



New South Wales

Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005

under the

Coal and Oil Shale Mine Workers (Superannuation) Act 1941

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Regulation is to remake the provisions of the *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2000*. That Regulation is to be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) specifies the way in which applications for the suspension of certain provisions of the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941* (**the Act**) are made, and
- (b) prescribes a class of mine workers for the purposes of section 5A (Extension of compulsory retiring age) of the Act, and
- (c) 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.

This Regulation is made under the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*, including sections 5A and 32 (the general regulation-making power).

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Application for suspension of section 5 (1) and (2)	3
5 Variation of retirement age	3
6 Information concerning mine workers	4
7 Savings provision	4

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Coal and Oil Shale Mine Workers (Superannuation) Act 1941

1 Name of Regulation

This Regulation is the *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Coal and Oil Shale Mine Workers (Superannuation) Act 1941*.

(2) Notes in the text of this Regulation do not form part of this Regulation.

4 Application for suspension of section 5 (1) and (2)

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.

5 Variation of retirement age

- (1) The class of mine workers who are employees within the meaning of the *Coal Mining Industry (Staff) Award 2004*, and who are covered by that Award, is prescribed for the purposes of section 5A of the Act.

2005 No 474

Clause 6

Coal and Oil Shale Mine Workers (Superannuation) Regulation 2005

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- (2) In this clause, *Coal Mining Industry (Staff) Award 2004* means the Award of that name as in force from time to time under the *Workplace Relations Act 1996* of the Commonwealth, and any Award replacing that Award.

6 Information concerning mine workers

- (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.

7 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Coal and Oil Shale Mine Workers (Superannuation) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY