

CONCURRENCE COPY

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) FURTHER AMENDMENT BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941 ("the Act"), so as—

- (a) to entitle mine workers to retire, subject to certain conditions, between the ages of 58 and 60 years (Schedule 1 (4));
- (b) to provide that contributions to the Coal and Oil Shale Mine Workers Superannuation Fund may attract interest for late payment if they are not paid to the Superannuation Tribunal constituted under the Act ("the Tribunal") within 14 days instead of, as is presently the case, 28 days after they fall due (Schedule 2 (1));
- (c) to provide that contributions to the Coal and Oil Shale Mine Workers Compensation Subsidy Fund may attract interest for late payment if they are not paid to the Tribunal within 14 days after they fall due (Schedule 2 (2));
- (d) to give the Tribunal a discretion as to whether a person's subsidy rights or pension rights under the Act should be suspended while the person is a patient, within the meaning of the Mental Health Act, 1958, instead of, as is presently the case, those rights being automatically suspended by operation of the Act (Schedule 2 (3) (c) and (4)); and
- (e) to make other provisions of a minor, consequential or ancillary nature.

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) FURTHER AMENDMENT BILL, 1982**

Act No. , 1982.

A BILL FOR

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, in relation to the retirement of mine workers, and in relation to other matters.

[MR HILLS—22 *September*, 1982.]

Coal and Oil Shale Mine Workers (Superannuation) Further 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:—

5 Short title.

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

Principal Act.

2. The Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, 10 is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE RETIREMENT OF MINE WORKERS.

15 SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 45, 1941.

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

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

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
RETIREMENT OF MINE WORKERS.

5 (1) (a) Section 1 (2)—

From the matter relating to Part II, omit "COMPULSORY RETIREMENT, AND BENEFITS—ss. 5-14G.", insert instead "RETIREMENT AND BENEFITS—ss. 5-14H."

(b) Section 1 (2)—

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From the matter relating to Division 1 of Part II, omit "*Compulsory*".

(c) Section 1 (2)—

From the matter relating to Division 1 of Part II, omit "5, 5A", insert instead "5-5AA".

15 (2) Part II, heading—

Omit "COMPULSORY RETIREMENT," insert instead "RETIREMENT".

(3) Part II, Division 1, heading—

Omit "*Compulsory*".

(4) Section 5AA—

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After section 5A, insert:—

Early retirement.

5AA. (1) Notwithstanding any other provision of this Act, a mine worker may retire at any time after he attains the age of 58 years and before he attains the age of 60 years—

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(a) if every part of the period of 10 years immediately before the date on which he retires was either a period when he was engaged in the coal or oil shale mining industries or an authorised period; and

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

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE RETIREMENT
OF MINE WORKERS—*continued.*

5 (b) if he has been engaged in the industries for a period of not less than 25 years or for 2 or more periods together amounting to not less than 25 years.

10 (2) Notwithstanding any other provision of this Act, a reference in section 14A to the date of retirement shall, in relation to a mine worker who retires pursuant to subsection (1), be construed as a reference to the date on which the mine worker so retires.

(5) (a) Section 14E (6) (a)—
Omit “and”.

(b) Section 14E (6) (b)—
Omit “section.”, insert instead “section; and”.

15 (c) Section 14E (6) (c)—
After section 14E (6) (b), insert:—

20 (c) the date of retirement, in relation to a mine worker, is (except in subsection (2) (a) (iii)) a reference to the date on which the mine worker would be required by this Act to retire were he not to retire or be retired before that date.

SCHEDULE 2.

(Sec. 4.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

25 (1) Section 19 (6A), (6B)—

Omit “twenty-eight” wherever occurring, insert instead “14”.

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

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 19D (6), (7), (8)—

After section 19D (5), insert:—

5 (6) Where any amount is payable by an owner under subsection (4) and that amount is not paid to the Tribunal within 14 days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner to the Tribunal until that amount is paid to the Tribunal.

10 (7) Any interest directed to be paid under subsection (6) may be recovered in like manner as contributions under subsection (4).

(8) Any interest received by the Tribunal under this section shall be paid into the Subsidy Fund.

(3) (a) Section 19H—

15 Omit “or becomes a patient within the meaning of the Mental Health Act, 1958”.

(b) Section 19H—

Omit “or while he continues to be such a patient, as the case may be”.

20 (c) Section 19H (2)—

At the end of section 19H, insert:—

25 (2) While any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part is a patient within the meaning of the Mental Health Act, 1958, his subsidy rights pursuant to this Part shall, if the Tribunal so orders, be suspended and, while an order under this subsection is in force, any person who would, if the mine worker were dead, have been eligible for a pension under section 10 or 10A shall be eligible for a pension in accordance with section 10 or 10A, as
30 the case may be, as if the mine worker were dead and shall be

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

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

entitled to retain the whole of the pension for his own use and benefit absolutely, the provisions of any other Act notwithstanding.

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(4) Section 21 (2) (a), (b)—

Omit the paragraphs, insert instead:—

(a) While any mine worker who is eligible for or who has been awarded a pension pursuant to this Act is a patient within the meaning of the Mental Health Act, 1958, his pension rights pursuant to this Act shall, if the Tribunal so orders, be suspended and, while an order under this paragraph is in force, any person who would, if the mine worker were dead, have been eligible for a pension under section 10 or 10A shall be eligible for a pension in accordance with section 10 or 10A, as the case may be, as if the mine worker were dead and shall be entitled to retain the whole of the pension for his own use and benefit absolutely, the provisions of any other Act notwithstanding.

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(b) While any person who is eligible for or who has been awarded a pension under section 10 or 10A (whether upon the death of a mine worker or by reason of the operation of paragraph (a) or section 19H (2)) is a patient within the meaning of the Mental Health Act, 1958, the pension rights of that person pursuant to this Act shall, if the Tribunal so orders, be suspended.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) FURTHER AMENDMENT
ACT, 1982, No. 102**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 102, 1982.

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941, in relation to the retirement of mine workers, and in relation to other matters. [Assented to, 26th October, 1982.]

Coal and Oil Shale Mine Workers (Superannuation) Further 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) Further Amendment Act, 1982".

Principal Act.

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

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING
TO THE RETIREMENT OF MINE WORKERS.

SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 45, 1941.

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

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

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
RETIREMENT OF MINE WORKERS.

(1) (a) Section 1 (2)—

From the matter relating to Part II, omit "COMPULSORY RETIREMENT, AND BENEFITS—ss. 5-14G.", insert instead "RETIREMENT AND BENEFITS—ss. 5-14H."

(b) Section 1 (2)—

From the matter relating to Division 1 of Part II, omit "*Compulsory*".

(c) Section 1 (2)—

From the matter relating to Division 1 of Part II, omit "5, 5A", insert instead "5-5AA".

(2) Part II, heading—

Omit "COMPULSORY RETIREMENT,", insert instead "RETIREMENT".

(3) Part II, Division 1, heading—

Omit "*Compulsory*".

(4) Section 5AA—

After section 5A, insert:—

Early retirement.

5AA. (1) Notwithstanding any other provision of this Act, a mine worker may retire at any time after he attains the age of 58 years and before he attains the age of 60 years—

- (a) if every part of the period of 10 years immediately before the date on which he retires was either a period when he was engaged in the coal or oil shale mining industries or an authorised period; and

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

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE RETIREMENT
OF MINE WORKERS—*continued.*

(b) if he has been engaged in the industries for a period of not less than 25 years or for 2 or more periods together amounting to not less than 25 years.

(2) Notwithstanding any other provision of this Act, a reference in section 14A to the date of retirement shall, in relation to a mine worker who retires pursuant to subsection (1), be construed as a reference to the date on which the mine worker so retires.

(5) (a) Section 14E (6) (a)—

Omit “and”.

(b) Section 14E (6) (b)—

Omit “section.”, insert instead “section; and”.

(c) Section 14E (6) (c)—

After section 14E (6) (b), insert:—

(c) the date of retirement, in relation to a mine worker, is (except in subsection (2) (a) (iii)) a reference to the date on which the mine worker would be required by this Act to retire were he not to retire or be retired before that date.

SCHEDULE 2.

(Sec. 4.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 19 (6A), (6B)—

Omit “twenty-eight” wherever occurring, insert instead “14”.

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

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 19D (6), (7), (8)—

After section 19D (5), insert:—

(6) Where any amount is payable by an owner under subsection (4) and that amount is not paid to the Tribunal within 14 days of its becoming due, the Tribunal may direct that interest, at a rate not exceeding the prescribed rate, shall be paid on that amount by the owner to the Tribunal until that amount is paid to the Tribunal.

(7) Any interest directed to be paid under subsection (6) may be recovered in like manner as contributions under subsection (4).

(8) Any interest received by the Tribunal under this section shall be paid into the Subsidy Fund.

(3) (a) Section 19H—

Omit “or becomes a patient within the meaning of the Mental Health Act, 1958”.

(b) Section 19H—

Omit “or while he continues to be such a patient, as the case may be”.

(c) Section 19H (2)—

At the end of section 19H, insert:—

(2) While any mine worker who is eligible for or who has been awarded a subsidy pursuant to this Part is a patient within the meaning of the Mental Health Act, 1958, his subsidy rights pursuant to this Part shall, if the Tribunal so orders, be suspended and, while an order under this subsection is in force, any person who would, if the mine worker were dead, have been eligible for a pension under section 10 or 10A shall be eligible for a pension in accordance with section 10 or 10A, as the case may be, as if the mine worker were dead and shall be

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

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

entitled to retain the whole of the pension for his own use and benefit absolutely, the provisions of any other Act notwithstanding.

(4) Section 21 (2) (a), (b)—

Omit the paragraphs, insert instead:—

(a) While any mine worker who is eligible for or who has been awarded a pension pursuant to this Act is a patient within the meaning of the Mental Health Act, 1958, his pension rights pursuant to this Act shall, if the Tribunal so orders, be suspended and, while an order under this paragraph is in force, any person who would, if the mine worker were dead, have been eligible for a pension under section 10 or 10A shall be eligible for a pension in accordance with section 10 or 10A, as the case may be, as if the mine worker were dead and shall be entitled to retain the whole of the pension for his own use and benefit absolutely, the provisions of any other Act notwithstanding.

(b) While any person who is eligible for or who has been awarded a pension under section 10 or 10A (whether upon the death of a mine worker or by reason of the operation of paragraph (a) or section 19H (2)) is a patient within the meaning of the Mental Health Act, 1958, the pension rights of that person pursuant to this Act shall, if the Tribunal so orders, be suspended.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 26th October, 1982.*



