



## MINING & ENERGY UNION

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11 March 2026

Committee Secretary  
Senate Education and Employment Legislation Committee  
Parliament House  
Canberra ACT 2600

**Emailed only:** [eec.sen@aph.gov.au](mailto:eec.sen@aph.gov.au)

Dear Sir/Madam,

**Re: Submission to the Education and Employment Legislation Committee Inquiry into Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2025**

### Introduction

1. The Mining and Energy Union (**MEU**) is the principal union in the coal industry, including mines, power stations and ports, with over 27,000 members nationally.
2. Australian coal miners fought for and won long service leave entitlements over 75 years ago, with the Coal Industry Long Service Leave (**Coal LSL**) scheme being born out of the bitter seven-week coal strike of 1949.
3. We are extremely proud of the Coal LSL scheme and the vast majority of our membership in the black coal mining industry is covered by it.
4. Over the years, we have advocated for improvements to the scheme to keep pace with changes in the coal industry and work practices and to ensure all workers lawfully covered by the scheme can benefit from it.

### MEU Position on the Proposed Legislation

5. The reforms contained in the *Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2025* (the **Bill**) represent a sensible approach that will support participation in the scheme.
6. The problem the Bill addresses is one of non-compliance with the scheme by a number of companies operating in the coal mining industry (predominantly maintenance and mining services companies who contract to mine operators), who have refused to accept that their employees are covered by the scheme; have not recorded their employees' service for the purpose of long service leave; and have not paid levies into the scheme.
7. The argument by this subset of employers about eligibility for the scheme has been resolved in the courts. The 2025 Federal Court decision in the matter of *Coal LSL v Hitachi* reaffirmed that employees performing mechanical and electrical work integral to day-to-day mine operations are eligible for coverage under the scheme, even if their employer is not primarily a coal mining company.
8. The legal clarity over coverage provided by this decision was very welcome. But improving worker participation in the scheme still faces the practical hurdle of employer participation and payment of levies.

9. The Bill establishes measures to resolve legacy non-compliance by employers with their Coal LSL obligations in a number of ways:
  - By facilitating payment plans and a 20 percent debt waiver, rewarding employers who have already begun repaying historical liabilities in good faith.
  - By linking employer payments to employee service records and ensuring workers' service balances are credited appropriately; and
  - By enabling reasonable assumptions and simplified calculations to be made in cases where employers' historical records are incomplete.
10. Portable long service leave is an important feature of coal industry employment, reflecting the demanding nature of the work, mobility across sites and volatile and cyclical nature of the industry.
11. As part of our work representing members, the MEU regularly assists members to have their service recognised by Coal LSL for the purpose of accessing long service entitlements.
12. For example, an MEU member in the Hunter Valley named Jeremy, who works as a tradesperson in the coal industry, went through an 18 month process of gathering evidence to have his service recognised. Jeremy had worked for multiple contractors who did not record his service for the scheme and in some cases challenged his eligibility due to the nature of his work on mining machinery.
13. As Jeremy said:

*It should not be that hard when you have been on site the whole time doing the work. This industry is intense. Long service leave is recognition that you have dedicated years to it.*
14. With the support of the union, Jeremy's service was recognised and he is now taking long service leave in the wake of his father's death in a tragic accident last year – assisting his mother and family to adjust.
15. *"I got there in the end,"* said Jeremy. *"But it would be better if it was clear from the start, so people do not have to fight for something they are entitled to."*
16. This Bill will help more MEU members like Jeremy access their long service leave entitlements smoothly by facilitating the compliance of more employers with their Coal LSL obligations.
17. The changes contained in the Bill are a pragmatic response to the issue of non-compliance by some coal industry employers who contract to mine operators. They will contribute to employer participation, improve the solvency of the Coal LSL Scheme and dissuade employers from pursuing avoidance strategies.
18. The MEU was consulted on the design of measures contained in the Bill. We support the Bill's passage, and we are confident it will allow for many current and future coal mineworkers to receive their lawful entitlement to portable long service leave.

#### Future Improvements to the Scheme

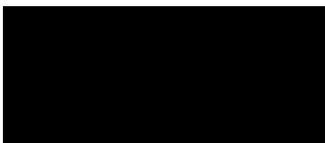
19. The work of modernising the Coal LSL legislation is not complete with this Bill and the MEU will continue to work with Government, the Corporation and employer stakeholders on continuous improvement to the scheme. This includes further much needed reforms that should be considered in this term of Parliament in separate legislation.

20. The need for these further reforms, however, does not preclude our support for the current Bill being passed in its current form.
21. The further improvements to Coal LSL legislation that should be addressed in a future tranche of legislation include:
- a. ensuring workers on parental leave without pay have continuity of service within the Scheme and continue to accrue long service leave credits to **avoid unfair outcomes for working parents**.
  - b. providing the Corporation with **a suite of enforcement tools** to allow lower-level responses such as infringement notices or enforcement undertakings for non-compliance, rather than being limited to expensive and time-consuming court litigation, by adopting the provisions of the *Regulatory Powers (Standard Provisions) Act 2014* available to other Commonwealth regulators.
  - c. updating the Fair Work Commission dispute resolution framework within the Administration Act to authorise arbitration of disputes to **ensure low-cost, binding outcomes** without the need for court proceedings;
  - d. treating entitlements under the Long Service Leave Scheme as National Employment Standards entitlements to ensure **compliance can be considered in enterprise agreement approvals**, allowing the Fair Work Commission to play a role in preventing avoidance behaviour;
  - e. authorise the Minister to issue **rules that clarify whether a worker is an 'eligible employee'** in the context of new developments in the industry such as remote operator work that continue to play a critical role in day-to-day mine operations.

The MEU would welcome the chance to appear before the Committee or provide further details in writing of any of the matters outlined above.

Thank you for your consideration.

Yours sincerely,



**Grahame Kelly**  
**General President**  
**Mining and Energy Union**