



New South Wales

Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006 No 42

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New South Wales

Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006 No 42

Act No 42, 2006

An Act to amend the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* to repeal the prohibition of employment of mine workers beyond the age of 60, to make further provision for contributions in respect of mine workers; and for other purposes. [Assented to 8 June 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006*.

2 Commencement

This Act commences, or is taken to have commenced, on 1 July 2006.

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

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

4 Repeal of Act

- (1) This Act is repealed on the day following the later of the following:
 - (a) 1 July 2006,
 - (b) the date of assent.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 2 Definitions

Omit section 2 (3) and (9).

[2] Section 2J Further extension of the definition of mine worker

Omit section 2J (10), (10A) and (10B).

[3] Section 2J (11)

Omit the paragraph beginning “Provided further”.

[4] Part 2 Retirement

Omit the Part.

[5] Section 15B Power of Corporate Trustee to make determinations declaring certain persons to be mine workers for the purposes of this Act

Omit section 15B (1). Insert instead:

- (1) The powers of the Corporate Trustee include a power to make determinations declaring persons engaged in the coal or oil shale mining industries to be mine workers for the purposes of this Act.

[6] Section 15B (2) and (3)

Omit the subsections.

[7] Section 15B (5)

Omit “(1) (a)”. Insert instead “(1)”.

[8] Section 19 Contributions required to be paid to Amalgamated Fund

Insert after section 19 (3):

- (3A) If the total contributions otherwise payable by an owner for a mine worker under this section (except subsection (2A)), as a weekly amount, are less than 9% of the mine worker’s ordinary time earnings, as a weekly amount, then the contribution payable by the owner for the mine worker under this section (except subsection (2A)) is 9% of the mine worker’s ordinary time earnings, as a weekly amount.

[9] Section 19 (4) (a)

Omit “for which”. Insert instead “during which”.

[10] Section 19 (4) (b)

Omit the paragraph. Insert instead:

- (b) must pay the contribution not later than 21 days after the end of each month during which the mine worker is an employee of the owner.

[11] Section 19 (7)

Omit the subsection. Insert instead:

- (7) In this section:

ordinary time earnings has the same meaning it has in section 6 (1) of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

special rate means such rate as may be fixed from time to time by the Corporate Trustee by determination published in the Gazette:

- (a) after considering a relevant report of the actuary, and
- (b) with the agreement of the shareholders of the Corporate Trustee.

[12] Section 19AC Information to be provided to Corporate Trustee

Omit section 19AC (1). Insert instead:

- (1) Each owner must provide the Corporate Trustee with such information as the Corporate Trustee may reasonably require in relation to the mine workers employed by the owner no later than 21 days after the end of each month.
Maximum penalty: 5 penalty units.

[13] Schedule 2 Savings and transitional provisions

Insert at the end of clause 2 (1):

Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006

[14] Schedule 2, Part 8

Insert after Part 7:

**Part 8 Provisions consequent on enactment of
Coal and Oil Shale Mine Workers
(Superannuation) Amendment Act 2006**

33 Amending Act

In this Part, *amending Act* means the *Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006*.

34 Actions taken in respect of compulsory retirement

Any action taken on or after 21 February 2006, but before 1 July 2006, that purported to allow a person otherwise required to retire under this Act to continue in employment is not invalid only because of the failure to comply with a provision of this Act repealed or amended by the amending Act.

[Second reading speech made in—
Legislative Assembly on 23 May 2006
Legislative Council on 6 June 2006]

BY AUTHORITY