

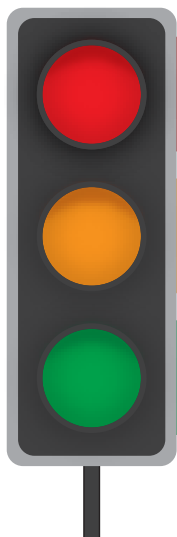
Building and Construction Industry MINING ELIGIBILITY GUIDELINES

Building and Construction Industry Long Service Payments Act 1986 No 19
Building and Construction Industry Long Service Payments Regulation 2022
Coal Mining Industry (Long Service Leave) Administration Act 1992

The following guidelines show some typical examples of the different types of work performed within the building and construction industry that may or may not be covered by the Federal Government Coal LSL scheme.

We recognise that the type of work varies from job-to-job and day-to-day, therefore the Corporation looks at the work performed and the location it is performed at, rather than the title of the worker's role when determining eligibility. Workers and employers must carefully consider the eligibility of work performed on black coal mining sites due to the potential duplication of entitlements between Coal LSL and the BCI scheme. Ensuring that when service is recorded it is lodged only for periods where eligible work has been performed.

Where workers perform a combination of eligible and ineligible work, service must only be recorded for days where more than half the worker's ordinary work day was spent doing eligible work. Employers are required to keep books and records to substantiate any service days lodged.



Workers doing this type of work are **NOT ELIGIBLE** to record service with the scheme.

Caution - Workers **MAY** or **MAY NOT** be covered.

These types of workers are generally **ELIGIBLE** to record full time service.

1 DETERMINING ELIGIBILITY OF WORK FOR BUILDING AND CONSTRUCTION LS SCHEME

Determining eligibility of work performed

The eligibility of work performed on mining leases or mine sites is to be assessed on their individual merits against the three part test:

1. The worker must be in the private sector (legislative definition under Section 3 (1) of the Act);
2. The worker and employer must be in the building and construction industry (legislative definition under Section 3 (1) of the Act); and
3. The worker must be performing building and construction work for which there is a rate of pay under one of the prescribed awards, (Part 2 Section 4 of the Regulation).

Where the work is performed on a mine site, it needs to be determined whether the mine is extracting black coal or other minerals.

To determine the eligibility of the work performed, further information will need to be gathered in order for a decision to be made.

- Is the work performed in direct connection with the day-to-day operation of a mine?
- Is the mine extracting black coal or another mineral?
- Does the work vary from day-to-day?

2 COVERED BY COAL LSL - BLACK COAL MINE SITES

Work not covered by the BCI LS Scheme but is covered by the Coal LSL Scheme

- Employed in the black coal mining industry by an employer engaged in the black coal mining industry, whose duties are directly connected with the day-to-day operation of black coal mining.
- Employed in the black coal mining industry whose duties are carried out at or about a place where black coal is mined and are directly connected with the day-to-day operation of a black coal mine.

The black coal mining industry includes:

- The extraction or mining of black coal on a coal mining lease by means of underground or surface mining methods.
- The processing of black coal at a handling or coal processing plant on or adjacent to a coal mining lease.
- The transportation of black coal on a coal mining lease.
- Other work on a coal mining lease directly connected with the extraction, mining and processing of black coal.

For further information regarding the Federal Government Black Coal Portable LSL Scheme, visit www.coallsl.com.au or call 1300 852 625.

3 NOT COVERED

Work not covered by the BCI LS Scheme

- Works involved with actual mining operation.
- Direct employees of the mine operator.
- Workers performing work covered by Coal LSL.

Examples of ineligible work

- Crane lifting of containers and mining equipment such as buckets, railway carriages and trucks.
- Any work performed on machinery/vehicles/plant such as trucks, loaders, draglines or railway carriages eg. plant mechanics.
- Transportation of minerals/by-product.
- Water cart operators watering down existing mine roads to minimise dust.
- Construction or grading of dirt roads in an open cut mine or an underground mine.
- Maintenance work involving changing motors or electronic repairs to items such as conveyor belts or stackers etc.
- Planting/landscaping associated with rehabilitation work.
- Program maintenance by a mechanic or greaser.

4 OVERLAPS WITH COAL LSL

Where workers perform a combination of eligible and ineligible work, service must only be recorded for days where more than half the worker's ordinary work day was spent doing eligible work.

Examples of work that may overlap with Coal LSL

- Repair and maintenance of railway lines in and around the mine and railway loops.
- Repair and maintenance of mine extraction conveyors, holding, washing, storage and loading structures/facilities.
- Works for the transmission of electric power.

To determine the eligibility of the work performed, further information will need to be gathered in order for a decision to be made.

- Is the work performed in direct connection with the day-to-day operation of a mine?
- Is the mine extracting black coal or another mineral?
- Does the work vary from day-to-day?

5 WORK COVERED

Work on mine sites covered by the BCI Scheme effective from 11 November 2009

As a guide, scheme eligible work includes the construction, reconstruction, renovation, alteration, demolition or maintenance or repairs of or to buildings, structures and fixtures on mining leases or mine sites that are for the purposes of administration, processing, treating, storing or disposing of minerals and other materials. This includes;

- new construction work on mine sites (including expansion projects and new infrastructure)
- painting, concreting, steel-fixing, sprinkler pipe-fitting
- administration buildings, access roads, kerb and guttering, paths and fences
- stackers and reclaimers
- washing plant, washing bays and mine portals
- installation of lift shafts or ventilation shafts from the mine
- dragline towers and stanchions (**not eligible** draglines are not covered)
- coal handling and preparation plant
- earthworks for borehole gas monitoring (**not eligible** the act of taking readings to monitor the gas releases)
- earthmoving within mine sites for the rehabilitation of the site
- pile driving and site preparation for any building or other works
- works for the storage or supply of water or for the irrigation of land
- works for the conveyance, treatment or disposal of sewage or of the effluent from any premises
- bridges, viaducts, aqueducts, pipelines or tunnels
- chimney stacks, cooling towers, drilling rigs, gas holders or silos
- works for the drainage of land
- works for the storage of liquids, other than water, or of gases
- polythene pipe butt fusion (the pipes are installed to drain liquid away as part of the mining process)
- works for the transmission of electric power (**overlaps with Coal LSL**)
- mine extraction conveyors, holding, washing, storage and loading structures/facilities (**overlaps with Coal LSL**)
- construction of railway lines in and around the mine and railway loops. (**overlaps with Coal LSL**).