

FIRST PRINT

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT BILL 1991**

NEW SOUTH WALES



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, so as:

- (a) to provide that, for the purposes of determining whether or not mine workers are entitled to pensions or lump sum benefits under the Act (but not the amounts of those pensions or benefits), the service of any of those mine workers in the Queensland coal mining industry is to be treated as service in the coal or oil shale mining industries in New South Wales; and
- (b) to provide for the payment of an additional lump sum benefit to the spouse of a mine worker who is accidentally killed in the course of employment as a mine worker; and
- (c) to empower the Coal and Oil Shale Mine Workers' Superannuation Tribunal to award a payment of interest where payment of a pension or lump sum benefit under the Act is delayed.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act. The proposed Act (including Schedule 1, which contains provisions consequential on the closure of the Queensland Coal Mine Workers' Pensions Fund) is generally to be taken to have commenced on 4 December 1989, the date of closure of that Fund. Schedule 2 (1) to the proposed Act is to commence on a date to be proclaimed and Schedule 2 (2) is to commence on the date of assent.

Clause 3 gives effect to Schedules 1 and 2 to the proposed Act. The Schedules contain amendments to the Coal and Oil Shale Mine Workers (Superannuation) Act 1941.

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1991

**SCHEDULE 1—AMENDMENTS IN CONSEQUENCE OF THE CLOSURE
OF THE QUEENSLAND COAL MINE WORKERS' PENSIONS FUND**

Schedule 1 (1) inserts in the Act proposed section 4A, which provides that, for the purpose of certain provisions of the Act, service of a mine worker in the coal mining industry in Queensland is to be treated as if it were service in the coal or oil shale mining industries in New South Wales. Until 4 December 1989 there was a reciprocal agreement in existence for members of the New South Wales Coal and Oil Shale Mine Workers Superannuation Scheme and the Queensland Coal Mine Workers' Pensions Fund, but the agreement has been abrogated as a result of the closure of that Fund and the repeal of the corresponding Queensland legislation. Mine workers whose service includes service in the Queensland coal mining industry will, despite the abrogation of the agreement, be able to treat their service in that industry as service qualifying them for pensions and lump sum benefits under the Act. However, the service in the Queensland coal mining industry will not be counted for the purpose of computing the amounts of those pensions and benefits.

Schedule 1 (2) amends section 7 of the Act (Pension—permanent incapacity). The amendments are consequential on proposed section 4A and the closure of the Queensland Coal Mine Workers' Pensions Fund.

SCHEDULE 2—FURTHER AMENDMENTS

Schedule 2 (1) amends section 14D of the Act (Lump sum benefit payment on death of mine worker) so as to provide for an additional lump sum benefit to be paid to the spouse of a mine worker who is accidentally killed in the course of his or her employment as a mine worker.

Schedule 2 (2) inserts in the Act proposed section 25A which will empower the Coal and Oil Shale Mine Workers' Superannuation Tribunal to award interest whenever a payment of a pension or lump sum benefit under the Act has been delayed for any reason. The proposed section is to apply to and in respect of any person who ceases to be a mine worker on or after 4 December 1989.

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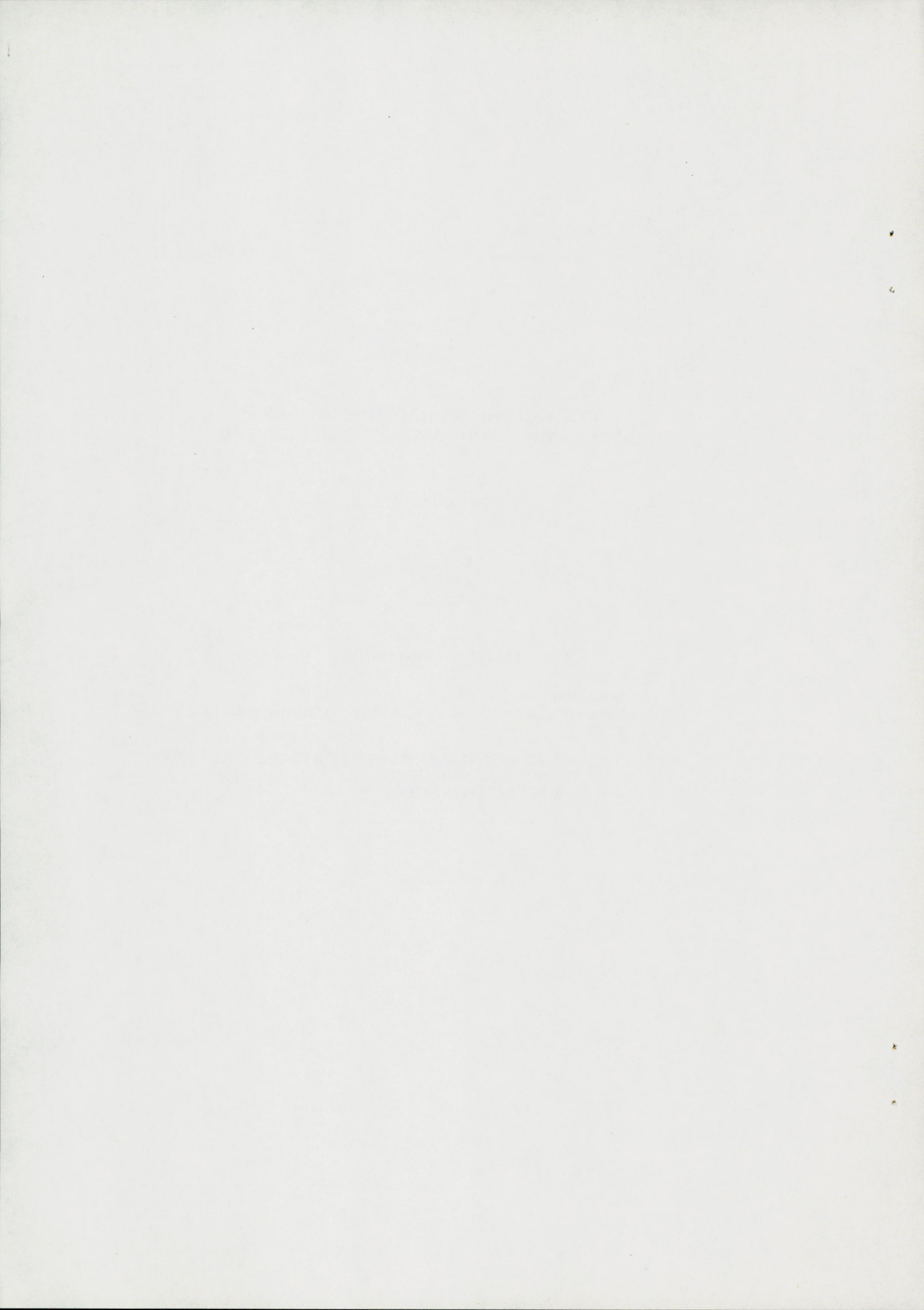
NEW SOUTH WALES



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**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT BILL 1991**

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to amend the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 for the purpose of providing that, in determining whether or not a mine worker is to be entitled to a pension or lump sum benefit under the Act, the service of the mine worker in the coal mining industry in Queensland is to be treated as service in the coal or oil shale mining industries; and for other purposes.

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1991.

Commencement

2. (1) This Act is taken to have commenced on 4 December 1989, except as provided by this section.

(2) Schedule 2 (1) commences on a day to be appointed by proclamation.

(3) Schedule 2 (2) commences on the date of assent to this Act.

(4) Section 3, in its application to a provision of Schedule 2, commences on the day on which the provision commences.

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

3. The Coal and Oil Shale Mine Workers (Superannuation) Act 1941 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS IN CONSEQUENCE OF
THE CLOSURE OF THE QUEENSLAND COAL
MINE WORKERS' PENSIONS FUND**

(Sec. 3)

(1) Section 4A:

After section 4, insert:

Special provisions for persons engaged in the coal mining industry in Queensland

4A. (1) For the purposes only of a provision to which this section applies, a person is taken to have been engaged in the coal or oil shale mining industries if the person:

- (a) has (whether before, on or after 4 December 1989) been employed in the coal mining industry in Queensland; and
- (b) by virtue of the operation of section 2 (2), would be deemed to have been so engaged had the employment been in New South Wales.

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1991

**SCHEDULE 1—AMENDMENTS IN CONSEQUENCE OF THE
CLOSURE OF THE QUEENSLAND COAL MINE WORKERS’
PENSIONS FUND—*continued***

(2) This section applies to sections 3 (8), 3A, 5AA, 7 (1A) and 14A (1).

(3) The provisions of section 3 (1), (3) and (4) apply to a person referred to in subsection (1) and so apply as if a reference in those provisions to New South Wales also included a reference to Queensland.

(4) Section 6 applies to a person referred to in subsection (1) and so applies as if:

- (a) a reference in that section to having been continuously resident, or resident, in New South Wales during a specified period included a reference to any period during which the person was continuously resident, or resident, in Queensland; and
- (b) a reference in that section to having been continuously engaged, or engaged, in the coal or oil shale mining industries in New South Wales during a specified period included a reference to any period during which the person was continuously engaged, or engaged, in the coal mining industry in Queensland; and
- (c) a reference in that section to having actually worked in or about a coal or oil shale mine in New South Wales for a specified period included a reference to any period during which the person worked in or about a coal mine in Queensland.

(2) Section 7 (**Pension—permanent incapacity**):

- (a) In section 7 (1A) (c), omit “in New South Wales”.
- (b) From section 7 (1A) (d), omit “and the Coal and Oil Shale Mine Workers Superannuation Fund”, insert instead “, the Coal and Oil Shale Mine Workers Superannuation Fund and the Queensland Coal Mine Workers’ Pensions Fund”.

SCHEDULE 2—FURTHER AMENDMENTS

(Sec. 3)

(1) Section 14D (**Lump sum benefit payment on death of mine worker**):

- (a) From section 14D (7), omit “The”, insert instead “Subject to subsection (9), the”.

Coal and Oil Shale Mine Workers (Superannuation) Amendment 1991

SCHEDULE 2—FURTHER AMENDMENTS—*continued*

(b) After section 14D (8), insert:

(9) If:

(a) a mine worker:

(i) has, while actually engaged in performing work as a mine worker on or after 1 August 1990, sustained an injury that is wholly or partly the result of an accident; and

(ii) has died within 6 months after the day on which the injury was sustained; and

(b) the death resulted directly or indirectly from the injury; and

(c) the mine worker is survived by a spouse,

the spouse is entitled to receive a lump sum benefit of an amount equal to 90 times the prescribed amount (as referred to in section 14B) as at the date of the mine worker's death.

(10) For the purposes of subsection (9), "accident" includes an event, act or omission that is the result of the negligence or misconduct of any person (including the deceased mine worker).

(11) A benefit is payable under subsection (9) in addition to any other benefit that is payable in respect of the mine worker under this Part.

(2) Section 25A:

After section 25, insert:

Interest payable where payment of benefit is delayed

25A. (1) Whenever there has been a delay in making payment of a pension or lump sum benefit under this Act (for whatever reason) to or in respect of a person who was a mine worker, the Tribunal may, in its discretion, award interest on the amount of pension or lump sum from the date on which the person ceased to be a mine worker to the date of payment of the pension or lump sum benefit.

(2) This section applies to or in respect of any person who ceased to be a mine worker on or after 4 December 1989.
