

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

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 66, 1975.

An Act to increase certain pensions payable under the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to make further provisions relating to the refund of contributions paid to the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; to validate certain matters; and for purposes connected therewith. [Assented to, 31st October, 1975.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

No. 66, 1975 **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 :—

Short title. **1.** This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975".

Commence-
ment. **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall be deemed to have commenced on 25th May, 1971.

Amendment
of Act No.
45, 1941. **3.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is amended—

Sec. 10AA. (a) by inserting after section 10A the following section :—

Payment of
pension
where con-
tributions
refunded.

10AA. (1) Where—

- (a) an application for a pension under this Act is made by a mine worker or by a person who may be awarded a pension under this Act upon the death of a mine worker;
- (b) a refund of contributions has been made under Part IVB to or in respect of that mine worker; and
- (c) the Tribunal allows the application referred to in paragraph (a),

the

the pension payable under this Act shall—

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- (d) if the Tribunal so directs at the time of allowance of the application, not be paid unless an amount equal to the amount refunded under Part IVB, or equal to such part of that amount as is determined by the Tribunal, is repaid to the Fund by the applicant within the time specified by the Tribunal; and
- (e) if the Tribunal so directs at the time of allowance of the application, be reduced by an amount determined by the Tribunal.

(2) Where an application referred to in subsection (1) (a) is referred to the Workers' Compensation Commission in accordance with section 14 (5), a reference in subsection (1) to the Tribunal shall, in relation to that application, be deemed to be a reference to the Workers' Compensation Commission.

(3) Where a direction has been given under subsection (1) (d) in respect of an application referred to in subsection (1) (a)—

- (a) the particulars of that direction shall be specified in the determination referred to in section 14 (9) or (10), as the case may be, in respect of that application; and
- (b) that application shall be deemed to have been disallowed, and any determination or order made in respect of that application shall be deemed to have been rescinded, if the amount directed to be repaid to the Fund is not repaid within the time specified.

(b)

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Sec. 10EA.
(Appropriate amounts
of pensions
and
additions
thereto.)

(b) by omitting section 10EA (2) and by inserting instead the following subsections :—

(2) The Minister shall, by an order published in the Gazette as soon as practicable after the commencement of section 3 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1975, amend the Schedule by omitting the reference to the amount in the Third Column appearing opposite the figures "1", "5" and "6" in the First Column respectively and by inserting instead a reference to the amount that equals the sum of—

(a) the amount the reference to which is so omitted; and

(b) two dollars.

(3) The amendment made by the order referred to in subsection (2) shall take effect as from the date of publication of the order in the Gazette.

(4) Where, in respect of the period commencing on and including 22nd December, 1974, and ending on and including the day immediately preceding the date as from which the amendment referred to in subsection (2) takes effect, the amount per week paid as pension to a person who is described in Item 1, 5 or 6 of the Schedule was or is the sum of—

(a) the amount which would, but for this subsection, have been paid or be payable;
and

(b) two dollars,

that payment is hereby validated.

(5)

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(5) Nothing in this section affects anything contained in section 11A or 13. No. 66, 1975

(c) by omitting section 19J (1) (b) and by inserting instead the following paragraph :— Sec. 19J.
(Refund.)

(b) that—

(i) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has not died thereafter—he is not eligible for a pension under this Act;

(ii) where his engagement was so terminated by reason of his death—no person is eligible for a pension under this Act consequent upon his death; or

(iii) where his engagement was so terminated by reason of any matter referred to in paragraph (a) (i) or (ii) and he has died thereafter—he was not, after that termination of his engagement, eligible for a pension under this Act, and no person is eligible for a pension under this Act consequent upon his death;

(d) by omitting section 32 (4) and by inserting instead the following subsection :— Sec. 32.
(Regulations.)

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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No. 66, 1975 **4.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is further amended—

Further amendment of Act No. 45, 1941.

Sec. 19K.
(Reduction of amount of refund.)

(a) by omitting from section 19K the words “An amount payable as a refund under this Part to or in respect of a mine worker shall be” and by inserting instead the words “The reference in section 19J (1) to the total amount of a mine worker’s contributions to the Fund is a reference to those contributions as”;

(b) by omitting section 19K (a) and by inserting instead the following paragraph :—

(a) an amount equal to so much of his contributions to the Fund as were previously refunded to or in respect of him under this Part (excluding any of his contributions that have been repaid to the Fund);

(c) by omitting section 19K (c);

(d) by inserting at the end of section 19K the following subsection :—

(2) An amount payable as a refund under this Part to or in respect of a mine worker shall be reduced by an amount equal to any amounts paid to him as a pension or addition to a pension under this Act in respect of any period after the commencement of section 10 of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1971.