

Queensland



COAL AND OIL SHALE MINE WORKERS' SUPERANNUATION ACT 1989

**Reprinted as in force on 10 February 1998
(includes amendments up to Act No. 62 of 1997)**

Reprint No. 1A

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Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 10 February 1998. 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.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made earlier reprints.**

Queensland



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

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*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 10 February 1998]

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*.

Definitions

2. 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.

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“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.

Contributions to superannuation fund

3. 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.

Unpaid contributions recoverable as a debt

4.(1) Any part or all of the contributions required to be paid under section 3 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 3 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.

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Offences

5. 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.

ENDNOTES

1 **Index to endnotes**

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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 10 February 1998. 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.

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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 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 29 of 1994	5 June 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Obsolete and redundant provisions	1

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6 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)

Coal Legislation Amendment Act 1997 No. 62 pts 1, 3, s 13 sch

date of assent 5 November 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 5 December 1997 (1997 SL No. 419)

7 List of annotations

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

Definitions

prov hdg amd 1997 No. 62 s 13 sch

s 2 prev s 2 om R1 (see RA s 37)

pres s 2 (prev s 4) renum 1997 No. 62 s 13 sch

Contributions to superannuation fund

s 3 prev s 3 om R1 (see RA s 40)

pres s 3 (prev s 13) renum 1997 No. 62 s 13 sch

Unpaid contributions recoverable as a debt

prov hdg amd 1997 No. 62 s 13 sch

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

prev s 4 renum (as s 2) 1997 No. 62 s 13 sch

pres s 4 (prev s 16) renum 1997 No. 62 s 13 sch

amd 1997 No. 62 s 13 sch

Offences

s 5 prev s 5 om 1997 No. 62 s 14

pres s 5 (prev s 18) renum 1997 No. 62 s 13 sch

Transfer of fund

s 6 om 1997 No. 62 s 14

Transfer of assets and liabilities

s 7 om 1997 No. 62 s 14

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Stamp duty not payable

s 8 om 1997 No. 62 s 14

Officers under previous Act

s 9 om 1997 No. 62 s 14

Records in respect of the fund

s 10 om 1997 No. 62 s 14

Payments from superannuation fund to contributors

s 11 om 1997 No. 62 s 14

Payments to existing pensioners and dependants

s 12 om 1997 No. 62 s 14

Contributions to superannuation fund

s 13 renum (as s 3) 1997 No. 62 s 13 sch

Employment after retirement age prohibited

s 14 om 1994 No. 29 s 3 sch

Powers of trustee

s 15 om 1997 No. 62 s 15

Unpaid contributions recoverable as a debt

s 16 renum (as s 4) 1997 No. 62 s 13 sch

Recovery of over payments of pensions and lump sum benefit payments

s 17 om 1997 No. 62 s 16

Offences

s 18 renum (as s 5) 1997 No. 62 s 13 sch

Transitional

s 19 om 1997 No. 62 s 17