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

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General’s Department, Canberra
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Schedule 1—Coal Mining Industry (Long Service Leave Funding) Act 1992

Notes

5
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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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.
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.

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