

**COAL AND OIL SHALE MINE WORKERS' SUPER-
ANNUATION) AMENDMENT ACT.**

Act No. 23, 1954.

Elizabeth II,
No. 23, 1954.

An Act to increase the rates of pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952; for this and other purposes to amend the said Act in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 29th April, 1954.]

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
and
citation.

1. (1) This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1954."

(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, 1941-1954.

Amendment
of Act No.
45, 1941.

Sec. 2.
(Defini-
tions.)

2. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, is amended—

(a) by omitting from the proviso to the definition of "Mine worker" in subsection one of section two the words "subsection four of this section" and by inserting in lieu thereof the words "sections 2A, 2B, 2C and 2D of this Act";

(b) by omitting subsection four of the same section.

Further
amendment
of Act No.
45, 1941.

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

3. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, is further amended—

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

(10) (a) The amount of pension per week payable to any mine worker who has, before the twenty-ninth day of October, one thousand nine hundred

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hundred and fifty-three, 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 twelve shillings and sixpence. No. 23, 1954.

(b) The amount of pension per week payable to any mine worker who, on or after the twenty-ninth day of October, one thousand nine hundred and fifty-three, 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 twelve shillings and sixpence.

- (b) by omitting from subsections one and (1A) of section seven the words "four pounds ten shillings" wherever occurring and by inserting in lieu thereof the words "four pounds twelve shillings and sixpence"; Sec. 7.
(Pension—
permanent
incapacity.)
- (c) by omitting from subsection one of section eight the words "four pounds ten shillings" and by inserting in lieu thereof the words "four pounds twelve shillings and sixpence"; Sec. 8.
(Hard luck
cases.)
- (d) (i) by omitting from subsection one of section nine the words "three pounds fifteen shillings" wherever occurring and by inserting in lieu thereof the words "three pounds seventeen shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments
in respect
of depen-
dants.)
- (ii) by omitting from subsections five and (5A) of the same section the words "three pounds seven shillings and sixpence" wherever occurring and by inserting in lieu thereof the words "three pounds ten shillings";
- (e) (i) by omitting from subsections one and (1c) of section ten the words "four pounds" wherever occurring and by inserting in lieu thereof the words "four pounds two shillings and sixpence"; Sec. 10.
(Pension
payable
to depen-
dants.)

(ii)

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(ii) by omitting from subsection (1E) of the same section the words "three pounds seven shillings and sixpence" and by inserting in lieu thereof the words "three pounds ten shillings";

Sec. 10A.
(De facto
wife.)

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

(ii) by omitting from subsection five of the same section the words "three pounds seven shillings and sixpence" and by inserting in lieu thereof the words "three pounds ten 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 twenty-ninth day of October, one thousand nine hundred and fifty-three, 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, 1941-1952, 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, 1941-1952, as well as to persons becoming eligible for any such pension after such commencement.

(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 twenty-ninth day of
October,

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October, one thousand nine hundred and fifty-three, No. 23, 1954.
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, 1941-1952, 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 sub-
section one of this section shall be deemed to have com-
menced on the twenty-ninth day of October, one thousand
nine hundred and fifty-three.

(b) The amendments made by subparagraph
(i) of paragraph (e) and subparagraph (i) of para-
graph (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 twentieth day of October, one thousand nine
hundred and fifty-three, be deemed to have
commenced upon the said day;

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

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

4. (1) The Coal and Oil Shale Mine Workers (Super-
annuation) Act, 1941-1952, is further amended—

(a) (i) by inserting in subsection five of section
nine after the words "sixteen years" where
secondly occurring the words "or that his
wife is permanently incapable of perform-
ing her domestic duties and that by reason
thereof he employs a female over the age
of sixteen years (whether or not such
female is a member of the mine worker's
family)

Further
amendment
of Act No.
45, 1941.
Sec. 9.
(Pensions—
additional
payments
in respect
of depen-
dants.)

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family) to perform the domestic duties of his household which his wife would but for such incapacity have been capable of performing;

- (ii) by omitting from the same subsection the words "an amount of" and by inserting in lieu thereof the words "such amount as the Tribunal may determine not exceeding";
- (iii) by inserting at the end of the same subsection the following new paragraph:—

The addition to a pension under this subsection whether awarded before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1954, may from time to time be reduced, increased or revoked by the Tribunal, on the recommendation of the Registrar or the Chairman, in any circumstances it deems desirable: Provided that no such increase shall operate so as to increase the amount of any such addition beyond three pounds ten shillings per week.

- (iv) by inserting in subsection (5A) of the same section after the word "invalid" the words "or is through permanent sickness or disability unable to care for himself";
- (v) by omitting from the same subsection the word "relative";
- (vi) by omitting from the same subsection the words "an amount of" and by inserting in lieu thereof the words "such amount as the Tribunal may determine not exceeding";
- (vii) by inserting at the end of the same subsection the following new paragraph:—

The addition to a pension under this subsection whether awarded before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment

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Amendment Act, 1954, may from time to time be reduced, increased or revoked by the Tribunal, on the recommendation of the Registrar or the Chairman, in any circumstances it deems desirable: Provided that no such increase shall operate so as to increase the amount of any such addition beyond three pounds ten shillings per week. No. 23, 1954.

- (b) (i) by omitting from subsection (1E) of section 10. ten the words "an amount of" and by inserting in lieu thereof the words "such amount as the Tribunal may determine not exceeding"; (Pension payable to dependants.)

- (ii) by inserting at the end of the same subsection the following new paragraph:—

The addition to a pension under this subsection whether awarded before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1954, may from time to time be reduced, increased or revoked by the Tribunal, on the recommendation of the Registrar or the Chairman, in any circumstances it deems desirable: Provided that no such increase shall operate so as to increase the amount of any such addition beyond three pounds ten shillings per week.

- (c) (i) by omitting from subsection five of section 10A the words "an amount of" and by inserting in lieu thereof the words "such amount as the Tribunal may determine not exceeding"; (De facto wife.)

- (ii) by inserting at the end of the same subsection the following new paragraph:—

The addition to a pension under this subsection whether awarded before or after the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1954, may from time to time be reduced, increased or revoked by the Tribunal, on the recommendation of the

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the Registrar or the Chairman, in any circumstances it deems desirable: Provided that no such increase shall operate so as to increase the amount of any such addition beyond three pounds ten shillings per week.

Sec. 13.
(Deductions
from
pensions.)

- (d) (i) by omitting from subsection one of section thirteen the figures "1947-1948" and by inserting in lieu thereof the figures "1947-1953";
- (ii) by omitting from the same subsection the figures "1947-1952" and by inserting in lieu thereof the figures "1947-1953";
- (iii) by omitting from paragraph (a) of subsection two of the same section the figures "1947-1952" and by inserting in lieu thereof the figures "1947-1953";
- (iv) by inserting at the end of the same section the following new subsection:—

(3) In this section—

"Social Services Consolidation Act 1947-1953 of the Parliament of the Commonwealth" includes any agreement referred to in section one hundred and thirty-seven of that Act.

Sec. 19B.
(Amount of
subsidy.)

- (e) (i) by omitting subsections one and (1A) of section 19B and by inserting in lieu thereof the following subsection:—

(1) The amount of subsidy per week payable to any mine worker eligible for a subsidy in pursuance of section 19A of this Act shall, subject to any deductions required to be made as hereinafter provided, be—

- (a) the maximum amount per week which would be payable by way of compensation in accordance with the provisions of the Workers' Compensation Act, 1926, or any amendment thereof, to or in respect of such mine worker had such mine worker been awarded

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awarded compensation for total in- No. 23, 1954.
capacity due to the inhalation of
dust; or

- (b) 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.

- (ii) by omitting from paragraph (b) of subsection two of the same section the figures "1947" and by inserting in lieu thereof the figures "1947-1953";
- (iii) by omitting from the same subsection the words "Provided that paragraph (e) of this subsection shall apply only in the case of any subsidy payable to a mine worker who is under the age of sixty years" and by inserting in lieu thereof the words: "Provided that in the case of a mine worker who is of or over the age of sixty years paragraph (e) of this subsection shall not operate so as to reduce the subsidy payable to him to an amount less than that to which he would have been entitled under paragraph (b) of subsection one of this section had such paragraph been applicable to him".
- (iv) by inserting at the end of the same subsection the following new paragraph:—

In this subsection—

"Social Services Consolidation Act 1947-1953 of the Parliament of the Commonwealth" includes any agreement referred to in section one hundred and thirty-seven of that Act.

(2)

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No. 23, 1954. (2) The amendments made by subparagraphs (i) and (iii) of paragraph (e) of subsection one of this section shall be deemed to have commenced upon the first day of November, one thousand nine hundred and fifty-one.

Amendment of Act No. 52, 1952. Sec. 2 (3). (Correction.) **5.** (1) The Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1952, is amended by omitting from subparagraph (i) of paragraph (b) of subsection three of section two the words "one thousand nine hundred and fifty-one" and by inserting in lieu thereof the words "one thousand nine hundred and fifty-two".

(2) Subsection one of this section shall be deemed to have commenced upon the fourth day of December, one thousand nine hundred and fifty-two.

Variation of estimates.

6. (1) The estimate made by the Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, 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-three, 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, 1941-1954, 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 Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, 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-three,

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fifty-three, shall be deemed to be varied to the extent ^{No. 23, 1954.} 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 Workers' Compensation (Amendment) Act, 1953, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1954, 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.
