

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

Act No. 6, 1961.

An Act to increase the rates of pensions and subsidy payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1957; to include additional classes of persons as mine workers under the said Act; to alter the compulsory retiring age of certain mine workers; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 14th March, 1961.]

**Elizabeth II,
No. 6, 1961**

BE

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Amendment Act.**

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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, 1961".

(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, 1941-1961.

Amendment
of Act No.
45, 1941.

2. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1957, is amended—

Sec. 2A.
(Extension
of definition
of "Mine
worker".)

(a) (i) by omitting from paragraph (a) of subsection three of section 2A the words "a member of the class" and by inserting in lieu thereof the words "an instructor as";

(ii) by inserting in paragraph (b) of the same subsection after the words "oil shale mine" the words "or a superintendent as referred to in paragraph (vi) of the said proviso";

Sec. 2E.
(Extension
of definition
of "mine
worker" to
cavilled out
mine
workers,
etc.)

(b) by inserting at the end of subsection three of section 2E the following word and new paragraph :—

"or

(c) he has been a mine worker for periods aggregating not less than twenty years."

New sec. 2H.

(c) by inserting next after section 2G the following new section :—

Further
extension of
the definition
of "Mine
worker".

2H. (1) A reference in this section to the commencement of this section shall be construed as a reference to the date of commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961.

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(2) As from the commencement of this section the definition of "Mine worker" in subsection one of section two of this Act shall be extended to include a person who is engaged in clerical work as an employee of Australian Iron & Steel Ltd. at the Central Colliery Office at Wollongong and who is not a mine worker by virtue of any other provisions of this Act. No. 6, 1961

(3) The retiring age of persons who by virtue of subsection two of this section are mine workers shall be sixty-five years :

Provided that any person to whom this section applies may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years, and in any such case a reference in any provision of this Act to the "date of retirement" shall, notwithstanding anything elsewhere contained in this Act, in the application of that provision to and in respect of such person, be construed as a reference to the date upon which he so retires or is retired.

(4) As from the commencement of this section the provisions of this Act shall, subject to this section, apply to and in respect of persons who by virtue of subsection two of this section are mine workers :

Provided that the provisions of this Act in their application to and in respect of such persons shall be deemed to be modified to the following extent, that is to say—references, express or implied, in this Act, to the commencement of Part II of this Act, shall be construed as references to the commencement of this section :

Provided further that the provisions of this Act in their application to and in respect of any person to whom this section applies shall be deemed to be

modified

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—

modified to the following extent, that is to say—
sections five and six of this Act shall have and take effect as if the age of sixty-five years, or, where such person retires or is retired before the age of sixty-five years, the age at which such person retires or is retired were substituted for the age of sixty years referred to therein, and references in this Act to the “date of retirement” shall be construed accordingly.

Further amendment of Act No. 45, 1941.

3. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1957, is further amended—

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

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

Any mine worker who, at the date of retirement, is not eligible pursuant to subsection one, subsection (1A), subsection two of this section or this subsection, for a pension shall be eligible as from the date of retirement for a pension of six pounds two shillings and sixpence per week if he establishes to the satisfaction of the Tribunal that before the date of retirement he has, during the ten years immediately preceding such date, been engaged in the coal or oil shale mining industries in New South Wales and during such period has actually worked in the coal or oil shale mining industries of New South Wales for a period of not less than six hundred days in all.

Sec. 9.
(Pensions—additional payments in respect of dependants.)

(b) by inserting in subsection (1A) of section nine after the word “sources” the words “, other than age or invalid pension or wife’s allowance received under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament,”.

(2) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the twenty-ninth day of April, one thousand nine hundred and fifty-seven.

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4. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1957, is further amended—

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Further
amendment
of Act No.
45, 1941.

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

Sec. 6.

(13) (a) The amount of pension per week payable to any mine worker who has, before the eighth day of October, one thousand nine hundred and fifty-nine, 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 five pounds seventeen shillings and sixpence.

(Pensions
—mine
workers
who are
retired.)

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

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

Sec. 7.

(Pension—
permanent
incapacity.)

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

Sec. 8.

(Hard luck
cases.)

(d) by omitting from subsection one of section nine the words “four pounds fifteen shillings” wherever occurring and by inserting in lieu thereof the words “five pounds two shillings and sixpence”;

Sec. 9.

(Pensions—
additional
payments
in respect of
dependants.)

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Sec. 10.
(Pension
payable to
dependants.)

Sec. 10A.
(De facto
wife.)

(e) by omitting from subsections one and (1c) of section ten the words "five pounds" wherever occurring and by inserting in lieu thereof the words "five pounds seven shillings and sixpence";

(f) by omitting from subsection three of section 10A the words "five pounds" and by inserting in lieu thereof the words "five pounds seven shillings and sixpence".

(2) (a) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed to extend to and from the eighth day of October, one thousand nine hundred and fifty-nine, 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, as amended by subsequent Acts, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b) The amendments made by paragraph (e) and 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, as amended by subsequent Acts, as well as to persons becoming eligible for any such pension after such commencement.

(3) (a) The amendments made by paragraphs (a), (b), (c) and (d) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and fifty-nine.

(b) The amendments made by paragraph (e) and by 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-ninth day

of

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of September, one thousand nine hundred and fifty-nine, be deemed to have commenced upon the said day;

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

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

(4) (a) The estimate made by the Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, in accordance with section nineteen of that Act, as so amended, 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-nine, 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 section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this section, 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.

(b) The estimate made by the Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, in accordance with section 19D of that Act, as so amended, 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-nine, shall be deemed to

be

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No. 6, 1961 — 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 section and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this section, 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.

Further amendment of Act No. 45, 1941.

5. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by section four of this Act, is further amended—

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

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

(14) (a) The amount of pension per week payable to any mine worker who has, before the sixth day of October, one thousand nine hundred and sixty, 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 six pounds two shillings and sixpence.

(b) The amount of pension per week payable to any mine worker who, on or after the sixth day of October, one thousand nine hundred and sixty, 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 six pounds two shillings and sixpence.

Sec. 7.
(Pension—
permanent
incapacity.)

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

(c)

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- (c) by omitting from subsection one of section eight the words "five pounds seventeen shillings and sixpence" and by inserting in lieu thereof the words "six pounds two shillings and sixpence"; No. 6, 1961
Sec. 8.
(Hard luck cases.)
- (d) by omitting from subsection one of section nine the words "five pounds two shillings and sixpence" wherever occurring and by inserting in lieu thereof the words "five pounds seven shillings and sixpence"; Sec. 9.
(Pensions—
additional
payments in
respect of
dependants.)
- (e) by omitting from subsections one and (1c) of section ten the words "five pounds seven shillings and sixpence" wherever occurring and by inserting in lieu thereof the words "five pounds twelve shillings and sixpence"; Sec. 10.
(Pension
payable to
dependants.)
- (f) by omitting from subsection three of section 10A the words "five pounds seven shillings and sixpence" and by inserting in lieu thereof the words "five pounds twelve shillings and sixpence". Sec. 10A.
(De facto
wife.)

(2) (a) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed to extend to and from the sixth day of October, one thousand nine hundred and sixty, 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, as amended by subsequent Acts, as well as to mine workers becoming eligible for any such pension or addition thereto after such date.

(b) The amendments made by paragraph (e) and 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, as amended by subsequent Acts, as well as to persons becoming eligible for any such pension after such commencement.

(3)

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(3) (a) The amendments made by paragraphs (a), (b), (c) and (d) of subsection one of this section shall be deemed to have commenced on the sixth day of October, one thousand nine hundred and sixty.

(b) The amendments made by paragraph (e) and by 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-seventh day of September, one thousand nine hundred and sixty, be deemed to have commenced upon the said day;

(ii) in any other case, be deemed to have commenced upon the sixth day of October, one thousand nine hundred and sixty,

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

(4) (a) The estimate made by the Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, in accordance with section nineteen of that Act, as so amended, 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 sixty, 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 section, and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this section, 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.

(b)

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(b) The estimate made by the Superannuation Tribunal constituted under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts, in accordance with section 19D of that Act, as so amended, 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 sixty, 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 section and the estimate as so varied shall for all purposes of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as amended by subsequent Acts and by this section, 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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6. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1957, is further amended—

Further amendment of Act No. 45, 1941.

(a) by inserting next after section 10A the following new section :—

New sec. 10B.

10B. (1) When and so often as the age pension payable under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, is increased the following provisions shall have effect :—

Increase in pensions in accordance with Commonwealth Social Service pensions.

(a) (i) the amount of pension per week payable to any mine worker who has, before the date on which the increase in such age pension becomes payable, been awarded a pension pursuant to subsection one, (1A), two or three of section six of this Act shall, as on and from that date and notwithstanding

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notwithstanding anything contained in section six of this Act, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

- (ii) the amount of pension per week payable to any mine worker who, on or after the date on which the increase in such age pension becomes payable, becomes eligible for a pension pursuant to subsection one, (1A), two or three of section six of this Act shall, as on and from the date of retirement and notwithstanding anything contained in section six of this Act be an amount equivalent to that payable as at the date of retirement to a person to whom subparagraph (i) of this paragraph applies;
- (b) the amount of pension per week payable to a mine worker pursuant to section seven or eight of this Act, and the addition, if any, to any pension, pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, shall, as from the date on which the increase in such age pension becomes payable, be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension.

(2) When and so often as a pension under Part IV of the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament, is increased the amount of pension per week payable pursuant to section ten or 10A of this Act shall, as from the prescribed date, be increased by adding thereto a sum equal to the increase in the weekly rate of the said pension under Part IV, or where the increase in the weekly rate of the said pension under

Part

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Part IV varies according to the class of widow, a sum equal to the increase in the weekly rate of the said pension under Part IV of such class of widow as may be prescribed. No. 6, 1961

(3) The regulations may prescribe the date as from which any increase in pension or addition to a pension pursuant to the provisions of subsection two of this section shall take effect.

Different dates may be specified in respect of different classes of pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

(b) by inserting at the end of section nineteen the following new subsection : — Sec. 19.
(Contributions.)

(7) Where in any year commencing on the first day of July pensions and other sums payable out of the Fund are increased by virtue of the operation of section 10B of this Act the estimate made by the Tribunal pursuant to subsection one of this section for that year 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 the said section and the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by such Fund for such year 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.

(c) by inserting at the end of section 19D the following new subsection : — Sec. 19D.
(Contributions to Subsidy Fund.)

(5) Where in any year commencing on the first day of July the amount of subsidy per week payable to mine workers is increased by virtue of the operation

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operation of the amendments of this Act made by the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1961, the estimate made by the Tribunal pursuant to this section for that year 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 the Subsidy Fund by virtue of the operation of such amendments and the estimate as so varied shall for all purposes of this Act be deemed to be the estimate of the amount required by that Fund for such year 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.
