

1995—No. 353

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) ACT 1941—REGULATION**

(Coal and Oil Shale Mine Workers (Superannuation) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Coal and Oil Shale Mine Workers (Superannuation) Act 1941, has been pleased to make the Regulation set forth hereunder.

BOB CARR,
Premier.

Citation

1. This Regulation may be cited as the Coal and Oil Shale Mine Workers (Superannuation) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definition

3. In this Regulation, “the Act” means the Coal and Oil Shale Mine Workers (Superannuation) Act 1941.

Suspension of section 5 (1) and (2)

4. An application for the suspension of the provisions of section 5 (1) and (2) of the Act must:

- (a) be in writing; and
- (b) set out the reasons for which those provisions should be suspended; and
- (c) specify the date on and from which that suspension should have effect; and

- (d) be lodged with the Corporate Trustee not less than 30 days before that date.

Variation of retirement age—section 5A

5. (1) The class of mine workers who are employees within the meaning of the Supervision and Administration Interim Consent Award 1990, New South Wales and Tasmania, and who are covered by that Award, is prescribed for the purposes of section 5A of the Act.

(2) In this clause, “**Supervision and Administration Interim Consent Award 1990, New South Wales and Tasmania**” means the Award of that name made under the Coal Industry Act 1946 of the Commonwealth as in force from time to time, and any Award replacing that Award.

Information concerning mine workers

6. (1) A mine worker must cause to be given to the owner of the mine a notice stating the mine worker’s date of birth and providing such other particulars concerning the mine worker as the owner may reasonably request.

(2) The mine worker must ensure that the notice:

- (a) is signed by the mine worker; and
- (b) is given within 14 days after the mine worker becomes employed at the mine.

Maximum penalty: 5 penalty units.

(3) The owner must forward the notice to the Corporate Trustee as soon as practicable after receiving it.

Maximum penalty: 5 penalty units.

Repeal

7. (1) The Coal and Oil Shale Mine Workers (Superannuation) Regulation 1983 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Coal and Oil Shale Mine Workers (Superannuation) Regulation 1983 had effect under that Regulation, is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal the Coal and Oil Shale Mine Workers (Superannuation) Regulation 1983 and to remake the provisions of that Regulation in substantially the same terms.

The new Regulation does the following:

- (a) it specifies the way in which applications for suspension of certain provisions of the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 are to be made (clause 4);
- (b) it prescribes a class of mine workers for the purposes of section 5A (Extension of compulsory retiring age) of that Act (clause 5);
- (c) it requires mine workers to lodge notice of certain particulars with the mine owner, and the mine owner to forward the notice to the Corporate Trustee (clause 6);
- (d) it makes provision for matters of a technical nature (clauses 1–3 and 7).

The Regulation is made under the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 and, in particular, sections 5, 5A and 32 (the general regulation-making power). It is also made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
