

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT ACT 1987 No. 13**

NEW SOUTH WALES



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**COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION)
AMENDMENT ACT 1987 No. 13**

NEW SOUTH WALES



Act No. 13, 1987

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 with respect to the payment of compensation subsidies to mine workers incapacitated due to the inhalation of dust, and in other respects. [Assented to 13 April 1987]

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1987

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 1987".

Commencement

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

(2) Schedule 1 (1), and section 3 in its application to that provision, shall be deemed to have commenced on 1 July 1985.

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 Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941

(1) Section 2F (Further extension of definition of "Mine worker")—

(a) Section 2F (2) (b)—

Omit "Department of Mines" wherever occurring, insert instead "Department of Industrial Relations".

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941—*continued*

(b) Section 2F (2) (b) (iii)—

Omit the subparagraph, insert instead:

- (iii) elects to contribute to the Fund and not to the State Public Service Superannuation Fund by notice given to the Secretary of the Department of Industrial Relations and to the Registrar within 21 days of being appointed as an officer of that Department or within such longer period as the Tribunal may in the particular circumstances allow.

(c) Section 2F (7)—

Omit the subsection, insert instead:

- (7) Any mine worker who elects, under subsection (2) (b) (iii), to contribute to the Fund and not to the State Public Service Superannuation Fund shall be deemed not to be an employee within the meaning of the State Public Service Superannuation Act 1985.

(2) Section 19B (**Amount of subsidy**)—

(a) Section 19B (1) (a)—

Omit “or” where lastly occurring.

(b) Section 19B (1) (b), (c)—

At the end of section 19B (1) (b), insert:

; or

(c) the amount specified in Column 5 of—

- (i) Schedule 1 (1) in the case of a mine worker who, if eligible to receive a pension under section 6, 7 or 8, would not be entitled under section 8A to a pension at the married man’s rate; or
- (ii) Schedule 1 (2) in any other case,

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SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941—*continued*

(c) Section 19B (2) (a)—

Before “an amount”, insert “except where the amount of the subsidy is determined under subsection (1) (c),”.

(d) Section 19B (2A)—

Before “subsidy” where firstly occurring, insert “weekly”.

(e) Section 19B (6)—

Omit “Subsection (1) (b) does”, insert instead “Paragraphs (b) and (c) of subsection (1) do”.

(3) Section 19BA—

After section 19B, insert:

Conversion of subsidy payments into lump sum

19BA. (1) A mine worker who has been awarded a subsidy under this Part may elect to be paid, instead of weekly payments, a lump sum in accordance with this section.

(2) The Tribunal shall send to each such mine worker—

- (a) in the case of a mine worker who is in receipt of a subsidy on 1 July 1987—as soon as practicable after that date; or
- (b) in any other case—as soon as practicable after the mine worker is awarded the subsidy,

a notice in writing advising the mine worker of the right to elect to be paid a lump sum, the amount of the lump sum and the conditions applicable to its payment.

(3) An election by a mine worker to be paid a lump sum—

- (a) must be made in a form approved by the Tribunal; and
- (b) must be received in the office of the Tribunal not later than 4 months after the mine worker is notified under subsection (2) of the right to make the election.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941—*continued*

(4) If an election is not received in the office of the Tribunal by the due date because of any mistake, unavoidable delay or other good cause, the Tribunal may accept the election subject to such conditions as it thinks fit.

(5) An election takes effect on such date as the Tribunal determines.

(6) The amount of the lump sum to be paid to a mine worker—

(a) shall be determined by the Tribunal after taking into consideration the advice of the Government Actuary; and

(b) shall be the amount which, having regard to the life expectancy of the mine worker and other relevant factors at the date of the determination, fairly represents, in the opinion of the Tribunal, the equivalent of the future weekly payments that would have been payable to or in respect of the mine worker if the mine worker had not elected to be paid a lump sum.

(7) If a lump sum is paid to a mine worker under this section instead of weekly payments of subsidy—

(a) the weekly payments do not become payable to the mine worker, or cease to be payable to the mine worker, as the case requires; and

(b) a pension is not payable under section 10 or 10A on the death of the mine worker.

(8) If a mine worker who makes an election under this section dies before payment of the lump sum is made, the Tribunal shall pay the lump sum to the personal representative of the deceased.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941—*continued*

(4) Section 19E (**Subsidies—special provisions**)—

Section 19E (1)—

Omit “subject to this Act”, insert instead “subject to sections 19BA, 19F, 19G and 19H and the other provisions of this Act”.

(5) Section 19F (**Conditions attaching to and suspension of weekly payments of subsidy**)—

Section 19F (4)—

After section 19F (3), insert:

(4) This section does not apply to a mine worker who is paid a lump sum under section 19BA instead of weekly payments of subsidy.

(6) Section 19H (**Suspension of weekly payments of subsidy in certain cases**)—

Section 19H (3)—

After section 19H (2), insert:

(3) This section does not apply to a mine worker who is paid a lump sum under section 19BA instead of weekly payments of subsidy.