LEGISLATIVE COUNCIL

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) BILL 1992

SECOND READING SPEECH

BY

THE HON JOHN P HANNAFORD MLC

ATTORNEY GENERAL AND

MINISTER FOR INDUSTRIAL RELATIONS

MR PRESIDENT,

THE BILL BEFORE THE HOUSE DEALS WITH THE ADMINISTRATIVE ARRANGEMENTS FOR LONG SERVICE LEAVE IN THE COAL MINING INDUSTRY. THE BILL WILL REMOVE NSW GOVERNMENT INVOLVEMENT IN ADMINISTERING THIS BENEFIT AND RETURN THAT FUNCTION TO THE COMMONWEALTH GOVERNMENT. THE COMMONWEALTH HAS HAD RESPONSIBILITY FOR COAL MINING INDUSTRY LONG SERVICE LEAVE SINCE IT WAS INTRODUCED AS AN ENTITLEMENT IN 1949. DAY TO DAY ADMINISTRATION OF THE BENEFIT HOWEVER HAS BEEN PROVIDED BY THE VARIOUS STATE GOVERNMENTS.

THIS BILL IS MADE AT THE REQUEST OF THE COMMONWEALTH GOVERNMENT. PASSAGE OF THE BILL WILL SUPPORT ESTABLISHMENT OF A NEW NATIONAL, INDUSTRY-RUN SCHEME FOR THE PROVISION OF LONG SERVICE LEAVE IN THE BLACK COAL MINING INDUSTRY ACROSS AUSTRALIA. THE NEW ARRANGEMENTS AIM TO PROVIDE GREATER EFFICIENCY AND EQUITY IN FUNDING AND ADMINISTRATION OF THESE BENEFITS.

THE NSW GOVERNMENT SUPPORTS THE MOVE TO DECREASE GOVERNMENT INVOLVEMENT IN THE PROVISION OF THESE BENEFITS. CONTROL BY INDUSTRY REPRESENTATIVES WILL ALLOW FOR A MORE PRACTICAL AND EXPERT OPERATION, WITH A GREATER AWARENESS OF THE IMPORTANT CONSIDERATIONS IMPACTING ON BOTH EMPLOYERS AND EMPLOYEES.

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CHANGES TO THESE ARRANGEMENTS HAVE BEEN INTRODUCED FOLLOWING AN INQUIRY COMMISSIONED BY THE COMMONWEALTH MINISTER FOR

INDUSTRIAL RELATIONS, SENATOR PETER COOK IN AUGUST 1990 WHICH EXAMINED THE FUNDING ARRANGEMENTS FOR COAL MINING INDUSTRY LONG SERVICE LEAVE. KNOWN AS THE WILLETT INQUIRY, THIS REVIEW FOUND THAT WHILE THE EXISTING EXCISE COLLECTIONS WERE SUFFICIENT FOR CURRENT LONG SERVICE LEAVE LIABILITIES, TWO MAIN DEFICIENCIES EXISTED.

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THE SECOND PROBLEM WAS A NET ACCRUED UNFUNDED LIABILITY FOR UNTAKEN LONG SERVICE LEAVE ESTIMATED AS AT 30 JUNE 1990 AT $250.2 MILLION AUSTRALIA-WIDE.

THE COMMONWEALTH GOVERNMENT HAS PASSED 4 PIECES OF LEGISLATION TO REFORM THE FUNDING AND ADMINISTRATION OF LONG SERVICE LEAVE IN THE BLACK COAL MINING INDUSTRY. THESE ACTS, WHICH RECEIVED ROYAL ASSENT ON 26 JUNE 1992, ARE:

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TO LONG SERVICE LEAVE. THE LEGISLATIVE FRAMEWORK PROVIDES THE FUNDING AND ADMINISTRATIVE ARRANGEMENTS FOR EXISTING ENTITLEMENTS CONTAINED IN AGREEMENTS AND AWARDS COVERING COAL MINING EMPLOYMENT. THE CHANGES PROPOSED THEREFORE SIMPLY EFFECT A RE-ORGANISATION OF THE FUNDING AND ADMINISTRATION OF THESE BENEFITS.

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FIRST PRINT

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) BILL 1992

NEW SOUTH WALES

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to repeal the Coal Mining Industry Long Service Leave Act 1950. The repeal will complement recently enacted Commonwealth legislation that provides for the establishment of a new compulsory national industry scheme to fund the long service leave entitlements of workers employed in the black coal mining industry. Apart from resolving outstanding transitional issues, there will be no direct State legislative involvement in the new scheme.

Clause 1 specifies the short title of the Bill.

Clause 2 provides for the Bill to commence on a day to be fixed by proclamation.

Clause 3 repeals the Coal Mining Industry Long Service Leave Act 1950.

Clause 4 contains transitional provisions designed to facilitate the termination of the State's involvement in the existing scheme for funding the long service leave entitlements of workers involved in the black coal industry and for reimbursing employers who have paid those entitlements.

FIRST PRINT

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) BILL 1992

NEW SOUTH WALES

TABLE OF PROVISIONS

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) BILL 1992

NEW SOUTH WALES

No. , 1992

A BILL FOR

An Act to repeal the Coal Mining Industry Long Service Leave Act 1950 and to provide for consequential matters.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Coal Mining Industry Long Service Leave (Repeal) Act 1992.

5 **Commencement**

2. This Act commences on a day to be appointed by proclamation.

Repeal of the Coal Mining Industry Long Service Leave Act 1950 No. 23

3. The Coal Mining Industry Long Service Leave Act 1950 is
10 repealed.

Transitional provisions

4. **(1)** In this section, **"existing scheme"** means the scheme, existing before the commencement of this Act, providing for funding the long service leave entitlements of workers employed in the black coal mining
15 industry and for reimbursing employers who have paid those entitlements.

(2) Despite the repeal of the Coal Mining Industry Long Service Leave Act 1950, section 6 of that Act continues to have effect, and the Administrator appointed under that section continues to hold office as
20 such, but only for the purpose of terminating the State's involvement in the existing scheme.

(3) When the State's involvement in the existing scheme is finally terminated, this section ceases to have effect.

(4) Regulations for the purposes of this Act may be made under clause
25 3 of Schedule 4 to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 as if this Act were an Act to which that clause applied.

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) ACT 1992 No. 82

NEW SOUTH WALES

TABLE OF PROVISIONS

COAL MINING INDUSTRY LONG SERVICE LEAVE (REPEAL) ACT 1992 No. 82

NEW SOUTH WALES

Act No. 82, 1992

An Act to repeal the Coal Mining Industry Long Service Leave Act 1950 and to provide for consequential matters. [Assented to 27 November 1992]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Coal Mining Industry Long Service Leave (Repeal) Act 1992.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Repeal of the Coal Mining Industry Long Service Leave Act 1950 No. 23

3. The Coal Mining Industry Long Service Leave Act 1950 is repealed.

Transitional provisions

4. **(1)** In this section, **"existing scheme"** means the scheme, existing before the commencement of this Act, providing for funding the long service leave entitlements of workers employed in the black coal mining industry and for reimbursing employers who have paid those entitlements.

(2) Despite the repeal of the Coal Mining Industry Long Service Leave Act 1950, section 6 of that Act continues to have effect, and the Administrator appointed under that section continues to hold office as such, but only for the purpose of terminating the State's involvement in the existing scheme.

(3) When the State's involvement in the existing scheme is finally terminated, this section ceases to have effect.

(4) Regulations for the purposes of this Act may be made under clause 3 of Schedule 4 to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 as if this Act were an Act to which that clause applied.

[*Minister's second reading speech made in—*
Legislative Assembly on 29 October 1992
Legislative Council on 19 November 1992]

BY AUTHORITY
R. J. MILLIGAN, ACTING GOVERNMENT PRINTER—1992