

**COAL AND OIL SHALE MINE WORKERS (SUPER-  
ANNUATION) AMENDMENT ACT, 1979, No. 10**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 10, 1979.**

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, with respect to the entitlement of mine workers and other persons to benefits under that Act, and in other respects. [Assented to, 12th April, 1979.]

*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

**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 :—

**1.** This Act may be cited as the “Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1979”. Short title.

**2.** (1) This section, sections 1 and 6 and Schedule 2 shall commence on the date of assent to this Act. Commencement.

(2) Section 5 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Except as provided in subsections (1), (2), (4) and (5), this Act shall be deemed to have commenced on 26th March, 1978.

(4) Schedule 1 (2) (b), (3) and (5) shall be deemed to have commenced on 24th September, 1978.

(5) Schedule 1 (9) shall commence on 15th April, 1979.

**3.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is referred to in this Act as the Principal Act. Principal Act.

**4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—ANCILLARY PROVISIONS.

**5.** The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 45, 1941.

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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Ancillary  
provisions.

6. Schedule 2 has effect.

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Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3A (1) (a)—

Omit “after 25th March, 1978,”, insert instead “(whether commencing before, on or after 26th March, 1978)”.

(b) Section 3A (2)—

After “if” where secondly occurring, insert “, in the case of a period ending after 25th March, 1978”.

(c) Section 3A (6)—

After section 3A (5), insert :—

(6) The Tribunal may not make a declaration under subsection (1) in relation to a mine worker unless the mine worker has, apart from this section, been engaged in the coal or oil shale mining industries after 25th March, 1978.

(2) (a) Section 10EA (1) (c) (i)—

Omit “or (iii)”, insert instead “, (iii) or (iv)”.

(b) Section 10EA (1) (c) (ii)—

Omit “at the first mine workers’ pension pay period occurring after the expiration of the period of 5 years referred to in subparagraph (i) attained the age of 60 years”, insert instead “attained the age of 65 years”.

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 10EA (1) (c) (ii)—

Omit “or” where secondly occurring.

(d) Section 10EA (1) (c) (iii)—

Omit “age,” insert instead “age; or”.

(e) Section 10EA (1) (c) (iv)—

After section 10EA (1) (c) (iii), insert :—

(iv) in the case of a person who is in receipt of a pension referred to in Column 3 of Schedule 1 (3) and who is, at the first mine workers' pension pay period occurring after the expiration of the period of 5 years referred to in subparagraph (i), not, solely by reason of age, eligible for a pension under a law of the Commonwealth—the day immediately preceding the first mine workers' pension pay period occurring after the day on which the person becomes, by reason of age, so eligible,

(f) Section 10EA (2A)—

After section 10EA (2), insert :—

(2A) For the purposes of subsection (1) (c) (i), a pension shall be deemed to have become payable on the date of commencement of the period for which payment of the pension is first made from the Fund.

(3) Section 10F (1) (b)—

Omit “50”, insert instead “55”.

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 10H (2)—

Omit the subsection.

(5) (a) Section 13 (4)—

After “Subject to”, insert instead “subsection (5) and”.

(b) Section 13 (5)—

After section 13 (4), insert :—

(5) The provisions of this section apply to any amount payable pursuant to section 10EA (1) (c) (ii), and so apply as if—

(a) references in those provisions to age, invalid or widows’ pensions were references to invalid pensions or wives’ pensions, but excluding any amount payable to any person in respect of a child under the age of 16 years;

(b) subsection (1) were amended by omitting the following words :—

Notwithstanding anything contained in this subsection where any pension under the Social Services Act includes an amount (hereinafter referred to as the additional amount) payable to any person in respect of a child under the age of sixteen years of which such person has the care, custody or control the amount attributable to age,

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

invalid or widow's pension under the Social Services Act to be deducted from a pension under this Act shall—

- (a) if in respect of 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 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 child.

(c) subsection (4) had never been in force.

(6) (a) Section 14E (1) (b)—

Omit "and" where secondly occurring.

(b) Section 14E (1) (c)—

Omit "(3).", insert instead "(3); and".

(c) Section 14E (1) (d)—

After section 14E (1) (c), insert :—

- (d) except where the Tribunal is satisfied that the incapacity was caused by injury as a mine worker—would have been entitled to a lump sum benefit payment under section 14A had he continued being engaged in those industries until the date of retirement,

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Section 14F (1)—

Omit “26th May, 1978”, insert instead “26th May, 1979”.

(8) Section 28B—

Omit “Part III” wherever occurring, insert instead “Part II”.

(9) (a) Section 32 (7) (c)—

Omit “2nd February, 1979”, insert instead “1st February, 1980”.

(b) Section 32 (7) (d)—

Omit “15th April, 1979”, insert instead “6th April, 1980”.

Sec. 6.

## SCHEDULE 2.

## ANCILLARY PROVISIONS.

Certain  
pension  
amounts  
under  
Principal  
Act  
deemed to  
have been  
increased.

1. (1) The amounts specified in Column 4 of Schedule 1 (2) to the Principal Act and Column 5 of that Schedule shall be deemed, in respect of the period between 24th September, 1978, and 30th December, 1978 (both dates inclusive), to have been \$111.50 and \$25.70 respectively.

(2) Subclause (1) of this clause does not affect the operation of the order under section 10F of the Principal Act published in Gazette No. 3 of 5th January, 1979.

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*Coal and Oil Shale Mine Workers (Superannuation) Amendment.*

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SCHEDULE 2—*continued.*

ANCILLARY PROVISIONS—*continued.*

2. All regulations made pursuant to section 32 (5) of the Principal Act, and in force immediately before the date of assent to this Act, shall, on that date, be revoked. Revocation  
of certain  
regulations.

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