thereof the words “who is totally or mainly dependent on his earnings at the date on which he becomes eligible for such pension or who whether married to him at or after such date becomes so dependent after such date, which amount shall be payable only during any period of dependency”;

- (b) by omitting from paragraph (b) of the same subsection the words “which amount shall be payable until such child shall attain the age of sixteen years” and by inserting in lieu thereof the words “at the date on which he becomes eligible for such pension or who becomes so dependent after such date, which amount shall be payable only during any period of dependency”;
- (c) by inserting at the end of the same paragraph the following new subparagraph:—
- (ii) where no amount is payable under subparagraph (i) of this paragraph an amount of ten shillings per week in respect of one legitimate child born after the date on which he becomes eligible for such pension who is totally dependent on his earnings, which amount shall be payable only during any period of dependency until such child shall attain the age of sixteen years;
- (d) by omitting from the same subsection the words “Paragraphs (a), (b) and (d) of this subsection shall also apply and be deemed always to have applied to a mine worker who has been awarded a pension pursuant to section six, section seven or section eight of this Act”;
- (e) (i) by inserting in subsection five of the same section after the words “the Tribunal may” the words “where the wife is in receipt  
of

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of or entitled to receive age or invalid pension under the Social Services Consolidation Act 1947-1952 of the Parliament of the Commonwealth”;

- (ii) by omitting from the same subsection the words “or paragraph (c)”;
- (iii) by inserting at the end of the same subsection the words “plus an amount of seven shillings and six pence per week”.

(2) The amendments made by paragraphs (a), (b) and (c) of subsection one of this section shall be deemed to have commenced upon the twenty-first day of November, one thousand nine hundred and forty-one.

Nothing in this subsection shall operate to—

- (a) entitle any person to any pension in excess of the rate prescribed at the time such pension was paid to him;
- (b) authorise the recovery of any amount of pension which would not have been recoverable had such amendments not been made.

Further  
amendment  
of Act  
No. 45,  
1941.  
Sec. 13.  
(Deductions  
from  
pensions.)

4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, is further amended—

- (a) by omitting from subsection one of section thirteen the words “or any State supplementary allowance payable to a widow”;
- (b) by inserting in the same subsection after the words “this Act” where thirdly occurring the following paragraph:—

Any amount which any person in respect of whom a mine worker may be eligible for an addition to his pension under section nine of this Act has received, or upon application is entitled to receive from any age, invalid or widow’s pension under the Social Services Consolidation Act 1947-1952 of the Parliament of the Commonwealth or any pension payable under the Superannuation Act, 1916-1952, in respect of any  
period

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period for which such addition is payable under this Act shall, in addition to the deduction, if any, required to be made under the foregoing provisions of this subsection, be deducted from the amount payable to him as a pension under this Act.

(c) by inserting next after subsection one of the same section the following new subsection:—

(2) (a) Where it appears to the Registrar that any person referred to in subsection one of this section is entitled to receive but is not in receipt of any age, invalid or widow's pension under the Social Services Consolidation Act 1947-1952 of the Parliament of the Commonwealth, the Registrar may request that person to make application for such a pension.

(b) Where such person does not make the application referred to in paragraph (a) of this subsection within fourteen days after request by the Registrar so to do, or having made, upon the request of the Registrar or otherwise, an application for such a pension which in the opinion of the Tribunal has been rejected on the grounds of misrepresentation made or false information furnished thereupon, the Tribunal may reduce the pension payable to such person by such amount as the Tribunal estimates such person would, but for such misrepresentation or false information, be entitled to receive from age, invalid or widow's pension under the said Act.

Any such reduction shall be made as from such date as the Tribunal may determine. Such date shall be not earlier than the date of such application or, where the person has been requested by the Registrar to make an application and has failed to do so, the date of the making of such request.

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(2) Any action of the Tribunal which would have been valid had the amendment of section thirteen made by paragraph (b) of subsection one of this section been in force at the time of such action is hereby validated.

Further amendment of Act No. 45, 1941.

Sec. 19D.  
(Contributions to Subsidy Fund.)

5. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, is further amended—

(a) by inserting at the end of subsection three of section 19D the following new paragraph:—

In this subsection “owners” shall not, as on and from the first day of January, one thousand nine hundred and fifty-three, include any manufacturers of coke or the South Maitland Railways Proprietary Limited.

Sec. 32.  
(Regulations.)

(b) by omitting from subsection three of section thirty-two the words “ten pounds” and by inserting in lieu thereof the words “fifty pounds”.

Variation of estimates.

6. (1) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, in accordance with section nineteen of that Act, of the amount required by the Coal and Oil Shale Mine Workers Superannuation Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, shall be deemed to be varied to the extent necessary to include the amount required for payment of pensions increased or other sums payable out of such Fund by virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, be deemed to be the estimate of the amount required by 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.

(2) The estimate made by the Pensions Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1951, in accordance with section 19D of that Act, of the amount required by the  
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Fund for the period of twelve months commencing on the first day of July, one thousand nine hundred and fifty-two, shall be deemed to be varied to the extent necessary to include the amount required for payment of subsidy increased or other sums payable out of such Fund by virtue of the operation of this Act, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, 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.

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