

**Questions to the Department of Employment and Workplace Relations, Minister for
Minister for Employment and Workplace Relations, Amanda Rishworth and Coal LSL.**

1. What is the department's estimate of the total value of unpaid Coal Long Service Leave levies covered by this Bill?
2. How many employers are affected, and how many workers are estimated to have missed out on entitlements as a result of historical non-payment?
3. Why has the government opted for a voluntary payment arrangement rather than mandatory compliance, given the extent and longevity of the underpayments?
4. Why does the Bill contain no new enforcement or penalty mechanisms for employers who failed to comply with their obligations for more than a decade?
5. How does the government justify waiving the final 20% of levy debts for employers who enter payment arrangements, when workers have already been denied entitlements for years?
6. What safeguards are in place to prevent employers from using the voluntary scheme to minimise or under declare historical liabilities?
7. Which employer groups and unions were consulted in the drafting of this legislation, and can the department provide dates and formats of those consultations?
8. Were worker representatives or affected employees directly consulted about the decision to make the scheme voluntary and to waive a portion of employer debt?
9. Did the government consider alternative models that prioritised recovery of full entitlements for workers rather than certainty for employers?
10. If an employer refuses to enter a payment arrangement, what practical remedies are available to affected workers to recover their entitlements?
11. What oversight mechanisms are in place to ensure that "reasonable assumptions" made about service history err in favour of employees, not employers?
12. Will employees have any right to challenge service records or assumptions created under the scheme if they believe entitlements are understated?

Response of the Department of Employment and Workplace Relations:

The Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2025 creates a voluntary, time-limited pathway for employers to meet historical unpaid levy obligations and join the Coal LSL Scheme (the Scheme). This supports timely access to long service leave entitlements for workers.

- Recent decisions of the Full Court of the Federal Court of Australia have clarified coverage under the Coal LSL Scheme, resulting in a number of employers owing unpaid long service leave levies for eligible employees. The Bill introduces a voluntary, streamlined mechanism for employers to repay these liabilities and onboard into the Scheme.

The 20% debt waiver is offered to encourage uptake, with safeguards including Coal LSL Board approval of proposed payment arrangements, audits, and structured timeframes to resolve legacy debts while maintaining the Scheme's integrity.

- The 20% debt waiver has no impact on worker entitlements. Eligible workers will receive the full and lawful entitlements they're entitled to under the Scheme.

Under the arrangements, employers must submit detailed employee records, including coverage periods and wages used to calculate unpaid levies.

- Coal LSL will work with employers to determine debt values and entitlements as part of the voluntary payment plans.
- Employees retain statutory rights under the Coal Mining Industry (Long Service Leave) Administration Act 1992 to dispute service records and assumptions.

Employers who fail to uphold the terms of the payment arrangements may lose access to the benefits under the arrangement and will have to repay their levy debt in full. This could include additional levy fees for late payment.

The government consulted with industry stakeholders in developing the Bill.

Response of Minister for Employment and Workplace Relations, Amanda Rishworth:

“The new repayment scheme will deliver fairness and certainty for workers in the black coal mining industry and their employers.

It reflects the Albanese Government’s commitment to connecting employees with their employment entitlements.

The new scheme is designed to ensure eligible workers have a clear pathway to access to 100% of their hard-earned long service leave entitlements in a timely fashion.

Under the new scheme, workers who will be linked to their entitlements for the first time will get 100% of what they are owed - the 20% discount is only there to provide an incentive for employers to participate in the voluntary scheme for legacy payments which result in these employees getting access to 100% of their entitlements quicker.”

Questions to Coal LSL:

1. Why are service and levy records incomplete for a significant cohort of eligible workers?
2. How many workers currently lack full service records due to employer non-compliance or disputed eligibility?
3. What practical steps will Coal LSL take to ensure employers entering payment arrangements accurately disclose all eligible employees?
4. How will Coal LSL verify employer-provided information where historical records are limited or missing?
5. What action will be taken against employers who enter a payment arrangement but later fail to meet instalment obligations?
6. Will workers be notified if their employer enters a payment arrangement, and will they be informed of how their service records are calculated?
7. What recourse do workers have if they believe their long service leave entitlement has been understated under the new arrangements?