

Long Service Leave (Metalliferous Mining Industry) Regulation 2016

[2016-546]



New South Wales

Status Information

Currency of version

Repealed version for 26 August 2016 to 17 June 2021 (accessed 18 July 2024 at 7:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Regulation was repealed by cl 5(1) of the [Long Service Leave \(Metalliferous Mining Industry\) Regulation 2021 \(292\)](#) with effect from 18.6.2021.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 18 June 2021

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New South Wales

1 Name of Regulation

This Regulation is the [Long Service Leave \(Metalliferous Mining Industry\) Regulation 2016](#).

2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the [Long Service Leave \(Metalliferous Mining Industry\) Regulation 2011](#), which is repealed on 1 September 2016 by section 10 (2) of the [Subordinate Legislation Act 1989](#).

3 Definition

(1) In this Regulation, **the Act** means the [Long Service Leave \(Metalliferous Mining Industry\) Act 1963](#).

Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Calculation of ordinary pay for payment of leave: bonuses

For the purposes of section 3 (2C) of the Act, the prescribed annual amount of a worker's ordinary pay is the greater of the following:

- (a) \$144,000,
- (b) the amount calculated in accordance with regulation 2.13 of Chapter 2 of the [Fair Work Regulations 2009](#) of the Commonwealth from time to time.

Note—

The Act provides that bonuses paid to workers are to form part of the ordinary pay of a worker for the purposes of payment for long service leave. Section 3 (2C) of the Act provides that bonuses received by a worker are not to be taken into account if the ordinary annual pay of the worker (excluding bonuses) exceeds the amount

prescribed by the regulations. This clause prescribes that amount.

5 Savings

Any act, matter or thing that, immediately before the repeal of the *Long Service Leave (Metalliferous Mining Industry) Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.