



New South Wales

# Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill 2006

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* to repeal the prohibition of employment of a mine worker beyond the age of 60 and to provide for the minimum contribution to be made by an owner in respect of a mine worker to be 9% of a mine worker's ordinary time earnings.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the proposed Act to commence, or be taken to have commenced, on 1 July 2006.

**Clause 3** is a formal provision that gives effect to the amendments to the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* (the **Principal Act**) set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the

proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1 Amendments**

**Schedule 1 [4]** omits Part 2 of the Principal Act to repeal the prohibition of employment of a mine worker beyond the age of 60.

**Schedule 1 [1]–[3] and [5]–[7]** make consequential amendments.

**Schedule 1 [8]** amends section 19 of the Principal Act to provide that if the total contributions otherwise payable by an owner for a mine worker under that section are less than 9% of a mine worker's ordinary time earnings then the contribution payable by the owner for the mine worker is 9% of the mine worker's ordinary time earnings. Certain amounts required to be paid by an owner for crediting to Part 3 of the Fund are excluded from this provision.

**Schedule 1 [11]** amends section 19 of the Principal Act to define *ordinary time earnings* as having the same meaning it has in section 6 (1) of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.

**Schedule 1 [10]** amends section 19 of the Principal Act to provide for superannuation contributions under the Principal Act to be paid not later than 21 days after the end of each month, instead of after the end of the relevant pay period, as currently provided. **Schedule 1 [9]** makes a consequential amendment.

**Schedule 1 [12]** amends section 19AC of the Principal Act to provide for information to be provided to the Corporate Trustee by an owner no later than 21 days after the end of each month, instead of at the end of each week, as currently provided.

**Schedule 1 [13]** inserts a power to make consequential savings and transitional regulations.

**Schedule 1 [14]** inserts savings and transitional provisions.

First print



New South Wales

# Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill 2006

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New South Wales

# Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill 2006

No. , 2006

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## A Bill for

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006</i> .	3 4
<b>2 Commencement</b>	5
This Act commences, or is taken to have commenced, on 1 July 2006.	6
<b>3 Amendment of Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45</b>	7 8
The <i>Coal and Oil Shale Mine Workers (Superannuation) Act 1941</i> is amended as set out in Schedule 1.	9 10
<b>4 Repeal of Act</b>	11
(1) This Act is repealed on the day following the later of the following:	12
(a) 1 July 2006,	13
(b) the date of assent.	14
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	15 16

<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 2 Definitions</b>	3
	Omit section 2 (3) and (9).	4
<b>[2]</b>	<b>Section 2J Further extension of the definition of mine worker</b>	5
	Omit section 2J (10), (10A) and (10B).	6
<b>[3]</b>	<b>Section 2J (11)</b>	7
	Omit the paragraph beginning “Provided further”.	8
<b>[4]</b>	<b>Part 2 Retirement</b>	9
	Omit the Part.	10
<b>[5]</b>	<b>Section 15B Power of Corporate Trustee to make determinations declaring certain persons to be mine workers for the purposes of this Act</b>	11
	Omit section 15B (1). Insert instead:	12
		13
	(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.	14
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<b>[6]</b>	<b>Section 15B (2) and (3)</b>	18
	Omit the subsections.	19
<b>[7]</b>	<b>Section 15B (5)</b>	20
	Omit “(1) (a)”. Insert instead “(1)”.	21
<b>[8]</b>	<b>Section 19 Contributions required to be paid to Amalgamated Fund</b>	22
	Insert after section 19 (3):	23
	(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.	24
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<b>[9]</b>	<b>Section 19 (4) (a)</b>	31
	Omit “for which”. Insert instead “during which”.	32

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<b>[10] Section 19 (4) (b)</b>	1
Omit the paragraph. Insert instead:	2
(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.	3 4 5
<b>[11] Section 19 (7)</b>	6
Omit the subsection. Insert instead:	7
(7) In this section:	8
<i>ordinary time earnings</i> has the same meaning it has in section 6 (1) of the <i>Superannuation Guarantee (Administration) Act 1992</i> of the Commonwealth.	9 10 11
<i>special rate</i> means such rate as may be fixed from time to time by the Corporate Trustee by determination published in the Gazette:	12 13
(a) after considering a relevant report of the actuary, and	14
(b) with the agreement of the shareholders of the Corporate Trustee.	15 16
<b>[12] Section 19AC Information to be provided to Corporate Trustee</b>	17
Omit section 19AC (1). Insert instead:	18
(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.	19 20 21 22
Maximum penalty: 5 penalty units.	23
<b>[13] Schedule 2 Savings and transitional provisions</b>	24
Insert at the end of clause 2 (1):	25
<i>Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006</i>	26 27



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<b>[14] Schedule 2, Part 8</b>	1
Insert after Part 7:	2
<b>Part 8 Provisions consequent on enactment of Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006</b>	3 4 5
<b>33 Amending Act</b>	6
In this Part, <i>amending Act</i> means the <i>Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 2006</i> .	7 8
<b>34 Actions taken in respect of compulsory retirement</b>	9
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.	10 11 12 13 14