



Australian Government  
Coal Mining Industry  
(Long Service Leave Funding) Corporation

**COALLSL**

# Technical Compliance Committee

## Terms of Reference

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## 1. Introduction

The Board of Directors (**the Board**) of the Coal Mining Industry (Long Service Leave Funding) Corporation (Coal LSL) has constituted the Technical Compliance Committee (**TCC**) to discharge its functions in accordance with these terms of reference.

## 2. Objectives of the TCC

The TCC is a Committee of the Board that provides Directors with a forum to consider and evaluate applications for recognition of service (“MSR applications”) and determine eligibility under the Transitional Provisions of the *Coal Mining Industry (Long Service Leave) Legislation Amendment Act 2011* (“Amendment Act”) and the *Coal Mining Industry (Long Service Leave) Administration Act 1992* (“Administration Act”). The TCC may obtain legal guidance from Coal LSL’s legal advisors where it considers this necessary to carry out its functions.

The objectives of the TCC are listed below:

- To assist the Board in the discharge of its responsibility to exercise due care and skill in relation to the Transitional Provisions of the Amendment Act.
- To assist the Board in the discharge of its responsibility to exercise due care and skill in relation to the determination of eligible employees under the Administration Act.

## 3. Powers of the TCC

- The Board authorises the TCC to seek any information it requires within the scope of its duties and responsibilities
- The TCC shall have unlimited access to relevant Coal LSL employees
- The TCC may obtain independent advice where it considers this necessary to carry out its duties
- The TCC may, where the Committee considers it appropriate, refer to the Board any Policies or other documents delegated to it for review and approval
- The TCC will decide the outcome of claims of service in accordance with the relevant legislation.

## 4. Duties and responsibilities of the TCC

### 4.1. Application for recognition of service

The TCC are to meet to receive schedules, reports, review matters and decide the outcome of MSR applications, and subsequent appeals, under the Transitional Provisions of the Amendment Act and the Administration Act.

### 4.2. Employers identified by applications for recognition of service

The TCC are to meet to receive schedules, reports, review matters and make determinations relating to employers identified in accordance with 4.1.

### 4.3. Guidance to employers

The TCC may also, upon request from an employer, provide guidance to that employer to assist the employer in determining if they employ eligible employees.

## 5. Composition of the TCC

### 5.1. Members of the TCC

The TCC shall consist of not less than two (2) Directors and at least one (1) other, as determined by the Board. All permanent members together to have the appropriate qualifications, knowledge, skills and experience to assist the TCC to perform its functions.

Committee members should demonstrate an understanding and ability to apply specific skills as identified in the Coal LSL competency framework.

### 5.2. Quorum

Two Directors of the TCC must be present at the meeting for a quorum (including at least 1 employee-representative Director and 1 employer-representative Director). Where a member declares a conflict of interest with any particular agenda item, they will abstain from related discussions. The remaining members can make a recommendation on that agenda item to the Board.

### 5.3. Chairperson of the TCC

A TCC Chairperson shall be appointed by the Board.

The TCC Chairperson regularly evaluates the TCC's performance.

### 5.4. Minute Secretary

A Minute Secretary is to attend all meetings and record proceedings.

### 5.5. Term of appointment

The term of appointment of any permanent member of the TCC shall be as determined by the Board from time to time.

## 6. TCC meetings

### 6.1. Frequency of meetings

The TCC shall meet four times per year, or more frequently if required.

### 6.2. Decisions of the TCC

In order for a resolution to be made in accordance with 4.1, 4.2 or 4.3 above, both Directors must agree on the resolution. In the event that the two Directors cannot reach an agreement, the matter should be referred to the Board for a final resolution. The reasons for the inability to reach an agreement shall be indicated in the report to the Board.

Only a TCC member may vote in any deliberations of the TCC.

The TCC is empowered to make decisions via circular resolution and can conduct meetings by teleconference or videoconference should the need arise.

Decisions via circular resolution must be by 100% in favour to be approved.

### 6.3. Minutes to be kept

The proceedings of all meetings shall be recorded as soon as practicable after the meeting has been held and provided to the next meeting of the TCC for approval.

The TCC can conduct meetings by teleconference or videoconference if appropriate and both TCC members agree to conduct the meeting in this manner.

### 6.4. Observers and invitees

The TCC may invite persons to observe meetings of the TCC and provide information to the TCC. Such persons may include other members of the Board of Directors, Coal LSL employees, Management of a Service Provider or other employees, consultants or advisers of Coal LSL.

## 7. Reporting

The TCC is to report its findings, decisions and any recommendations to a regular meeting of the Board of Directors.

The minutes, agenda and supporting papers of each TCC meeting shall be made available to any Director.

## 8. Management of Code of Conduct

Coal LSL's Code of Conduct always applies in respect of the operations of this Committee.

### 9. Terms of Reference review

The Terms of Reference for the TCC shall be reviewed at least annually. All amendments must be approved by the Board.

### 10. References and related documents

- *Public Governance, Performance and Accountability Act 2013 (PGPA Act) and the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule)*
- Coal LSL Board Charter
- Coal LSL Competency Framework

# 11. Version history

Ver.	Date	Changed/Approved by	Changes made
1	May 2013	Board	Original.
2-11	2015–2022	Board	Annual reviews.
12	Mar 2023	Board	Annual review.