

Introduced by Mr C P Hartcher, MP

First print



New South Wales

# **Coal and Oil Shale Mine Workers (Superannuation) Amendment (Age Discrimination) Bill 1997**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to remove compulsory retirement ages applicable to mine workers under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*, to remove age limits on employment of mine workers and to make consequential amendments to that Act relating to superannuation benefits and other matters.

---

Explanatory note

---

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* set out in Schedule 1.

## Schedule 1 Amendments

### Removal of mandatory retirement provisions

The amendments remove the requirements under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* that mine workers retire at age 60 or at other ages (up to age 65) specified under the Act or determined by the Corporate Trustee under the Act (see **Schedule 1 [5]–[8]**).

The amendments also make it clear that mine workers will still be able to voluntarily retire at age 60 and that the removal of compulsory retirement will not affect superannuation benefits (see **Schedule 1 [5]**, proposed section 5).

Consequential amendments are made by **Schedule 1 [1]–[4]** and **[9]**.

Introduced by Mr C P Hartcher, MP

First print



New South Wales

## **Coal and Oil Shale Mine Workers (Superannuation) Amendment (Age Discrimination) Bill 1997**

### **Contents**

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45	2
Schedule 1 Amendments	3

---





New South Wales

## **Coal and Oil Shale Mine Workers (Superannuation) Amendment (Age Discrimination) Bill 1997**

No      , 1997

---

### **A Bill for**

An Act to amend the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* so as to remove mandatory retirement provisions and age limits on retirement and employment; and for other purposes.

---

**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Coal and Oil Shale Mine Workers (Superannuation) Amendment (Age Discrimination) Act 1997*.

**2 Commencement**

5

This Act commences on the date of assent.

**3 Amendment of Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45**

The *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* is amended as set out in Schedule 1.

10

---

## Schedule 1 Amendments

(Section 3)

**[1] Section 2 Definitions**

Omit section 2 (3).

**[2] Section 2 (9)**

5

Omit the subsection.

**[3] Section 2J Further extension of the definition of mine worker**

Omit section 2J (10), (10A) and (10B).

**[4] Section 2J (11)**

Omit the last proviso.

10

**[5] Section 5**

Omit the section. Insert instead:

**5 Retirement age**

(1) A mine worker may retire at any time after reaching the age of 60 years.

15

(2) This section and the amendments made by the *Coal and Oil Shale Mine Workers (Superannuation) Amendment (Age Discrimination) Act 1997* do not affect the entitlement of a mine worker to superannuation benefits under the COALSUPER Rules or any entitlements of a mine worker under Part 4A.

20

**[6] Section 5A Extension of compulsory retiring age**

Omit the section.

Schedule 1 Amendments

---

**[7] Section 15B Power of Corporate Trustee to make determinations declaring certain persons to be mine workers for the purposes of this Act**

Omit "and" from section 15B (1) (a)

**[8] Section 15B**

5

Omit section 15B (1) (b), (2) and (3).

**[9] Schedule 2 Savings and transitional provisions**

Omit clause 17.