



Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009

Act No. 127 of 2009 as amended

This compilation was prepared on 1 January 2012
taking into account amendments up to Act No. 142 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to amend the law relating to long service leave in the black coal mining industry, and for related purposes

1 Short title *[see Note 1]*

This Act may be cited as the *Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009*.

2 Commencement

This Act commences on 1 January 2010.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Coal Mining Industry (Long Service Leave Funding) Act 1992

1 Subsection 4(1)

Insert:

black coal mining industry has the same meaning as in the Black Coal Mining Industry Award 2010 as in force on 1 January 2010.

2 Subsection 4(1) (definition of *eligible employee*)

Repeal the definition, substitute:

eligible employee means:

- (a) an employee who is employed in the black coal mining industry by an employer engaged in the black coal mining industry, whose duties are directly connected with the day to day operation of a black coal mine; or
- (b) an employee who is employed in the black coal mining industry, whose duties are carried out at or about a place where black coal is mined and are directly connected with the day to day operation of a black coal mine; or
- (c) an employee permanently employed with a mine rescue service for the purposes of the black coal mining industry; or
- (d) a prescribed person who is employed in the black coal mining industry;

but does not include a person declared by the regulations not to be an eligible employee for the purposes of this Act.

Note: For prescription or declaration by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

3 Subsection 4(1)

Insert:

employee means a national system employee as defined in section 13 of the *Fair Work Act 2009*.

4 Subsection 4(1)

Insert:

employer means a national system employer as defined in section 14 of the *Fair Work Act 2009*.

5 Subsection 4(2)

Omit “or class of persons” (wherever occurring).

6 Subsection 44(3)

Repeal the subsection, substitute:

- (3) A reference in this section to an employee’s entitlement to long service leave, or to an employee’s entitlement to be paid for, or to take, long service leave, is a reference to the employee’s entitlement under any of the following:
- (a) section 113 of the *Fair Work Act 2009*;
 - (b) a relevant industrial instrument;
 - (c) a contract of employment.

Note: Schedule 2 to the *Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009* extends the operation of section 113 of the *Fair Work Act 2009*.

7 Application of amendments

The amendments made by this Schedule apply in relation to industry and employment occurring on or after the commencement of this Schedule.

Table of Acts

Notes to the *Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009*

Note 1

The *Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009* as shown in this compilation comprises Act No. 127, 2009 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009</i>	127, 2009	10 Dec 2009	1 Jan 2010	
<i>Coal Mining Industry (Long Service Leave) Legislation Amendment Act 2011</i>	142, 2011	29 Nov 2011	Schedule 4 (item 1): 1 Jan 2010 Schedule 4 (item 2): 1 Jan 2012	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Schedule 2	rep. No. 142, 2011
Item 1	am. No. 142, 2011 rep. No. 142, 2011
