

**COAL AND OIL SHALE MINE WORKERS
(SUPERANNUATION) AMENDMENT ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 65, 1974.

An Act to make further provision with respect to the retirement of certain mine workers; to validate certain payments from the Coal and Oil Shale Mine Workers Superannuation Fund; for these and other purposes to amend the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941; and for purposes connected therewith. [Assented to, 18th October, 1974.]

BE

Coal and Oil Shale Mine Workers (Superannuation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by **No. 65, 1974**
 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 Short title.
 Workers (Superannuation) Amendment Act, 1974".

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

3. The Principal Act is amended—

Amendment
 of Act No.
 45, 1941.

(a) by inserting before section 3 the following Sec. 2k.
 section :—

2k. (1) A reference in subsection (2) to the Further
 extension
 of the
 definition
 of "Mine
 worker".
 description of an occupation contained in an award,
 or to an award, includes a reference—

(a) to that description as varied; and

(b) to that award as varied and to any award
 substituted for that award,

from time to time.

(2) The definition of "Mine worker" in
 section 2 (1) includes—

(a) a person employed on the Belmont Railway
 by New Redhead Estate and Coal Co.
 Limited as a blacksmith, carpenter, fettler

or

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or ganger under the Coal Mining Industry (Mechanics) Award, 1973, New South Wales; and

(b) a person employed by South Maitland Railways Pty. Limited—

(i) as a carpenter, interlocking section-man or signaller under the South Maitland Railways Pty. Limited (Wages Division) Award; or

(ii) as an adult cleaner, shed fireman or washoutman under the South Maitland Railways Pty. Limited (Locomotive Drivers, &c.) Award.

(3) Subject to subsection (4), the retiring age of a person referred to in subsection (2) is sixty-five years.

(4) A person referred to in subsection (2) may retire or be retired at any time after he attains the age of sixty years and before he attains the age of sixty-five years.

(5) The provisions of this Act in their application to and in respect of a person referred to in subsection (2) shall be deemed to be modified to the following extent:—

(a) except in section 6 (2), references, express or implied, in this Act, to the commencement of Part II, shall be construed as references to the commencement of this section; and

(b) sections 5 and 6 (except section 6 (2)) shall have and take effect as if the age of sixty-five years, or, where that person retires or is retired before the age of sixty-five years, the age at which that person retires

or

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or is retired were substituted for the age of sixty years referred to in those sections, and references in this Act to the "date of retirement" shall be construed accordingly. No. 65, 1974

(6) For the purposes of this Act—

- (a) a person who is a mine worker by virtue of this section shall be deemed to have worked, or to work, in the coal or oil shale mining industries; and
- (b) the work of a person referred to in paragraph (a) shall be deemed to have been work, or to be work, in or about a coal or oil shale mine,

for any period, whether before or after the commencement of this section, during which he is employed as a mine worker.

- (b) (i) by omitting from section 10EA (1) (a) the words "to this Act"; Sec. 10EA.
(Appropriate amounts of pensions and additions thereto.)
- (ii) by omitting from section 10EA (1) the words "that Schedule" wherever occurring and by inserting instead the words "the Schedule"; Sec. 10F.
(Increases in pensions and additions thereto in accordance with Commonwealth Social Services pensions.)
- (c) by omitting section 10F (6).

4. Part IVB of the regulations made under the Principal Act, published in Gazette No. 144 of 21st November, 1941, and in force at the commencement of this Act, is amended— Amendment of regulations made under Act No. 45, 1941.

- (a) by omitting regulation 2 (d), (e) and (f);

(b)

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(b) (i) by omitting from regulation 3 (2) (a) the words “, being a member of the class referred to in paragraph (b) of Regulation 2 of this Part and of a person”;

(ii) by omitting regulation 3 (2) (c) and (d);

(c) by omitting from regulation 4 the words “Provided further that the provisions of the Act in their application to and in respect of any person who is referred to in sub-paragraph (c) or sub-paragraph (d) of Regulation 3 of this Part shall be deemed to be modified to the following extent, that is to say—sections five and six of the Act shall have and take effect as if the age of sixty-five years or the age at the expiry of a period of five years from the date of gazettal of these Regulations, as the case may require, were substituted for the age of sixty years referred to therein, and references in the Act to the “date of retirement” shall be construed accordingly.”.

Validation.

5. (1) A reference to this Act in subsection (2) shall be deemed to be a reference to this Act as amended—

(a) by omitting section 2K (1) appearing in section 3 (a) and by inserting instead the following subsection :—

(1) A reference in subsection (2) to an award includes a reference to any former award in force at any time since 25th February, 1954, that dealt with the terms of employment of any or all of the classes of persons whose terms of employment are dealt with in the first-mentioned award.

(b) by inserting in section 2K (2) (b) appearing in section 3 (a) after the word “Limited” where firstly occurring the words “as an assistant interlocking sectionman or”.

(2)

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(2) Any payment that—

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- (a) has been, on or after 26th February, 1954, or is, after the commencement of this section, made out of the Coal and Oil Shale Mine Workers Superannuation Fund to or in respect of a mine worker;
- (b) would have been, or would be, lawfully made if this Act had been in force on and from 26th February, 1954; and
- (c) would not have been, or would not be, lawfully made if this section had not been enacted,

is validated or authorised, as the case may require.