Statutory Rules 1993 No.1

Coal Mining Industry (Long Service Leave Funding) Regulations


Dated \(\text{22 June}\) 1993.

Governor-General

\[\text{Bill Hayden}\]

By His Excellency's Command,

\[\text{M. Lavarch}\]

Attorney-General for
Minister for Industrial Relations

Citation

1. These Regulations may be cited as the Coal Mining Industry (Long Service Leave Funding) Regulations.

[NOTE: These Regulations commence on gazettal: see Acts Interpretation Act 1901, s. 48.]
Interpretation

2. (1) In these Regulations, unless the contrary intention appears:

"Act" means the Coal Mining Industry (Long Service Leave Funding) Act 1992;

"administrator" means a person with whom the Corporation proposes to enter into, or has entered into, a contract to administer the Fund;

"officer", in relation to a corporation that is an administrator, means a person who:

(a) is a director (within the meaning of the Corporations Law) of the administrator; or
(b) is an executive officer of the administrator; or
(c) has control or substantial control of the administrator.

Qualifications of Fund administrator

3. (1) The Corporation must be satisfied on reasonable grounds that an administrator meets the requirements set out in subregulation (2) or (3), as the case requires.

(2) If the administrator is an individual, the requirements are that:

(a) the administrator has educational qualifications and experience appropriate to administer the Fund; and
(b) the administrator is not an insolvent under administration within the meaning of the Corporations Law; and
(c) the administrator has not within the last 10 years been convicted of an offence involving financial dishonesty; and
(d) the administrator is of good fame and character; and
(e) the administrator will be an honest, efficient and fair administrator of the Fund.

(3) If the administrator is a corporation, the requirements are that:

(a) the administrator is not an externally administered body corporate within the meaning of the Corporations Law; and
(b) subject to subregulation (4), each officer of the administrator meets the requirements set out in subregulation (2).

(4) The Corporation may appoint a corporation as administrator even though not every officer of the administrator meets the requirements set out in subregulation (2), if the Board is satisfied that the administration of the Fund is not likely to be prejudiced by the circumstance that 1 or more officers do not meet those requirements.

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**NOTE**