

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

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 27, 1970.

An Act to increase the rates of pension payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provision with respect to deductions from pensions; to provide for the accumulation of reserves for the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the said Act; to validate certain matters; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by **No. 27, 1970** 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. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970".

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

(a) by omitting from subsection (1A) of section nine the words "exceed eleven dollars per week" and by inserting in lieu thereof the words "on the weekly average of such income over the period of twelve months immediately preceding the eligibility of the mine worker for an addition to his pension as aforesaid exceed the prescribed amount per week." Sec. 9. (Pensions—additional payments in respect of dependants.)

The prescribed amount for the purposes of this subsection shall be the sum of the pension payable to the mine worker and the addition to his pension for which he is eligible as aforesaid."

(b) by omitting section 10B;

Sec. 10B. (Pensions—automatic increases.)

(c) by inserting next after section 10D the following new sections:— New secs. 10E & 10F.

10E. (1) Notwithstanding any provision of this Act— Further increases in pensions and additions thereto.

(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.

No. 27, 1970

- seven or subsection one of section eight of this Act on the ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, 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 nineteen 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 ninth day of October, one thousand nine hundred and sixty-nine, or who after that date and before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, 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 fourteen dollars twenty-five cents per week;
- (c) the rate of pension payable pursuant to any such provision—
- (i) to a widow or other female who on the thirtieth day of September, one thousand nine hundred and sixty-nine, 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

commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, 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 eighteen 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 ninth day of October, one thousand nine hundred and sixty-nine, 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, 1970, 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 eighteen dollars twenty-five cents per week.

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

10F. (1) Where so often as the age pension payable under the Social Services Act is increased the following provisions shall have effect :—

- (a) the amount of pension per week payable to any mine worker, who has, prior to the date on which any increase in such age pension for single pensioners became payable, been awarded a pension pursuant to

Increases in pensions in accordance with Commonwealth Social Service pensions.

section

No. 27, 1970

section six, seven or eight of this Act, or to any mine worker who is awarded such a pension after such date, shall as from the prescribed date be increased by adding thereto a sum equal to the increase in the weekly rate of the said age pension;

- (b) where a mine worker is receiving an addition to his pension pursuant to paragraph (a) or (c) of subsection one of section nine of this Act, the weekly amount of such addition shall as from the prescribed date be increased by adding thereto an amount which together with the increase to such pension under paragraph (a) of this subsection will equal the combined increase in the weekly rate of the age pension under the Social Services Act for married couple pensioners.

(2) Where and so often as the age pension payable to a single pensioner under the Social Services Act is increased, the amount of any pension per week payable to any widow or other female pursuant to subsection one, (1A) or (1B) of section ten, or subsection one or two of section 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 age pension.

(3) Where and so often as the amount of child's allowance for a first child payable under the Social Services Act is increased, the amount of any addition to a pension, per week, payable pursuant to paragraph (b) of subsection one, subsection three or subsection six of section nine of this Act, or of any continuation of such addition pursuant to subsection two or four of that section, and the amount per week of any pension payable

pursuant

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

pursuant to subsection one of section ten of this Act to any person referred to in paragraph (b) of subsection one or in subsection two, three, four or six of section nine 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 child's allowance. No. 27, 1970

(4) In regulations prescribing the dates as from which any increases in pension or additions to pension pursuant to the provisions of subsection one, two or three of this section shall take effect, different dates may be specified in respect of different classes of pensions or pensioners or additions to pensions and the dates so specified may be dates before or after the date of publication of such regulations in the Gazette.

(5) In this section, "the Social Services Act" means the Social Services Act 1947 of the Parliament of the Commonwealth, as amended by subsequent Acts of that Parliament.

(d) by omitting section 11A and by inserting in lieu thereof the following new section :— Subst.
sec. 11A.

11A. (1) If any person to whom a pension has been awarded under section seven or eight of this Act (in this section referred to as the "pensioner") engages in employment (including self employment) then the amount of pension payable to such pensioner shall be reduced by the amount by which the average weekly income from such employment of such pensioner, averaged over the immediately preceding quarter, exceeds the sum of the pension which but for this subsection would be payable to that pensioner and the addition to a pension payable under paragraph (a) or (c) of subsection one of section nine of this Act. Income
from
employment.

(2)

No. 27, 1970

(2) In this section "quarter" means the period from—

- (a) the first day of January to the thirty-first day of March next following;
- (b) the first day of April to the thirtieth day of June next following;
- (c) the first day of July to the thirtieth day of September next following; or
- (d) the first day of October to the thirty-first day of December next following.

(3) The provisions of this section shall not apply to a pensioner who has at the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1970, attained the age of sixty years, or who thereafter attains that age.

(4) Where a person to whom subsection one of this section applies is elected to office as a member of a local government or other public or local authority constituted by an Act or has been elected and holds office as such a member, any fees or remuneration paid to him for his services as such a member shall in calculating his average weekly income be disregarded.

Sec. 13.
(Deductions
from
pensions.)

(e) by omitting subsection (1A) of section thirteen;

Sec. 19.
(Contribu-
tions and
reserves.)

(f) (i) by omitting subsections one, two, three, (3A) and four 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 in each and every year, for payment of pensions and other sums

chargeable

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

chargeable upon or payable out of the Fund, No. 27, 1970 for the provision of a reserve in connection with the Fund in accordance with subsection two of this section and for the recovery of any deficiency in that reserve from any previous year.

(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) (a) In respect of each period of twelve months commencing on the first day of July in each and every year there shall be set aside to the reserve an amount equivalent to eighty-five per centum of the income (hereinafter called "the investment income") accrued during that period of twelve months from all Fund moneys invested by the Tribunal.

(b) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount in excess of eighty-five per centum of the investment income accrued during that period such excess shall be paid into a special reserve.

(c) Where at the conclusion of any such period of twelve months and after payment of all pensions and other sums chargeable upon or payable out of the Fund, there remains an amount less than eighty-five per centum of the investment income accrued

during

No. 27, 1970

during that period together with any deficiency in the amount payable to the reserve under paragraph (a) of this subsection in respect of any previous period of twelve months, the Tribunal shall in making its estimate under subsection one of this section, first apply all moneys or such part thereof as is necessary standing to the credit of the special reserve referred to in paragraph (b) of this subsection and shall not provide for an increase in the rates of contribution over such rates for the preceding period of twelve months until and unless such special reserve is or will become exhausted in the period of twelve months in respect of which the estimate is made.

(3) The amount of the estimate made by the Tribunal under subsection one of this section shall be provided as follows :—

- (a) the Government contribution; plus
- (b) not more than fifteen per centum of investment income plus any amount payable from the special reserve in pursuance of paragraph (c) of subsection two of this section; plus
- (c) the amount necessary to make up the balance of such estimate which shall be paid to the Tribunal—
 - (i) as to two-eleventh parts thereof by the mine workers; and
 - (ii) as to nine-eleventh parts thereof by the owners.

(4)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(4) The Government contribution referred No. 27, 1970 to in paragraph (a) of subsection three of this section shall be paid to the Tribunal by the Treasurer out of moneys provided by Parliament, and shall amount to :—

- (a) for the period of twelve months commencing on the first day of July, one thousand nine hundred and seventy—one hundred and sixty thousand dollars;
- (b) for each subsequent period of twelve months—a sum which is less than the amount which was payable by the Treasurer under this subsection for the period of twelve months immediately preceding that period by an amount of sixteen thousand dollars;
- (c) for the period of twelve months commencing on the first day of July, one thousand nine hundred and eighty, and for each such period thereafter—nil.

(4A) (a) Where in any period of twelve months commencing on the first day of July pensions and other sums payable out of the Fund are increased, whether by the operation of section 10F of this Act or otherwise, and it appears to the Registrar, taking into account any amount standing to the credit of the special reserve, that more than fifteen per centum of investment income will be absorbed in paying pensions and other sums chargeable upon or payable out of the Fund, and that the amount in excess of such fifteen per centum of investment income which will thereby be expended is so great as to be not easily recovered in the Tribunal's next annual estimate

No. 27, 1970

estimate without a substantial increase in the rates of contribution, the Registrar may by notice published in the Gazette notify an increase in the rates of contributions payable by mine workers and owners respectively, on and from the date of publication of such notice or such later date as may be specified therein.

(b) In any such case 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 so increased or other sums payable out of such Fund and so as to call for contributions by the mine workers and owners respectively in accordance with the notice published in the Gazette by the Registrar under paragraph (a) of this subsection 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.

(ii) by omitting subsection seven of the same section.

(2) (a) Paragraphs (a) and (d) 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.

(b) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and sixty-eight.

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(c) The amendments made by paragraph (f) of No. 27, 1970 subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and sixty-nine.