Coal Mining Industry (Long Service Leave) Administration Regulations 1993

Statutory Rules No. 136, 1993

made under the

Coal Mining Industry (Long Service Leave) Administration Act 1992

Compilation No. 2

Compilation date: 1 March 2017
Includes amendments up to: F2016L01926
Registered: 7 March 2017

Prepared by the Office of Parliamentary Counsel, Canberra
About this compilation

This compilation

This is a compilation of the Coal Mining Industry (Long Service Leave) Administration Regulations 1993 that shows the text of the law as amended and in force on 1 March 2017 (the compilation date).

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
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1 Name of Regulations

These Regulations are the Coal Mining Industry (Long Service Leave) Administration Regulations 1993.

Note: The original title of these Regulations was the Coal Mining Industry (Long Service Leave Funding) Regulations 1993.

2 Interpretation

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


Note: The original title of the Act was 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.

3 Qualifications of Fund administrator

(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 a Chapter 5 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).
Regulation 4

(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

4 Waiver agreements—prescribed employees

For subsection 39B (1) of the Act, the table sets out kinds of eligible employees.

<table>
<thead>
<tr>
<th>Item</th>
<th>Kind of eligible employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An eligible employee who:</td>
</tr>
<tr>
<td></td>
<td>(a) is at least 55; and</td>
</tr>
<tr>
<td></td>
<td>(b) has no qualifying service for the purposes of section 39A of the Act</td>
</tr>
<tr>
<td>2</td>
<td>An eligible employee who:</td>
</tr>
<tr>
<td></td>
<td>(a) is at least 55; and</td>
</tr>
<tr>
<td></td>
<td>(b) has at least 8 years of qualifying service for the purposes of section 39A of the Act</td>
</tr>
<tr>
<td>3</td>
<td>An eligible employee who is a manager of a corporation that is an employer of eligible employees in the black coal mining industry</td>
</tr>
<tr>
<td>4</td>
<td>An eligible employee who is a senior professional employee engaged in the management of a corporation that is an employer of eligible employees in the black coal mining industry</td>
</tr>
<tr>
<td>5</td>
<td>An eligible employee whose annual salary (including allowances) is:</td>
</tr>
<tr>
<td></td>
<td>(a) in 2012—at least $162 000; and</td>
</tr>
<tr>
<td></td>
<td>(b) in a subsequent year—$162 000, as adjusted by the annual rate of the Consumer Price Index for 2012 and then for each completed year (if any) after 2012</td>
</tr>
<tr>
<td>6</td>
<td>An eligible employee who is employed under an under-graduate placement or a work training placement</td>
</tr>
</tbody>
</table>

Note: Eligible employees of these kinds may make a waiver agreement with their employer as described in section 39B of the Act.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The Legislation Act 2003 authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Endnotes

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
ed = editorial change
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
/par-subparagraph(s)
pres = present
prev = previous
(prev…) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
reloc = relocated
reum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced


Coal Mining Industry (Long Service Leave) Administration Regulations 1993

Compilation No. 2
Compilation date: 1/3/17
Registered: 7/3/17

Authorised Version F2017C00178 registered 07/03/2017
Endnote 3—Legislation history

<table>
<thead>
<tr>
<th>Number and year</th>
<th>FRLI registration or gazetted</th>
<th>Commencement date</th>
<th>Application, saving and transitional provisions</th>
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<tbody>
<tr>
<td>1993 No. 136</td>
<td>23 June 1993</td>
<td>23 June 1993</td>
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</tr>
<tr>
<td>2011 No. 243</td>
<td>15 Dec 2011 (see F2011L02684)</td>
<td>1 Jan 2012</td>
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<th>Registration</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporations and Other Legislation Amendment (Insolvency Law Reform) Regulation 2016</td>
<td>13 Dec 2016 (F2016L01926) Sch 1 (item 18): 1 Mar 2017 (s 2(1) item 2)</td>
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### Endnote 4—Amendment history

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>r 1</td>
<td>rs 2011 No. 243</td>
</tr>
<tr>
<td>r 2</td>
<td>am 2011 No. 243</td>
</tr>
<tr>
<td>r 3</td>
<td>am F2016L01926</td>
</tr>
<tr>
<td>r 4</td>
<td>ad 2011 No. 243</td>
</tr>
</tbody>
</table>