

Queensland



COAL AND OIL SHALE MINE WORKERS' SUPERANNUATION ACT 1989

**Reprinted as in force on 5 June 1996
(includes amendments up to Act No. 29 of 1994)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 5 June 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37, 39 and 40)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of obsolete and redundant provisions**
 - **table of corrected minor errors.**

Queensland



COAL AND OIL SHALE MINE WORKERS' SUPERANNUATION ACT 1989

TABLE OF PROVISIONS

Section	Page
1 Short title	3
4 Interpretation	3
5 Continuation of tribunal and fund	4
6 Transfer of fund	4
7 Transfer of assets and liabilities	4
8 Stamp duty not payable	5
9 Officers under previous Act	5
10 Records in respect of the fund	5
11 Payments from superannuation fund to contributors	5
12 Payments to existing pensioners and dependants	5
13 Contributions to superannuation fund	6
15 Powers of trustee	6
16 Unpaid contributions recoverable as a debt	7
17 Recovery of over payments of pensions and lump sum benefit payments	7
18 Offences	8
19 Transitional	8

ENDNOTES

1 Index to endnotes	9
2 Date to which amendments incorporated	9
3 Key	10

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

4	List of legislation	10
5	List of annotations	10
6	Table of obsolete and redundant provisions	11
7	Table of corrected minor errors	11

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

**COAL AND OIL SHALE MINE WORKERS'
SUPERANNUATION ACT 1989**

[as amended by all amendments that commenced on or before 5 June 1996]

An Act to provide for the transfer of funds from the Coal Mine Workers' Pensions Fund to the Queensland Coal and Oil Shale Mining Industry Superannuation Fund

Short title

1. This Act may be cited as the *Coal and Oil Shale Mine Workers' Superannuation Act 1989*.

Interpretation

4. In this Act—

“contributor” means a mine worker who prior to the commencement of this Act—

- (a) has contributed to the fund; and
- (b) has not had all of his or her contributions to the fund refunded; and
- (c) has not received a pension, lump sum benefit or lump sum withdrawal payment under the previous Act except where that mine worker has subsequently contributed to the fund.

“existing pensioner” means a person who at the commencement of this Act is receiving or is entitled to receive a pension under the previous Act.

“fund” means the Coal Mine Workers' Pensions Fund under the previous Act.

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

“**mine worker**” has the meaning ascribed to it under the previous Act.

“**previous Act**” means the *Coal and Oil Shale Mine Workers (Pensions) Act 1941*.

“**superannuation fund**” means the Queensland Coal and Oil Shale Mining Industry Superannuation Fund.

“**tribunal**” has the meaning ascribed to it under the previous Act.

“**trustee**” means the trustee of the superannuation fund.

Continuation of tribunal and fund

5. The tribunal and the fund shall continue in existence only for the purposes of the transfers referred to in sections 6 and 7 and shall cease to exist immediately such transfers are effected.

Transfer of fund

6.(1) Upon the commencement of this Act the tribunal shall forthwith transfer all moneys held in the fund to the trustee.

(2) Prior to such transfer the tribunal shall have regard to a recommendation from the State actuary in relation to the amount that is to be transferred to the superannuation fund—

- (a) in respect of contributors to the fund; and
- (b) to enable the continued payment of benefits in respect of existing pensioners and their dependants.

(3) When transferring the moneys referred to in subsection (1) the tribunal shall provide the information referred to in subsection (2) and the trustee shall credit the moneys to the superannuation fund in accordance with this information.

Transfer of assets and liabilities

7. Upon the commencement of this Act—

- (a) the assets of the tribunal (except for the records referred to in section 10) shall vest in the trustee; and

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

- (b) all liabilities or claims on the tribunal or the fund controlled by it under the previous Act shall become the liabilities of the trustee or claims on the superannuation fund to the exclusion of the tribunal and the fund.

Stamp duty not payable

8. Stamp duty or other charges under a law of the State shall not be payable in respect of any transfer or vesting referred to in sections 6 and 7 or on any instrument associated therewith.

Officers under previous Act

9. The positions held by the registrar, deputy registrar and other officers and employees appointed under section 15 of the previous Act shall (except for the purposes of the transfers referred to in sections 6 and 7) cease to exist and the appointees shall no longer hold those positions.

Records in respect of the fund

10. Records which relate to the fund but are also required by the administrator of the Coal Mining Industry Long Service Leave Trust Fund may be retained by the administrator of that fund who shall allow the trustee reasonable access to such records for his or her purposes.

Payments from superannuation fund to contributors

11. All payments to contributors after the commencement of this Act shall be made by the trustee from the superannuation fund in accordance with the trust deed governing that fund.

Payments to existing pensioners and dependants

12.(1) All payments to existing pensioners and their dependants shall be made by the trustee from the superannuation fund in accordance with the relevant provisions of the previous Act.

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

(2) All other rights and obligations of existing pensioners and their dependants under the previous Act continue to apply.

Contributions to superannuation fund

13. Contributions shall be made to the superannuation fund or to such other superannuation funds as the trustee may from time to time approve—

- (a) by each mine worker, in accordance with the obligation to contribute to the fund under the previous Act at the rate per week (with fractions of a cent disregarded) of 2.5% of the weekly award rate specified in section 18(1)(b) of the previous Act;
- (b) by each owner, in accordance with the obligation to contribute to the fund under the previous Act except that the amount shall be at the rate per week (with fractions of a cent disregarded) of 7.5% of the weekly award rate specified in section 18(1)(c) of the previous Act.

Powers of trustee

15. The trustee shall have the powers previously exercised by the tribunal as follows—

- (a) the power to determine or give the opinion referred to in section 2, definition of “mine worker” of the previous Act;
- (b) the power to recognise a person as housekeeper or wife referred to in section 2, definitions of “housekeeper” and “wife” respectively of the previous Act;
- (c) the power to declare an operation to be a mining operation under section 2A(2) of the previous Act;
- (d) the power to suspend the operation of the provisions referred to in section 5(4) of the previous Act and to exercise the other powers set out in that subsection;
- (e) the power to award an addition to a pension under section 8 of the previous Act;

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

- (f) the power to award a pension or an addition to a pension under section 9 of the previous Act;
- (g) the power to cancel a pension under section 10A of the previous Act;
- (h) the power to make the determination referred to in section 20(3) of the previous Act;
- (i) the power to direct payment under section 21 of the previous Act;
- (j) any other power of the tribunal which the Minister authorises the trustee to exercise for the proper functioning of this Act.

Unpaid contributions recoverable as a debt

16.(1) Any part or all of the contributions required to be paid under section 13 that is not paid within a reasonable time shall constitute a debt due and payable to the trustee and shall be recoverable by it in any court of competent jurisdiction.

(2) If in any proceedings against any person for failure to pay any contribution under section 13 the defendant alleges that the defendant is exempt from the obligation to pay the contribution, or that the defendant has paid the contribution, the burden of proving such exemption or payment shall be on the defendant.

Recovery of over payments of pensions and lump sum benefit payments

17.(1) Where it is found that any lump sum benefit payment or any part of any such payment or any pension or instalment of a pension which is not payable has been paid or that any sum paid by way of lump sum benefit payment or pension or instalment of pension is in excess of the amount so payable, the amount wrongly paid may be recovered as a debt due to the trustee at its suit or, where it is practicable so to do, the trustee may make any necessary adjustments in any instalments of the same or any other pension thereafter becoming payable.

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

(2) Nothing in this section shall relieve the person wrongly receiving any such payment from any other liability in respect of any fraud committed by the person.

Offences

18. A person who contravenes or fails to comply with any of the provisions of this Act or any of the provisions of the previous Act as applied by this Act shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding 20 penalty units and to a further penalty not exceeding 2 penalty units for every day during which the offence continues.

Transitional

19. If in any case in respect of the transition from the law in force before the commencement of this Act to the provisions of this Act it appears to the Minister that no provision or no sufficient provision is made to effect such transition, the Minister may make a recommendation to the Governor in Council in relation to the provisions required and the Governor in Council may by order in council make such provisions with respect thereto providing for and supplying such omission or insufficiency, and such provisions shall have effect accordingly.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	9
3	Key	10
4	List of legislation	10
5	List of annotations	10
6	Table of obsolete and redundant provisions	11
7	Table of corrected minor errors	11

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 June 1996. Future amendments of the Coal and Oil Shale Mine Workers' Superannuation Act 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

*Coal and Oil Shale Mine Workers’
Superannuation Act 1989*

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Coal and Oil Shale Mine Workers’ Superannuation Act 1989 No. 79

date of assent 18 September 1989

ss 1–2 commenced on date of assent

remaining provisions commenced 25 December 1989 (proc pubd gaz
23 December 1989 p 2712)

as amended by—

Anti-Discrimination Amendment Act 1994 No. 29 ss 1–3 sch

date of assent 28 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

5 List of annotations

long title amd R1 (see s 3 and RA s 7(1)(k))

Commencement

s 2 om R1 (see RA s 37)

Amendment of Act

s 3 om R1 (see RA s 40)

*Coal and Oil Shale Mine Workers'
Superannuation Act 1989*

Interpretation

s 4 def “Minister” om R1 (see RA s 39)

Employment after retirement age prohibited

s 14 om 1994 No. 29 s 3 sch

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
def “Minister”	Acts Interpretation Act 1954 s 36, def “Minister” and ss 33(1) to (4) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)

7 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
6(2) 13(b)	om ‘be the transferred’ ins ‘be transferred’ om ‘section 18(1)(b)’ ins ‘section 18(1)(c)’