

No. , 1976.

A BILL

To amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, so as to exclude certain mine workers from the operation of section 6B of that Act; and to validate certain matters.

[Mr MULOCK—9 September, 1976.]

BE

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, 1976". Short title.

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

- 10 (a) (i) by omitting from section 6B (1) (b) the word "retirement," and by inserting instead the word "retirement."; Sec. 6B. (Pensions—mine workers who are retired—new entrants.)
- 15 (ii) by omitting from section 6B (1) the words "but does not include a mine worker declared by the Tribunal under subsection (6) not to be a new entrant.";
- (iii) by omitting section 6B (6);
- (b) by inserting after section 6B the following section :— Sec. 6c.

20 6C. (1) Where, but for this subsection, a mine worker would not be deemed to be engaged in the coal or oil shale mining industries for any particular period, he shall, for the purposes only of paragraph (a) or

25 (b) of the definition of "new entrant" in section 6B (1), be deemed to have been so engaged for that period if the Tribunal, under subsection (2), declares, in relation to that mine worker, that that period is a

30 period to which this subsection applies. Section 6B not to apply in certain cases.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Tribunal may, in relation to a mine worker, declare that a period is a period to which subsection (1) applies if the Tribunal is satisfied that—

- 5 (a) he was employed as a mine worker at any time after 1st January, 1942;
- 10 (b) that period commenced when his employment as a mine worker was terminated by reason of retrenchment or cavi out, slackness of trade or act of God (including fire or flood);
- 15 (c) a permit was not issued to him under section 2E by virtue of that termination of his employment and it was not so issued because—
- 20 (i) he did not satisfy the requirements set out in section 2E (3) (a), (b) or (c); or
- 25 (ii) he was unable to obtain employment in respect of which the Tribunal would issue a permit under section 2E; and
- (d) either—
- 30 (i) he became engaged in the coal or oil shale mining industries at the earliest

reasonable

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

reasonable opportunity
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- 5 (ii) no such opportunity arose
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10 (3) Where a mine worker was
declared under section 6B (6) as in force
immediately before the commencement of
the Coal and Oil Shale Mine Workers
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not to be a new entrant, that declaration
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engaged in the coal or oil shale
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25 is a period to which subsection (1) applies.

(4) Anything that—

- 30 (a) was done by the Tribunal before
the commencement of the Coal
and Oil Shale Mine Workers
(Superannuation) Amendment
Act, 1976;
- (b) would have been invalid had this
subsection not been enacted; and

(c)

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

5

(c) would have been valid had the
Coal and Oil Shale Mine
Workers (Superannuation)
Amendment Act, 1976, been in
force at that time,

is validated.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976
[8c]

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT BILL, 1976**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to amend section 6B of the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, and to insert a new section 6C which authorises the Superannuation Tribunal constituted under that Act to declare that a period during which a mine worker is unemployed by reason of his being retrenched or cavilled out, slackness of trade or act of God is a period during which he shall be deemed to have been employed as a mine worker for the purpose of determining whether or not he is a "new entrant" as defined in section 6B (1) of that Act; and
- (b) to make other provisions consequential upon or ancillary to the foregoing.

The effect of a declaration referred to in paragraph (a) is to exclude the mine worker from being a "new entrant" for the purpose of section 6B, thereby enabling him to retain any eligibility for a pension under section 6, instead of section 6B, upon retirement.

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- (ii) by omitting from section 6B (1) the words "but does not include a mine worker declared
- 15 by the Tribunal under subsection (6) not to be a new entrant.";
- (iii) by omitting section 6B (6);
- (b) by inserting after section 6B the following section:—

20 6c. (1) Where, but for this subsection, a mine worker would not be deemed to be engaged in the coal or oil shale mining industries for any particular period, he shall, for the purposes only of paragraph (a) or

25 (b) of the definition of "new entrant" in section 6B (1), be deemed to have been so engaged for that period if the Tribunal, under subsection (2), declares, in relation to that mine worker, that that period is a

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- 20 (i) he did not satisfy the requirements set out in section 2E (3) (a), (b) or (c); or
- 25 (ii) he was unable to obtain employment in respect of which the Tribunal would issue a permit under section 2E; and
- (d) either—
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Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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- 5 (ii) no such opportunity arose
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10 (3) Where a mine worker was
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Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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(c) would have been valid had the
Coal and Oil Shale Mine
Workers (Superannuation)
Amendment Act, 1976, been in
force at that time,

is validated.

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 91, 1976.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, so as to exclude certain mine workers from the operation of section 6B of that Act; and to validate certain matters. [Assented to, 8th December, 1976.]

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Amendment of Act No. 45, 1941. **2.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is amended—

Sec. 6B. (Pensions—mine workers who are retired—new entrants.)

(a) (i) by omitting from section 6B (1) (b) the word "retirement," and by inserting instead the word "retirement.";

(ii) by omitting from section 6B (1) the words "but does not include a mine worker declared by the Tribunal under subsection (6) not to be a new entrant.";

(iii) by omitting section 6B (6);

Sec. 6C. (b) by inserting after section 6B the following section:—

Section 6B not to apply in certain cases.

6C. (1) Where, but for this subsection, a mine worker would not be deemed to be engaged in the coal or oil shale mining industries for any particular period, he shall, for the purposes only of paragraph (a) or (b) of the definition of "new entrant" in section 6B (1), be deemed to have been so engaged for that period if the Tribunal, under subsection (2), declares, in relation to that mine worker, that that period is a period to which this subsection applies.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(2) The Tribunal may, in relation to a mine worker, declare that a period is a period to which subsection (1) applies if the Tribunal is satisfied that—

(a) he was employed as a mine worker at any time after 1st January, 1942;

(b) that period commenced when his employment as a mine worker was terminated by reason of retrenchment or cavit out, slackness of trade or act of God (including fire or flood);

(c) a permit was not issued to him under section 2E by virtue of that termination of his employment and it was not so issued because—

(i) he did not satisfy the requirements set out in section 2E (3) (a), (b) or (c); or

(ii) he was unable to obtain employment in respect of which the Tribunal would issue a permit under section 2E; and

(d) either—

(i) he became engaged in the coal or oil shale mining industries at the earliest

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Coal and Oil Shale Mine Workers (Superannuation) Amendment.

reasonable opportunity
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his employment; or

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(3) Where a mine worker was
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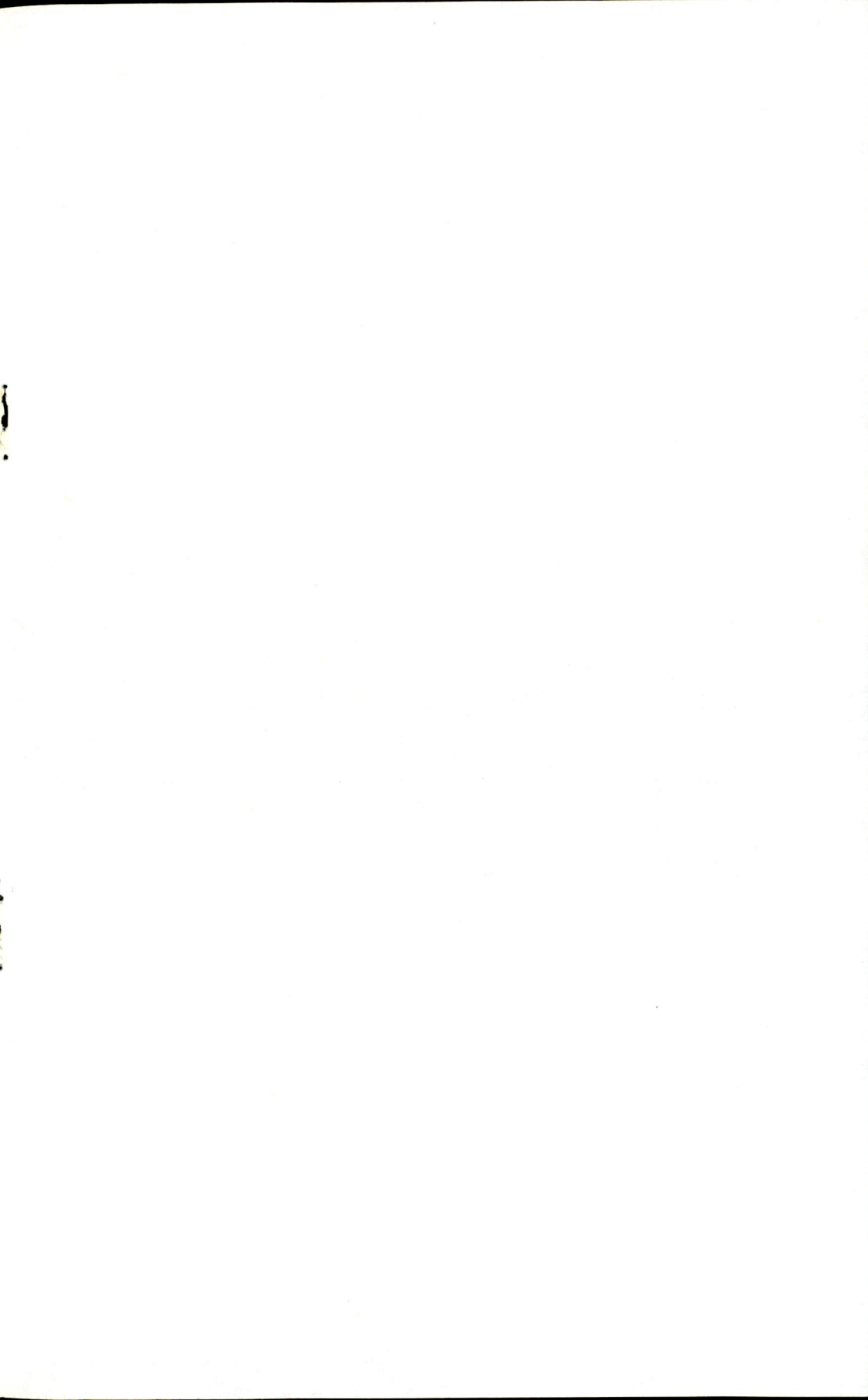
is validated.

Section 1. The Board of Education of the City of New Orleans is authorized to...

Section 2. The Board of Education is authorized to employ such persons as it may deem necessary for the instruction of the pupils in the public schools of the city of New Orleans, and to fix their salaries, not to exceed the amount provided for in this act.

Section 3.

Section 4. This act shall take effect from and after its passage.





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 91, 1976.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, so as to exclude certain mine workers from the operation of section 6B of that Act; and to validate certain matters. [Assented to, 8th December, 1976.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

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Amendment of Act No. 45, 1941. **2.** The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, is amended—

Sec. 6B.
(Pensions—
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(a) (i) by omitting from section 6B (1) (b) the word "retirement," and by inserting instead the word "retirement.";

(ii) by omitting from section 6B (1) the words "but does not include a mine worker declared by the Tribunal under subsection (6) not to be a new entrant.";

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(b) by inserting after section 6B the following section:—

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6C. (1) Where, but for this subsection, a mine worker would not be deemed to be engaged in the coal or oil shale mining industries for any particular period, he shall, for the purposes only of paragraph (a) or (b) of the definition of "new entrant" in section 6B (1), be deemed to have been so engaged for that period if the Tribunal, under subsection (2), declares, in relation to that mine worker, that that period is a period to which this subsection applies.

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(3) Where a mine worker was declared under section 6B (6) as in force immediately before the commencement of the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act, 1976, not to be a new entrant, that declaration shall be deemed to be a declaration made under subsection (2) in relation to that mine worker that the period—

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(c) would have been valid had the
Coal and Oil Shale Mine
Workers (Superannuation)
Amendment Act, 1976, been in
force at that time,

is validated.

*In the name and on behalf of Her Majesty I assent to this
Act.*

A. R. CUTLER,
Governor.

*Government House,
Sydney, 8th December, 1976.*

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That the Bill of the Hon. Member for ...

A. H. ...
Governor

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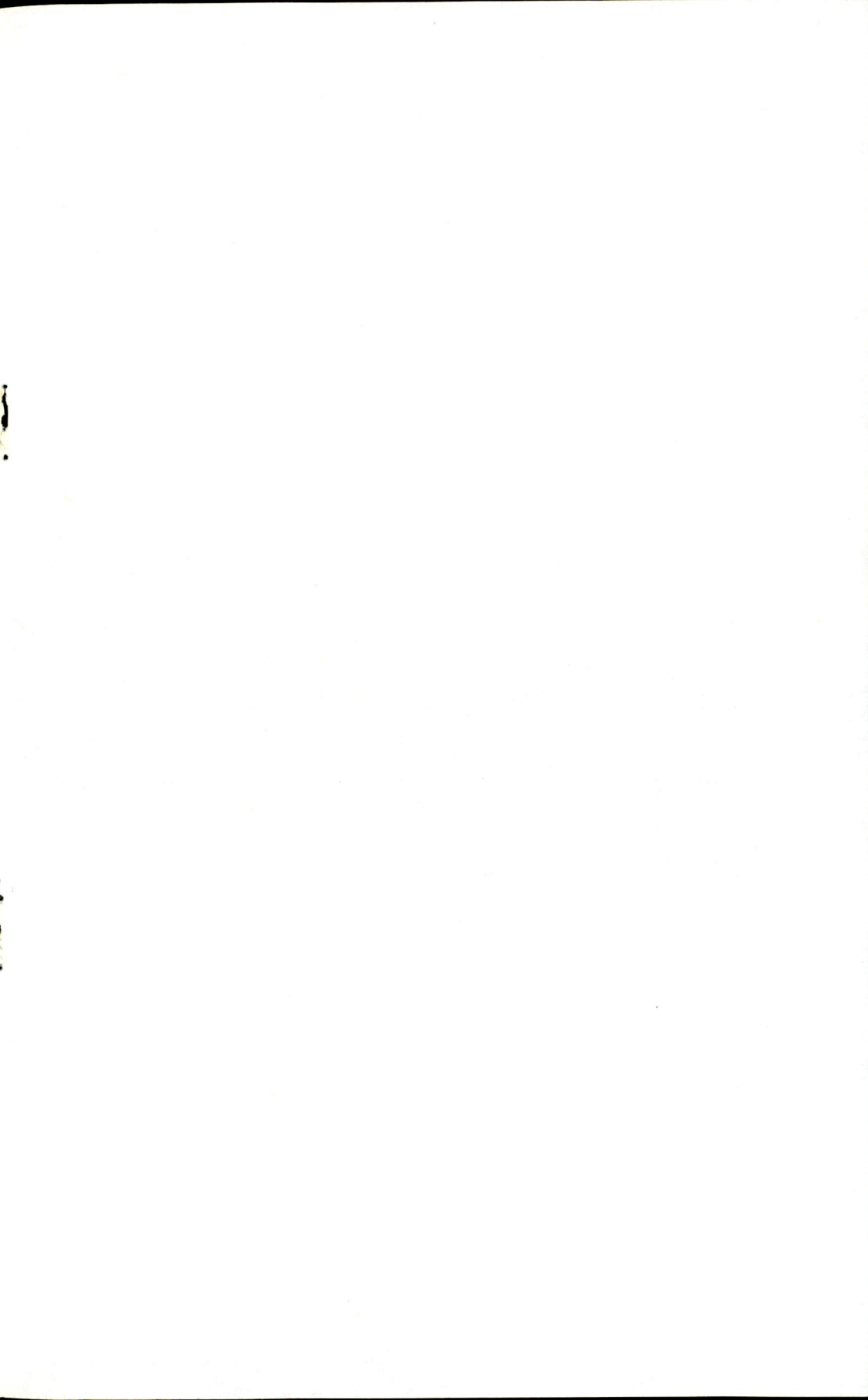
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(c) would have been valid had the
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*In the name and on behalf of Her Majesty I assent to this
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A. R. CUTLER,
Governor.

*Government House,
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Coal and Oil Shale Mine Workers (Superannuation) Amendment

(c) would have been valid had the
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is validated.

That the order and the bill of the Hon. Member, I assent to this

A. H. CUTLER

Governor

Done at Wellington, this 15th day of December, 1976.

