

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

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.

- (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.)
- (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."; new entrants.)
- (iii) by omitting section 6B (6);
- (b) by inserting after section 6B the following section :— Sec. 6C.

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. 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—

- (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 cavil 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

reasonable

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

reasonable opportunity
after that termination of
his employment; or

- (ii) no such opportunity arose
before the date of
retirement.

(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—

- (a) commencing with the termination
of his employment as a mine
worker by reason of retrench-
ment or caving out, slackness of
trade or act of God (including
fire or flood); and
- (b) ending with his next becoming
engaged in the coal or oil shale
mining industries,

is a period to which subsection (1) applies.

(4) Anything that—

- (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

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

(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.
