

Queensland



COAL LEGISLATION AMENDMENT BILL 1997

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MINOR AMENDMENTS

COAL MINING ACT 1925	33
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1997

A BILL

FOR

An Act to amend the Coal Mining Act 1925 and the Coal and Oil Shale Mine Workers' Superannuation Act 1989 and repeal the Coal Industry (Control) Act 1948 and the Coal and Oil Shale Mine Workers (Pensions) Act 1941 and for related purposes

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Coal Legislation Amendment Act 1997*.

4

Commencement

5

Clause **2.** This Act commences on a day to be fixed by proclamation.

6

PART 2—AMENDMENT OF THE COAL MINING ACT 1925

7

8

Act amended in pt 2

9

Clause **3.** This part and the schedule amends the *Coal Mining Act 1925*.

10

Amendment of s 4 (Interpretation)

11

Clause **4.(1)** Section 4—

12

insert—

13

‘ **“accredited corporation”**, for part 4A, means a corporation accredited
under section 103I(2).

14

15

“mine”, for part 4A, see section 103B.

16

“mines rescue agreement”, for part 4A, see section 103D(1).

17

“mines rescue capability”, for part 4A, see section 103C.

18

“mines rescue services”, for part 4A, see section 103N(a).

19

“party”, to a mines rescue agreement, see section 103D(2).

20

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“performancecriteria”, for part 4A, means the performance criteria fixed under section 103O(1).’.

(2) Section 4, definition **“owner”**, ‘means’—

omit, insert—

‘means—

(a) generally—’.

(3) Section 4, definition **“owner”**, ‘mine.’—

omit, insert—

‘mine; and

(b) for part 4A—see also section 103B.’.

Amendment of s 74 (Inquiries into accidents)

Clause 5.(1) Section 74(1), after ‘4 persons’—

insert—

‘(**“panellists”**)’.

(2) Section 74—

insert—

‘(1B) Before an inquiry starts, the warden must choose a reserve for each panellist.

‘(1C) A panellist’s position becomes vacant if, for good reason, the panellist can not continue with the inquiry.

‘(1D) If a vacancy happens and the panellist’s reserve is able to fill the vacancy, the warden must appoint the reserve to fill the vacancy.

‘(1E) If the reserve can not fill the vacancy for good reason, the inquiry may continue if there are 2 or more remaining panellists.

‘(1F) The opinion of the remaining panellists and any appointee under subsection (1D) has the same effect as if all the original panellists had continued with the inquiry.’.

	Omission of s 76 (Rescue brigade)	1
Clause	6. Section 76—	2
	<i>omit.</i>	3
	Insertion of new pts 4A and 4B	4
Clause	7. After part 4—	5
	<i>insert—</i>	6
	‘PART 4A—MINES RESCUE	7
	‘Division 1—Preliminary	8
	‘Objects of pt 4A	9
	‘103A. The main objects of this part are to—	10
	(a) ensure each underground mine owner provides a mines rescue capability for the mine; and	11 12
	(b) provide for accreditation of corporations to help underground mine owners provide a mines rescue capability; and	13 14
	(c) provide for the Minister to fix performance criteria for accredited corporations; and	15 16
	(d) ensure accredited corporations—	17
	(i) provide mines rescue services; and	18
	(ii) meet the performance criteria.	19
	‘Definitions for pt 4A	20
	‘103B. In this part—	21
	“accredited corporation” means a corporation accredited under section 103I(2).	22 23
	“mine” does not include a mine—	24
	(a) that has been abandoned; or	25

(b) in which no person is employed.	1
“mines rescue services” see section 103N(a).	2
“owner” does not include the owner of a mine—	3
(a) that has been abandoned; or	4
(b) in which no person is employed.	5
“party” , to a mines rescue agreement, see section 103D(2).	6
“performance criteria” means the performance criteria fixed under section 103O(1).	7 8
 ‘Meaning of “mines rescue capability”	 9
‘103C. “Mines rescue capability” means the ability to provide a suitable number of trained persons and maintained equipment to allow continuous rescue operations to take place and help the escape or safe recovery of anyone from a mine if it has an irrespirable atmosphere.	10 11 12 13
 ‘Meaning of “mines rescue agreement”	 14
‘103D.(1) In this part, a “mines rescue agreement” , for an owner, means—	15 16
(a) a written agreement that—	17
(i) has been entered into between the owner and an accredited corporation; and	18 19
(ii) if the owner is an underground mine owner—provides for the corporation to help the owner provide a mines rescue capability for the mine; and	20 21 22
(iii) remains in force; or	23
(b) if the owner is a member of an accredited corporation that is a company limited by guarantee, not having a capital divided into shares—the corporation’s articles of association.	24 25 26
‘(2) A person is a “party” to a mines rescue agreement if the person is—	27 28
(a) a party to an agreement mentioned in subsection (1)(a); or	29

Coal Legislation Amendment

- (b) a member of an accredited corporation mentioned in subsection (1)(b). 1
2

‘Division 2—Obligations of mine owners and users 3

‘Subdivision 1—All owners 4

‘Owner must be a party to a mines rescue agreement 5

‘103E. An owner must be a party to a mines rescue agreement for the owner’s mine. 6
7

Maximum penalty—1000 penalty units.¹ 8

‘Owner must contribute 9

‘103F.(1) An accredited corporation may— 10

- (a) require contributions from each owner who is a party to a mines rescue agreement with the corporation to allow the corporation to provide mines rescue services; and 11
12
13

- (b) fix different contributions from different owners— 14

(i) who own the same class of mine; or 15

(ii) who own different classes of mine. 16

Examples of different classes of mine— 17

1. Underground mines. 18

2. Open cut mines. 19

3. Bord and pillar underground mines. 20

4. Longwall underground mines. 21

5. High-wall mines. 22

¹ Under the *Penalties and Sentences Act 1992*, section 181B (Corporation fines under penalty provision), if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to 5 times the maximum fine for an individual.

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‘(2) Subsection (1) does not limit any other obligation an owner has to pay an amount to the corporation. 1
2

‘(3) An owner must pay all contributions the owner is required to pay under subsection (1) at the times fixed by the corporation. 3
4

Maximum penalty—200 penalty units. 5

‘Subdivision 2—Further obligation of underground mine owners 6

‘Provision of a mines rescue capability 7

‘103G.(1) An underground mine owner must provide a mines rescue capability for the mine. 8
9

Maximum penalty—1000 penalty units. 10

‘(2) The obligation is in addition to any other obligation the owner has under any law. 11
12

‘(3) The owner discharges the obligation under subsection (1) by— 13

(a) complying with any requirement about mines rescue capability imposed on the owner under a regulation or rule; and 14
15

(b) ensuring the manager of the mine complies with any requirement about mines rescue capability imposed on the manager under a regulation or rule. 16
17
18

‘(4) The owner commits an offence against subsection (1) on each occasion that the owner fails to comply with the requirements of subsection (3). 19
20
21

‘Subdivision 3—Mine users 22

‘Mine not to be used if div 2 contravened 23

‘103H. A person must not use a mine for mining while the owner of the mine fails to comply with sections 103E to 103G in relation to the mine. 24
25

Maximum penalty—50 penalty units. 26

‘Division 3—Accredited corporations

1

‘Subdivision 1—Accreditation

2

‘Accreditation

3

‘103I.(1) A corporation may apply to the Minister for a grant of accreditation to provide mines rescue services.

4

5

‘(2) The Minister may grant or refuse the accreditation.

6

‘(3) However, before granting an accreditation, the Minister must be satisfied—

7

8

(a) the corporation is able to—

9

(i) provide mines rescue services for every underground mine;
and

10

11

(ii) comply with the performance criteria; and

12

(b) the Minister is able to audit or monitor the mines rescue services provided by the corporation and its compliance with the performance criteria; and

13

14

15

(c) if the corporation fails to provide mines rescue services or comply with the performance criteria—it has made suitable provision for the Minister to remedy the failure by—

16

17

18

(i) managing the corporation’s mines rescue services; and

19

(ii) requiring contributions for the corporation under section 103F(1)² to allow the Minister to manage its mines rescue services.

20

21

22

‘Accreditation conditions

23

‘103J.(1) The Minister may accredit a corporation on conditions.

24

‘(2) A condition may provide for the following—

25

(a) security for the provision of mines rescue services for every

26

² Section 103F (Owner must contribute)

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underground mine and compliance with the performance criteria;	1
(b) enforcement of the security, even if there is a penalty or liability under this part;	2 3
(c) payment of any reasonable costs of remedying a failure by the corporation to provide mines rescue services or comply with the performance criteria.	4 5 6
‘(3) Subsection (2) does not limit the conditions the Minister may impose.	7 8
‘(4) In subsection (2)—	9
“security” includes mortgage, bond, insurance and surety.	10
‘Refusal to accredit	11
‘103K. If the Minister refuses to accredit a corporation, the Minister must give the applicant a written notice within 14 days stating the following—	12 13 14
(a) the decision;	15
(b) the reasons for the decision;	16
(c) that the applicant may appeal against the decision to a wardens court within 28 days;	17 18
(d) how the applicant may start an appeal. ³	19
‘Amending, suspending or cancelling accreditations—grounds	20
‘103L. Each of the following is a ground for amending, suspending or cancelling a corporation’s accreditation—	21 22
(a) the accreditation was obtained because of incorrect or misleading information;	23 24
(b) the corporation has not provided a mines rescue service;	25
(c) the corporation can not provide mines rescue services for every underground mine;	26 27

³ For how to start an appeal, see section 103S (How to start appeal).

-
- (d) the corporation has contravened the performance criteria or a condition of the accreditation; 1
2
 - (e) the corporation has not reported to the Minister on its compliance with the performance criteria; 3
4
 - (f) the corporation has committed an offence against this Act. 5

‘Amending, suspending or cancelling accreditations—procedure 6

‘103M.(1) If the Minister considers a ground exists to amend, suspend or cancel an accreditation (the **“proposed action”**), the Minister must give the accredited corporation written notice stating the following— 7
8
9

- (a) the proposed action; 10
- (b) the ground for the proposed action; 11
- (c) an outline of the facts and circumstances forming the basis for the ground; 12
13
- (d) if the proposed action is to amend the accreditation (including a condition of the accreditation)—the proposed amendment; 14
15
- (e) if the proposed action is to suspend the accreditation—the proposed suspension period; 16
17
- (f) that the corporation may show (within a stated time of at least 28 days) why the proposed action should not be taken. 18
19

‘(2) If, after considering all written representations made within the stated time, the Minister still considers a ground exists to take the proposed action, the Minister may— 20
21
22

- (a) if the proposed action was to amend the accreditation—amend the accreditation; or 23
24
- (b) if the proposed action was to suspend the accreditation—suspend the accreditation for no longer than the period stated in the notice; or 25
26
27
- (c) if the proposed action was to cancel the accreditation—amend the accreditation, suspend the accreditation for a period or cancel it. 28
29

‘(3) The Minister must inform the corporation of the decision by written notice. 30
31

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- ‘(4) If the Minister decides to amend, suspend or cancel the accreditation, the notice must state the following—
- (a) the decision;
 - (b) the reasons for the decision;
 - (c) that the corporation may apply within 28 days for the decision to be reviewed;
 - (d) how the corporation may apply for the review;
 - (e) that the corporation may apply for a stay of the decision if the corporation applies for a review.
- ‘(5) The decision takes effect on the later of the following—
- (a) the day the notice is given to the corporation;
 - (b) the day stated in the notice.
- ‘(6) Subsections (1) to (5) do not apply—
- (a) if the Minister proposes to amend the accreditation only—
 - (i) for a formal or clerical reason; or
 - (ii) in another way that does not adversely affect the corporation’s interests; or
 - (b) if the corporation asks the Minister to amend the accreditation and the Minister proposes to give effect to the request.
- ‘(7) The Minister may amend an accreditation under subsection (6) by written notice given to the corporation.

Subdivision 2—Functions and performance

‘Functions

‘103N. An accredited corporation has the following functions—

- (a) providing the following services (“**mines rescue services**”)—
 - (i) helping each underground mine owner who is a party to a mines rescue agreement with the corporation to provide a mines rescue capability;

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(ii) providing mines rescue training programs;	1
(iii) providing staff and equipment to comply with subparagraphs (i) and (ii) and the performance criteria;	2 3
(b) complying with the performance criteria;	4
(c) reporting to the Minister under section 103P ⁴ on its compliance with the performance criteria.	5 6
 ‘Performance criteria	 7
‘103O.(1) The Minister must fix mines rescue performance criteria for the provision of mines rescue services for underground mines by an accredited corporation.	8 9 10
‘(2) The criteria must include that an accredited corporation—	11
(a) provides appropriate mines rescue training programs; and	12
(b) provides equipment to perform its obligations under mines rescue agreements; and	13 14
(c) ensures mines rescue equipment is maintained, tested and certified to any specification by its manufacturer; and	15 16
(d) performs audits or other exercises to show the corporation’s ability to respond to an emergency; and	17 18
(e) provides an effective procedure for owners to help each other in an emergency.	19 20
‘(3) Subsection (2) does not limit the criteria.	21
‘(4) The Minister must notify the criteria by gazette notice.	22
‘(5) In subsection (2)—	23
“mines rescue equipment” means equipment for use in an emergency by the corporation or an underground mine owner who is party to a mines rescue agreement with the corporation.	24 25 26

⁴ Section 103P (Reporting to Minister)

‘Reporting to Minister

‘103P.(1) Within 1 month after the end of each financial year, each accredited corporation must give the Minister a written report about whether it complied with the performance criteria in the year.

Maximum penalty—100 penalty units.

‘(2) Also, the Minister may, by written notice, ask an accredited corporation to give the Minister, within a stated time of at least 7 days, stated documents or information about—

(a) the corporation; or

(b) the mines rescue services provided by the corporation.

‘(3) The corporation must comply with the request, unless it has a reasonable excuse for not complying.

Maximum penalty—100 penalty units.

‘(4) An accredited corporation must not give the Minister a report, required documents or information it knows is false or misleading in a material particular.

Maximum penalty—500 penalty units.

‘(5) A complaint against a corporation for an offence against subsection (4) is sufficient if it states the report, required documents or information was ‘false or misleading’ in a material particular.

‘Subdivision 3—Miscellaneous**‘Accredited corporation must keep records**

‘103Q.(1) An accredited corporation must keep a record of the owners who are party to a mines rescue agreement with the corporation.

‘(2) If an owner who is a party to a mines rescue agreement with the corporation asks, the corporation must give the owner a certificate stating—

(a) that the owner is a party to a mines rescue agreement with the corporation; and

(b) whether the owner has paid all contributions required by the

corporation under section 103F(1).⁵

‘(3) A certificate under subsection (2) signed by an officer of the corporation is evidence of the matters stated in it.

‘PART 4B—APPEALS

‘Appeals against Minister’s decisions

‘103R. The following persons (an “**appellant**”) may appeal against a decision of the Minister under the following provisions to a wardens court under this part—

(a) the applicant for accreditation—sections 103I and 103J;⁶

(b) the accredited corporation—section 103M.⁷

‘How to start appeal

‘103S.(1) An appeal is started by the appellant—

(a) filing a written notice of appeal with the wardens court at Brisbane; and

(b) serving a copy of the notice on the Minister.

‘(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

‘(3) The court may at any time extend the period for filing the notice of appeal.

‘(4) The notice of appeal must state the grounds of the appeal.

⁵ Section 103F (Owner must contribute)

⁶ Section 103I (Accreditation)
Section 103J (Accreditation conditions)

⁷ Section 103M (Amending, suspending or cancelling accreditations—procedure)

‘Stay of operation of decisions

‘103T.(1) A wardens court may stay a decision appealed against to secure the effectiveness of the appeal.

‘(2) A stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) has effect for the period stated by the court; and
- (c) may be revoked or amended by the court.

‘(3) The period of a stay given by the court must not extend past the time when the court decides the appeal.

‘(4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

‘Hearing procedures

‘103U.(1) Unless this part otherwise provides, the practice and procedure for an appeal to a wardens court under this part must follow the procedure under section 367⁸ of the Mining Act.

‘(2) An appeal must be by way of rehearing, unaffected by the Minister’s decision.

‘(3) In deciding an appeal, a wardens court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

‘Powers of court on appeal

‘103V.(1) In deciding an appeal, a wardens court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or

⁸ Mining Act, section 367 (Practice and procedure of Wardens Court). Under section 4 (Definitions) “Mining Act” means the *Mineral Resources Act 1989*.

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- (c) set aside the decision and return the matter to the Minister with directions that the court considers appropriate.

‘(2) In substituting another decision, the court has the same powers as the Minister.

Example—

In an appeal against the Minister’s decision to cancel an accreditation, the court may decide to cancel the accreditation or to amend the accreditation by imposing conditions.

‘(3) If the court substitutes another decision, the substituted decision is taken to be the decision of the Minister.

‘(4) The court may make an order for costs it considers appropriate.

‘Appeal to District Court on questions of law only

‘103W.(1) An appellant may appeal against the decision of a wardens court to a District Court, but only on a question of law.

‘(2) On hearing the appeal, the court may make any order for costs it considers appropriate.’.

Insertion of new ss 109A and 110

Clause 8. After section 109—

insert—

‘Delegation by Minister or chief executive

‘109A.(1) The Minister or the chief executive may delegate their powers under this Act to an appropriately qualified public service employee.

‘(2) The Minister may delegate a power under a provision required under section 103I(3)(c)⁹ to any appropriately qualified person for mines rescue services.

‘(3) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

⁹ Section 103I (Accreditation)

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Example of ‘standing’—

A person’s classification level in the public service.

‘Notices about coal industry statistics or information

‘110.(1) The chief executive may, by written notice, require a person to keep and give the chief executive statistics or other information in the person’s custody, possession or power about the coal industry.

Examples of matters the notice may require—

- (a) the keeping and giving of records of production, disposal, sales and employment numbers; and
- (b) the compilation and giving of statistics, returns and other information, including about attendance and absenteeism for work at coal mines; and
- (c) that the records, statistics, returns or other information must be in an approved form.

‘(2) The chief executive may, by written notice, amend a notice.

‘(3) The person must comply with the notice unless the person has a reasonable excuse for not complying.

Maximum penalty—10 penalty units.’.

Insertion of new s 116

Clause **9.** Part 5, after section 115—

insert—

‘Regulation-making power

‘116.(1) The Governor in Council may make regulations under this Act.

‘(2) A regulation may—

- (a) be made about the health of persons employed or to be employed at a coal mine, including about—
 - (i) the appointment, qualifications and removal of doctors for coal mines; or
 - (ii) pre-employment and periodic health assessments to decide a person’s fitness for work at a coal mine; or

- | | | |
|-----|---|---|
| | (iii) the ownership, storage, confidentiality and release of health assessments; or | 1 |
| | | 2 |
| | (iv) reciprocity between coal mining operations; or | 3 |
| (b) | create offences and fix penalties of not more than 20 penalty units for each offence.’. | 4 |
| | | 5 |

	Insertion of new pt 6	6
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Clause	10. After part 5—	7
	<i>insert—</i>	8

	‘PART 6—TRANSITIONAL PROVISIONS FOR COAL LEGISLATION AMENDMENT ACT 1997	9 10
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	<i>‘Division 1—Transitional provisions for repeal of Coal Industry (Control) Act 1948</i>	11 12
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	‘Definitions for div 1	13
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	‘117. In this division—	14
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	“commencement” means the commencement of the section in which it appears.	15 16
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	“former Act” means the <i>Coal Industry (Control) Act 1948</i> .	17
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	“former entity” means The Queensland Coal Board established under the former Act.	18 19
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	“trust fund” means a trust fund established by the Treasurer under the <i>Financial Administration and Audit Act 1977</i> , section 11. ¹⁰	20 21
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	‘Dissolution of former entity	22
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	‘118. On the commencement, the former entity is abolished and its members go out of office.	23 24
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¹⁰ The *Financial Administration and Audit Act 1977*, section 11 (Powers of Treasurer re trust and special funds)

‘Transfer of assets and liabilities to the State	1
‘119. Subject to sections 120 to 122, on the commencement, the former entity’s assets and liabilities vest in the State.	2 3
‘Transfer of Coal Industry Welfare Fund	4
‘120.(1) The Coal Industry Welfare Fund is closed.	5
‘(2) The amount standing at credit in the fund immediately before the commencement must be transferred by the Treasurer to a trust fund for the welfare of mine workers, their dependants and mining communities.	6 7 8
‘Transfer of Coal Industry Fund	9
‘121.(1) The Coal Industry Fund is closed.	10
‘(2) The amount standing at credit in the fund immediately before the commencement must be transferred by the Treasurer to a trust fund for the benefit of the mining industry.	11 12 13
‘Coal Industry Employees’ Severance Pay Fund	14
‘122.(1) Amounts standing to the credit of the Coal Industry Employees’ Severance Pay Fund on 1 January 1998 must be paid under this section as soon as practicable after 1 January 1998.	15 16 17
‘(2) Each eligible corporation must be paid the amount worked out under subsections (3) to (5).	18 19
‘(3) The amount is the amount that would be payable to each eligible corporation if—	20 21
(a) every employee provided for in the corporation’s severance agreement was retrenched on 31 December 1997; and	22 23
(b) the retrenchment was because of technological change, market forces or diminution of reserves.	24 25
‘(4) Also, despite an agreement limiting payments to full years of eligible service, an additional payment must be made for completed months of any incomplete year of eligible service.	26 27 28
‘(5) However, subsection (4) does not apply if the incomplete year of	29

eligible service is the employee's first year of service.	1
‘(6) On the making of all payments under subsection (2)—	2
(a) the Coal Industry Employees' Severance Pay Fund is closed; and	3
(b) any surplus remaining in the fund must be paid to the trust fund mentioned in section 121(2); and	4 5
(c) each severance agreement is ended; and	6
(d) all rights and obligations under a severance agreement end.	7
‘(7) In this section—	8
“eligible corporation” means a corporation that on 31 December 1997—	9
(a) has a current severance agreement; and	10
(b) employed a person provided for in the agreement.	11
“severance agreement” means an agreement with the former entity under section 18(2B) ¹¹ of the former Act.	12 13
‘Transfer of staff to the department	14
‘123.(1) This section applies to a person who, immediately before the commencement, was an employee of the former entity.	15 16
‘(2) If, immediately before the commencement, the person was employed on conditions that most closely relate to a tenured employee, on the commencement, the person becomes a tenured employee in the department.	17 18 19 20
‘(3) If, immediately before the commencement, the person was employed on conditions that most closely relate to a temporary employee, on the commencement, the person becomes a temporary employee in the department.	21 22 23 24
‘Employees' rights and entitlements	25
‘124.(1) This section applies to a person who—	26

¹¹ The *Coal Industry (Control) Act 1948*, section 18 (General powers and functions of board)

Coal Legislation Amendment

- (a) immediately before the commencement, was an employee of the former entity; and
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- (b) on the commencement becomes an employee of the department.
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- ‘(2) On the commencement, the person’s employment is on the same conditions on which the person was employed by the former entity.
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- ‘(3) In addition, the person—
6

 - (a) keeps all rights accrued or accruing to the person as an employee of the former entity; and
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8
 - (b) has the right to receive long service, recreation and sick leave and similar entitlements accrued or accruing to the person as an employee of the former entity.
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- ‘(4) The person’s period of employment with the former entity is taken to be an equivalent period of employment with the department for any law about the rights or entitlements.
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- ‘(5) In addition, the person—
15

 - (a) keeps all entitlements accrued or accruing to the person as a contributor to a fund or as a member of a superannuation scheme under a superannuation Act; and
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17
18
 - (b) is taken to continue to be a contributor or member under the superannuation Act.
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- ‘(6) In this section—
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- “rights” includes rights accrued or accruing immediately before the commencement against the former entity under section 15 of the former Act.¹²
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- “superannuation Act” means the *Public Service Superannuation Act 1958*, *State Service Superannuation Act 1972*, *Superannuation (Government and Other Employees) Act 1988* or the *Superannuation (State Public Sector) Act 1990*.
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¹² The *Coal Industry (Control) Act 1948*, section 15 (Secretary and officers)

‘Coal Industry Employees’ Health Scheme

‘125.(1) The *Coal Industry Employees’ Health Scheme Order 1993* made by the former entity under the former Act, as in force immediately before the commencement, continues in force.

‘(2) The order is taken to be a regulation made under this Act.

‘(3) A reference in the order to the former entity is taken to be a reference to the chief executive.

‘Coal industry statistics

‘126.(1) The order (commonly called ‘Statspack’) of the former entity under the former Act published in the gazette on 25 May 1991 continues in force.

‘(2) A reference in the order to the former entity is taken to be a reference to the chief executive.

‘(3) The order—

(a) is taken to be a written notice by the chief executive under section 110;¹³ and

(b) may be amended by the chief executive.

‘Expiry of div 1

‘127. This division expires on 31 December 1999.

‘Division 2—Transitional provisions for part 4A**‘Definitions for div 2**

‘128. In this division—

“**changeover day**” means the day this division commences.

“**former entities**” means the committees of management and rescue brigades under section 76.

¹³ Section 110 (Notices about coal industry statistics or information)

“section 76” means section 76 ¹⁴ of this Act as in force immediately before the <i>Coal Legislation Amendment Act 1997</i> , section 6 ¹⁵ commenced.	1 2
‘Former entities	3
‘129. On the changeover day, each of the former entities is abolished and its members go out of office.	4 5
‘Vesting of assets in first accredited corporation	6
‘130. On the changeover day, the following vests in the first accredited corporation—	7 8
(a) the property immediately before the changeover day that was—	9
(i) owned by or taken to be vested in the former entities; or	10
(ii) taken to vest in the members of each committee of management under section 76; and	11 12
(b) the land in schedule 2.	13
‘Duty to register vested assets	14
‘131.(1) This section applies to the registrar of titles or other person with registration functions for property vested under section 130 in the first accredited corporation.	15 16 17
‘(2) If the corporation asks, the registrar or other person must register or give effect to the vesting.	18 19
‘(3) Fees and charges are not payable for a request under subsection (2).	20
‘Liabilities of former entities	21
‘132.(1) On the changeover day, the liabilities of the former entities vest in the State.	22 23

¹⁴ Section 76 (Rescue brigade)

¹⁵ The *Coal Legislation Amendment Act 1997*, section 6 (Omission of s 76 (Rescue brigade))

Coal Legislation Amendment

‘(2) The State must discharge a liability vested in it for an entitlement of an employee of the former entities by paying the amount of the entitlement to the first accredited corporation.	1 2 3
‘(3) In subsection (2)—	4
“ entitlement ” does not include an entitlement to long service leave and superannuation.	5 6
‘Proceedings	7
‘133.(1) A proceeding by or against a former entity that has not ended before the changeover day may be continued by or against the State.	8 9
‘(2) If a proceeding could have been taken by or against a former entity, if the entity had continued to exist, the proceeding may be taken by or against the State.	10 11 12
‘Employees	13
‘134.(1) A person employed by a former entity immediately before the changeover day becomes an employee of the first accredited corporation.	14 15
‘(2) The person has the right against the corporation to all existing and accruing rights of employment that the person had immediately before the changeover day against the former entity.	16 17 18
‘(3) However, after the changeover day the rights are subject to any employment law.	19 20
‘(4) For any employment law, the person’s period of employment with the former entity is taken to be an equivalent period of employment with the corporation.	21 22 23
‘(5) In this section—	24
“ employment law ” means the <i>Workplace Relations Act 1997</i> or any other law that applies to the rights or entitlements of a person as an employee of the corporation.	25 26 27

‘Expiry of div 2 and sch 2

1

‘135. This division and schedule 2 expire 1 year after the changeover day.’.

2

3

Insertion of new sch 1, s 1A

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Clause 11. Schedule 1, after section 1—

5

insert—

6

‘Mines rescue

7

‘1A. Mines rescue capability or the provision of mines rescue services under part 4A.’.

8

9

Insertion of sch 2

10

Clause 12. After schedule 1—

11

insert—

12

‘SCHEDULE 2

13

**‘LAND VESTED IN FIRST ACCREDITED
CORPORATION**

14

15

section 130

16

1. Lot 2 on SP102351 being part of Reserve R2677 (Departmental and Official Purpose), Parish of Goodna, County of Stanley containing an area of approximately 3 046 m²
Title reference: 49011894
Trustee: Director-General, Department of Mines and Energy
2. Lot 33 on Crown Plan B337151, Parish of Blackwater, County of Humboldt containing an area of approximately 700 m²
Title reference: 50103894 (Estate in Fee Simple)
Holder: The State of Queensland (represented by the Department of Mines and Energy)

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Coal Legislation Amendment

3. Lot 1 on Crown Plan D111222, Parish of Dunsmore, County of Cairns containing an area of approximately 1 286 m² 1
 Title reference: 50174109 (Estate in Fee Simple) 2
 Holder: The State of Queensland (represented by the Department of Mines and Energy) 3
 4 5
4. Lot 12 on Crown Plan B337153 being Reserve R120 (Building Purpose), Parish of Blackwater, County of Humboldt containing an area of approximately 4 047 m² 6
 Title reference: 49010607 7
 Trustee: Central Queensland Mines Rescue Brigade 8
 9 10
5. Lot 402 on Crown Plan SL4877 being Reserve R1198 (Mines Rescue Station Purpose), Parish of Ipswich, County of Stanley containing an area of approximately 4 975 m² 11
 Title reference: 49001309 12
 Trustee: Director-General, Department of Mines and Energy as listed in the Government Land Register 13
 14 15 16
6. Lot 675 on RC748450, Parish of Springlands, County of Drake containing an area of approximately 4 303 m² 17
 Title reference: 50184939 (Estate in Fee Simple) 18
 Holder: The State of Queensland (represented by the Department of Mines and Energy) 19
 20 21
7. Lot 5 on Crown Plan D1112111 being Reserve R99 (Mines Rescue Purpose), Parish of Dunsmore, County of Cairns containing an area of approximately 7 131 m² 22
 Title reference: 49015234 23
 Trustee: Director-General, Department of Mines and Energy 24
 25 26
8. Lot 42 on Crown Plan M86338 being Reserve R128 (Departmental and Official Purpose), Parish of Moura, County of Ferguson containing an area of approximately 9 701 m² 27
 Title reference: 49011258 28
 Trustee: Director-General, Department of Mines and Energy as listed in the Government Land Register 29
 30 31 32
9. Lot 43 on Crown Plan M86338 being Reserve R134 (Building Purpose), Parish of Moura, County of Ferguson containing an area of approximately 1 619 m² 33
 34 35

Title reference: 49011912	1
Trustee: Central Queensland Mines Rescue Brigade	2
10. Lot 78 on Crown Plan 901715, Parish of Moranbah, County of Grosvenor, containing an area of approximately 7 578 m ²	3
Title reference: 50167118 (Estate in Fee Simple)	4
Holder: The State of Queensland (represented by the Department of Mines and Energy)'.	5
	6
	7

PART 3—AMENDMENT OF THE COAL AND OIL	8
SHALE MINE WORKERS' SUPERANNUATION ACT	9
1989	10

Act amended in pt 3	11
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Clause	13. This part and the schedule amends the <i>Coal and Oil Shale Mine Workers' Superannuation Act 1989</i> .	12
		13

Omission of ss 5–12	14
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Clause	14. Sections 5 to 12—	15
	<i>omit.</i>	16

Omission of s 15 (Powers of trustee)	17
---	----

Clause	15. Section 15—	18
	<i>omit.</i>	19

Omission of s 17 (Recovery of over payments of pensions and lump sum benefit payments)	20
	21

Clause	16. Section 17—	22
	<i>omit.</i>	23

Omission of s 19 (Transitional)

Clause 17. Section 19—
omit.

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2
3

PART 4—REPEALS AND SAVINGS

4

Repeals

5

Clause 18. The following Acts are repealed—

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(a) the *Coal Industry (Control) Act 1948*;

7

(b) the *Coal and Oil Shale Mine Workers (Pensions) Act 1941*.

8

Application of Acts Interpretation Act 1954, s 20A

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Clause 19. The *Coal and Oil Shale Mine Workers (Pensions) Act 1941* is
declared to be a law to which the *Acts Interpretation Act 1954*,
section 20A¹⁶ applies.

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¹⁶ *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

SCHEDULE	1
MINOR AMENDMENTS	2
sections 3 and 13	3
COAL MINING ACT 1925	4
1. Section 4, heading—	5
<i>omit, insert—</i>	6
‘Definitions’.	7
2. Heading ‘Officers’ before section 6—	8
<i>omit.</i>	9
3. Section 63(e), ‘he’—	10
<i>omit, insert—</i>	11
‘the inspector’.	12
4. Part 5, heading, ‘provisions’—	13
<i>omit.</i>	14
5. Heading ‘Penalties and procedure’ before section 104—	15
<i>omit.</i>	16
6. Section 115—	17
<i>omit, insert—</i>	18

SCHEDULE (continued)

‘Rule is subordinate legislation	1
‘115. A rule is subordinate legislation.’.	2
7. Schedule 1, part 1, heading—	3
<i>omit.</i>	4
COAL AND OIL SHALE MINE WORKERS’ SUPERANNUATION ACT 1989	5 6
1. Section 4, heading—	7
<i>omit, insert—</i>	8
‘Definitions’.	9
2. Section 4—	10
<i>renumber</i> as section 2.	11
3. Section 13—	12
<i>renumber</i> as section 3.	13
4. Section 16—	14
<i>renumber</i> as section 4.	15
5. Section 16, ‘section 13’—	16
<i>omit, insert—</i>	17
‘section 3’.	18

SCHEDULE (continued)

6. Section 18—*renumber* as section 5.

1

2