



Coal Mining Legislation Amendment (Oakdale Collieries and others) Act 1999

No. 113, 1999



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No. 113, 1999

**An Act to amend legislation relating to coal mining,
and for related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
Schedule 1—Amendments		3
	<i>Coal Mining Industry (Long Service Leave Funding) Act 1992</i>	3
	<i>Coal Mining Industry (Long Service Leave) Payroll Levy Act 1992</i>	5



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No. 113, 1999

An Act to amend legislation relating to coal mining, and for related purposes

[Assented to 22 September 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Coal Mining Legislation Amendment (Oakdale Collieries and others) Act 1999*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Coal Mining Industry (Long Service Leave Funding) Act 1992

1 Title

Omit “related”, substitute “other”.

2 Section 3

Before “object”, insert “main”.

3 After section 48

Insert:

48A Payments to former Oakdale employees

- (1) Each former Oakdale employee is entitled to be paid, out of the Fund, an amount equal to the employee’s termination entitlement, reduced by:
 - (a) any amount that the employee has received from Oakdale in respect of the employee’s termination entitlement; and
 - (b) any amount that the employee has received as a beneficiary of the Trust.
- (2) Payment is not to be made to an employee unless the employee has entered into a written agreement with the Corporation:
 - (a) assigning to the Corporation the employee’s rights to be paid any amount (by a person other than the Corporation) in respect of the employee’s termination entitlement; and
 - (b) agreeing to pay to the Corporation:
 - (i) any amount that the employee later receives from Oakdale in respect of the employee’s termination entitlement; and
 - (ii) any amount that the employee later receives as a beneficiary of the Trust.

(3) Regulations may be made requiring the Corporation to give information statements to employees in respect of payments under this section.

(4) In this section:

former Oakdale employee means a person whose employment by Oakdale was terminated on or after 25 May 1999.

Oakdale means Oakdale Collieries Pty Limited (ACN 066 839 585).

termination entitlement means the amount owing by Oakdale to the employee, immediately after the termination time, in respect of the employee's employment by Oakdale.

termination time means the time when the employee's employment by Oakdale was terminated.

Trust means the Oakdale Collieries Employee Entitlements Trust that was established by a deed of trust made on 9 July 1999.

48B Payments in respect of former employees of companies being wound up etc.

(1) A person is a *qualifying employee* for the purposes of this section if all the following conditions are met:

- (a) the person's employment with an employer (the *former employer*) has been terminated on or before 31 December 1999;
- (b) immediately before the termination, the person was an eligible employee;
- (c) a liquidator, provisional liquidator or administrator of the former employer has been appointed under the Corporations Law on or after 1 January 1999;
- (d) the former employer is not Oakdale Collieries Pty Limited (ACN 066 839 585).

(2) A qualifying employee is entitled to be paid, out of the Fund, an amount equal to the employee's termination entitlement, reduced by any amount that the employee has received in respect of the employee's termination entitlement.

- (3) Payment is not to be made to an employee unless the employee has entered into a written agreement with the Corporation:
- (a) assigning to the Corporation the employee's rights to be paid any amount (by a person other than the Corporation) in respect of the employee's termination entitlement; and
 - (b) agreeing to pay to the Corporation any amount that the employee later receives in respect of the employee's termination entitlement.
- (4) Regulations may be made requiring the Corporation to give information statements to employees in respect of payments under this section.
- (5) In this section:
- termination entitlement* means the amount owing by the former employer to the employee, immediately after the termination time, in respect of the employee's employment by the former employer.
- termination time* means the time when the employee's employment by the former employer was terminated.

***Coal Mining Industry (Long Service Leave) Payroll Levy Act
1992***

4 Section 7

Repeal the section.

*[Minister's second reading speech made in—
House of Representatives on 26 August 1999
Senate on 2 September 1999]*

(166/99)
