

**COAL AND OIL SHALE MINE WORKERS (SUPER-
ANNUATION) AMENDMENT ACT, 1982, No. 45**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 45, 1982.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, with respect to subsidies, pensions payable to widows and certain other persons, and the alteration of pensions payable at the reduced rate. [Assented to, 5th May, 1982.]

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:—

Short title.

1. This Act may be cited as the "Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1982".

Commencement.

2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1 or 2, shall 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) Schedule 1 (1) and (3) shall be deemed to have commenced on 26th March, 1978.

(4) Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 45, 1941.

3. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is amended in the manner set forth in Schedules 1 and 2.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO SUBSIDIES AND PENSIONS FOR WIDOWS, ETC.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2.—AMENDMENTS TO THE COAL AND OIL SHALE MINE
WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO
PENSIONS PAYABLE AT THE REDUCED RATE.

Transitional.

5. (1) Where, on the date on which the Minister first makes an order under section 10F (2) of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, after the day appointed and notified under section 2 (4) of this Act, the amount specified in Item (3) in Column 4 of Schedule 1 to that Act is not the amount calculated in accordance with the calculation specified in section 10F (1) (a) (iii) of that Act (as inserted by section 3 of, and Schedule 2 (1) to, this Act), the Minister, on the recommendation of the Superannuation Tribunal constituted under that Act, shall, by order published in the Gazette as soon as practicable after he makes the firstmentioned order, amend that Column by omitting the reference to the amount in that Item and by inserting instead a reference to the amount calculated in accordance with that calculation.

(2) An order made by the Minister under this section shall be deemed to be an order made under section 10F (1) of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, and section 10F (4), (5) and (9) of that Act apply to and in respect of the order accordingly.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPER-
ANNUATION) ACT, 1941, RELATING TO SUBSIDIES AND PENSIONS FOR
WIDOWS, ETC.

(1) Section 10EA (7) (c)—

Omit "pension at the married man's rate", insert instead "subsidy under Part IVA or a pension".

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO SUBSIDIES AND PENSIONS FOR WIDOWS, ETC—*continued.*

(2) Section 10F (1) (c)—

Omit the paragraph, insert instead:—

- (c) by omitting the reference to the amount in Item (3) and by inserting instead a reference to the amount calculated by reducing the amount that equals 35 per cent of the Reference Rate by the amount that, as at the date of assent to the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1982, equalled 5 per cent of the Reference Rate; and

(3) Section 19B (1) (b)—

Omit the paragraph, insert instead:—

- (b) an amount equivalent to the pension which the mine worker would be entitled to receive per week under section 7 or 8 had he been under the age of 65 years and eligible to receive that pension together with such additions as he would be entitled to receive per week under section 9 had he been eligible to receive that pension.
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Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO PENSIONS PAYABLE AT THE REDUCED RATE.

(1) Section 10F (1)–(2B)—

Omit section 10F (1) and (2), insert instead:—

(1) Where there is a variation in the amount of the Reference Rate, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette as soon as practicable after the variation—

(a) amend Column 4 of Schedule 1—

- (i) by omitting the reference to the amount in Item (1) and by inserting instead a reference to the amount that equals 35 per cent of the Reference Rate;
- (ii) by omitting the reference to the amount in Item (2) and by inserting instead a reference to the amount that equals 55 per cent of the Reference Rate;
- (iii) by omitting the reference to the amount in Item (3) and by inserting instead a reference to the amount calculated by reducing the amount that equals 35 per cent of the Reference Rate by the amount that, as at the date of assent to the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1982, equalled 5 per cent of the Reference Rate; and
- (iv) by omitting the reference to the amount in Item (4) and by inserting instead a reference to the amount that equals 5 per cent of the Reference Rate; and

(b) amend Column 5 of Schedule 1 by omitting the reference to the amount in Item (4) and by inserting instead a reference to the amount that equals 5 per cent of the Reference Rate.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO PENSIONS PAYABLE AT THE REDUCED RATE—*continued.*

(2) As soon as practicable after 1st March and 1st September in every year, the Minister, on the recommendation of the Tribunal, shall, by order published in the Gazette, amend Column 5 of Schedule 1—

- (a) by omitting the reference to the amount in Item (1) and by inserting instead a reference to the amount calculated by reducing the amount that, as at that 1st March or 1st September, equalled 35 per cent of the Reference Rate by the amount of the maximum weekly rate of age pension payable, as at that 1st March or 1st September, under the Social Services Act for a single pensioner;
- (b) by omitting the reference to the amount in Item (2) and by inserting instead a reference to the amount calculated by reducing the amount that, as at that 1st March or 1st September, equalled 55 per cent of the Reference Rate by the amount of the maximum weekly rate of the age pension payable, as at that 1st March or 1st September, under the Social Services Act for married couple pensioners;
- (c) by omitting the reference to the amount in Item (3) and by inserting instead a reference to the amount calculated by reducing the amount that, as at that 1st March or 1st September, equalled 35 per cent of the Reference Rate by—
 - (i) the amount that, as at the date of assent to the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1982, equalled 5 per cent of the Reference Rate; and

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO PENSIONS PAYABLE AT THE REDUCED RATE—*continued.*

- (ii) the amount of the maximum weekly rate of age pension payable, as at that 1st March or 1st September, under the Social Services Act for a single pensioner,

but nothing in this subsection requires the amendment of Column 5 of Schedule 1 where an amount required to be inserted is the same as that required to be omitted.

(2A) For the purpose of calculating the amount required by subsection (2) to be inserted in an Item in Column 5 of Schedule 1, where, but for this subsection, the amendment of the Item would result in a decrease in the pension payable to the person described in Column 3 of that Item because the amount of the maximum weekly rate of the age pension specified in subsection (2) in relation to that Item has increased since the date as at which the amount specified in that Item was calculated but, since that date, the Reference Rate has not increased or, as the case may be, has not increased sufficiently to compensate for the increase in the amount of the maximum weekly rate of that age pension, then—

- (a) where the Reference Rate has not increased—the amount of the maximum weekly rate of that age pension shall be deemed not to have so increased; or
- (b) where the Reference Rate has increased—the amount of the maximum weekly rate of that age pension shall be deemed to have so increased only by the same amount as the amount that equals the percentage of the Reference Rate specified in subsection (2) in relation to that Item has increased by reason of the increase in the Reference Rate.

(2B) Where, after making an order under subsection (2), the Minister makes an order under section 2 (5) varying the Reference Rate, being an order in which he specifies that the order takes effect

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) ACT, 1941, RELATING TO PENSIONS PAYABLE AT THE REDUCED RATE—*continued.*

as from, or as from a date before, the date as at which the amounts inserted in Column 5 of Schedule 1 by the order under subsection (2) were calculated, the Reference Rate shall, for the purposes only of subsections (2) and (2A), be deemed to have been varied on the day following the date as at which those amounts were calculated.

(2) Section 10F (8)—

Omit the subsection.
