



New South Wales

Coal Industry Amendment Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Employers in the coal industry are required to obtain workers compensation insurance from an approved workers compensation company. Currently, that requirement only applies to employers directly engaged in the coal industry and not to employers who, with reference to their character and business, are engaged in another industry and merely provide services to the coal industry (*Kuypers v Ashton Coal Operations Pty Ltd* [2014] NSWSC 1276).

The object of this Bill is to amend the *Coal Industry Act 2001* to require all employers whose employees work in or about a coal mine to obtain workers compensation insurance from an approved workers compensation company.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Coal Industry Act 2001 No 107

Schedule 1 inserts a definition of *employer in the coal industry* into the *Coal Industry Act 2001* to make it clear that any employer whose employees work in or about a coal mine is required to be insured with an approved workers compensation company with respect to those employees and their employment in or about a coal mine.

Schedule 2 Consequential amendment of workers compensation legislation

Schedule 2 makes consequential amendments to the *Workers Compensation Act 1987* and *Workplace Injury Management and Workers Compensation Act 1998*.



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New South Wales

Coal Industry Amendment Bill 2018

No. , 2018

A Bill for

An Act to amend the *Coal Industry Act 2001* to extend the application of the Act with respect to workers compensation to all workers employed in or about a coal mine; and to make consequential amendments to certain other legislation.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Coal Industry Amendment Act 2018*.

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2 Commencement

4

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

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Schedule 1 Amendment of Coal Industry Act 2001 No 107

1

Section 3 Definitions

2

Insert in alphabetical order:

3

employer in the coal industry means any employer whose employees work in
or about a coal mine.

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| | | |
|-------------------|---|----|
| Schedule 2 | Consequential amendment of workers compensation legislation | 1 |
| | | 2 |
| 2.1 | Workers Compensation Act 1987 No 70 | 3 |
| | Section 7A Application of Act in respect of coal industry | 4 |
| | Insert after section 7A (4): | 5 |
| | (5) In this section: | 6 |
| | <i>employer in the coal industry</i> has the same meaning as in the <i>Coal Industry Act 2001</i> . | 7 |
| | | 8 |
| 2.2 | Workplace Injury Management and Workers Compensation Act 1998 No 86 | 9 |
| | | 10 |
| | Section 9A Application of Act in respect of coal industry | 11 |
| | Insert after section 9A (4): | 12 |
| | (5) In this section: | 13 |
| | <i>employer in the coal industry</i> has the same meaning as in the <i>Coal Industry Act 2001</i> . | 14 |
| | | 15 |