

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

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 17, 1969.

An Act to increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1968; for this and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 2nd April, 1969.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by No. 17, 1969 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, 1969". Short title and citation.

(2) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, as subsequently amended and as amended by this Act, may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941–1969.

2. (1) The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941–1968, is amended— Amendment of Act No. 45, 1941.

- (a) by omitting from paragraph (a) of subsection one of section seven the words "arising out of and in the course of his employment" wherever occurring; Sec. 7. (Pension—permanent incapacity.)
- (b) (i) by omitting from paragraph (b) of subsection one of section nine the words "one dollar fifty cents" wherever occurring and by inserting in lieu thereof the words "two dollars fifty cents"; Sec. 9. (Pensions—additional payments in respect of dependants.)
- (ii) by omitting from subsection six of the same section the words "one dollar fifty cents" and by inserting in lieu thereof the words "two dollars fifty cents";
- (c) by omitting from paragraph (b) of subsection one of section ten the words "arising out of and in the course of his employment"; Sec. 10. (Pension payable to dependants.)
- (d) by omitting from paragraph (b) of subsection one of section 10A the words "arising out of and in the course of his employment"; Sec. 10A. (De facto wife.)

(e)

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New sec.
10D.Further
increases in
pensions and
additions
thereto.

(e) by inserting next after section 10c the following new section :—

10D. (1) Notwithstanding any provision of this Act—

- (a) the rate of pension payable pursuant to any such provision to any mine worker, who was in receipt of a pension pursuant to subsection one, subsection (1A), subsection two or subsection three of section six, subsection one or subsection (1A) of section seven or subsection one of section eight of this Act on the tenth day of October, one thousand nine hundred and sixty-eight, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1969, became, or who after such commencement becomes, eligible therefor, shall, as on and from that date or from the date on which he became or becomes so eligible, be sixteen dollars twenty-five cents per week;
- (b) the amount of the addition to a pension payable pursuant to any such provision to a mine worker who was entitled to such addition pursuant to paragraph (a) or paragraph (c) of subsection one of section nine of this Act on the tenth day of October, one thousand nine hundred and sixty-eight, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1969, became, or who after such commencement becomes, eligible for such addition, shall, as on and from that date or from the date on which he became or becomes so eligible, be thirteen dollars seventy-five cents per week;

(c)

(c) the rate of pension payable pursuant to No. 17, 1969 any such provision—

- (i) to a widow or other female who on the first day of October, one thousand nine hundred and sixty-eight, was entitled to a widow's pension under any legislation of the Commonwealth relating to social services and to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1969, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be fifteen dollars twenty-five cents per week;
- (ii) to any person other than a widow or other female referred to in subparagraph (i) of this paragraph who on the tenth day of October, one thousand nine hundred and sixty-eight, was entitled to a pension pursuant to section ten or 10A of this Act, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1969, became, or who after such commencement becomes, so entitled, shall as on and from that date or from the date on which she became or becomes so entitled, be fifteen dollars twenty-five cents per week.

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(2) Nothing in subsection one of this section shall affect anything contained in sections 11A and thirteen of this Act.

Sec. 12.
(No pension while compensation payable.)

- (f) (i) by omitting from section twelve the figures "1926-1938" wherever occurring and by inserting in lieu thereof the figures and words "1926, as subsequently amended";
- (ii) by omitting from the same section the words "arising out of and in the course of his employment" wherever occurring;
- (iii) by omitting from subsection (2A) of the same section the figures "1926-1948" and by inserting in lieu thereof the figures and words "1926, as subsequently amended";
- (iv) by inserting at the end of the same subsection the following new paragraph :—
- (c) a mine worker who has received or recovered damages independently of that Act in respect of an injury mentioned in the first column of the table to section sixteen of that Act.

Sec. 13.
(Deductions from pensions.)

- (g) by inserting at the end of subsection one of section thirteen the following new paragraphs :—

Notwithstanding anything contained in this subsection where a pensioner receives or is entitled to receive a pension under section 135U of the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament the amount attributable to age, invalid or widow's pension under such Social Services Consolidation Act 1947, as so amended, to be deducted, during the period such pension is payable, from a pension under this Act shall be equivalent to the amount of age, invalid or widow's pension, as the case may be, which but for the said section 135U would have been payable to such pensioner.

Notwithstanding

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Notwithstanding anything contained in this subsection where any pension under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament includes an amount (hereinafter referred to as the additional amount) payable to any person in respect of any child or children under the age of sixteen years of which such person has the care, custody or control the amount attributable to age, invalid or widow's pension under such Social Services Consolidation Act 1947, as so amended, to be deducted from a pension under this Act shall—

- (a) if in respect of any such child no pension or addition to a pension is payable under this Act, not include the additional amount; and
- (b) if in respect of any such child a pension or addition to a pension is payable under this Act, include that part of the additional amount as does not exceed the amount of pension or addition to a pension payable under this Act in respect of such a child.
- (h) by omitting from subsection seven of section fourteen the figures "1926-1938" and by inserting in lieu thereof the figures and words "1926, as subsequently amended"; Sec. 14. (Applications for pensions.)
- (i) by inserting in subsection two of section 19B after the words "applicable to him." the following new paragraphs :— Sec. 19B. (Amount of subsidy.)

Notwithstanding anything contained in this subsection where a pensioner receives or is entitled to receive a pension under section 135U of the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament the amount

attributable

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attributable to age or invalid pension under such Social Services Consolidation Act 1947, as so amended, to be deducted, during the period such pension is payable, from a pension under this Act shall be equivalent to the amount of age or invalid pension, as the case may be, which but for the said section 135U would have been payable to such pensioner.

Notwithstanding anything contained in this subsection where any pension under the Social Services Consolidation Act 1947 of the Parliament of the Commonwealth as amended by subsequent Acts of that Parliament includes an amount (hereinafter referred to as the additional amount) payable to any person in respect of any child or children under the age of sixteen years of which such person has the care, custody or control the amount attributable to age or invalid pension under such Social Services Consolidation Act 1947, as so amended, to be deducted from a pension under this Act shall—

- (a) if in respect of any such child no pension or addition to a pension is payable under this Act, not include the additional amount; and
- (b) if in respect of any such child a pension or addition to a pension is payable under this Act, include that part of the additional amount as does not exceed the amount of pension or addition to a pension payable under this Act in respect of such a child.

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

(b)

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(b) The amendments made by paragraphs (g) No. 17, 1969 and (i) of subsection one of this section shall be deemed to have commenced upon the twenty-seventh day of September, one thousand nine hundred and sixty-eight.

(3) (a) This subsection applies to a person who immediately before the commencement of this Act was, in respect of a child, in receipt of an addition to a pension, or a pension pursuant to subsection one of section ten of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1968.

(b) The increased weekly amount of two dollars fifty cents per week payable pursuant to the amendments made by paragraph (b) of subsection one of this section shall apply to a person to whom this subsection applies—

- (i) where such person was, at the date his entitlement to the increased pension under section 10D of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1969, took effect, in receipt of an addition to a pension, or a pension pursuant to the said subsection one of section ten, as from that date; or
 - (ii) where such person was not, at the date his entitlement to the increased pension under section 10D of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1969, took effect, in receipt of an addition to a pension, or a pension pursuant to the said subsection one of section ten, as from the date he became eligible for such receipt.
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