

**ENERGY AUTHORITY (FURTHER AMENDMENT)
ACT, 1979, No. 134**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 134, 1979.

An Act to empower the Minister to appoint a person, with the powers of a Royal Commissioner, to investigate, and to make a report and recommendation with respect to, certain industrial matters; to enable the Minister to give directions to give effect to any such recommendation; and for other purposes. [Assented to, 16th November, 1979.]

Energy Authority (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Energy Authority (Further Short title. Amendment) Act, 1979”.

2. The Energy Authority Act, 1976, is amended in the manner set forth in Schedule 1. Amendment of Act No. 69, 1976.

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE ENERGY AUTHORITY ACT, 1976.

(1) (a) Section 32 (1) (b) (ii)—

After “provides,”, insert “supplies.”.

(b) Section 32 (1) (b) (ii)—

After “provide,”, insert “supply.”.

(c) Section 32 (1) (b) (iii)—

Omit “provided, transported”, insert instead “produced, provided, supplied, transported”.

(d) Section 32 (1) (b) (iv)—

Omit “or transported” wherever occurring, insert instead “, supplied, transported or distributed”.

Energy Authority (Further Amendment).

SCHEDULE 1—*continued.***AMENDMENTS TO THE ENERGY AUTHORITY ACT,
1976—*continued.*****(e) Section 32 (2) (d)—**

Omit “provision”, insert instead “production, provision, supply”.

(2) (a) Section 34 (1) (b)—

Omit “provides, transports”, insert instead “produces, provides, supplies, transports”.

(b) Section 34 (1) (b)—

After “provide,”, insert “supply,.”.

(c) Section 34 (1) (c)—

Omit “providing, transporting”, insert instead “producing, providing, supplying, transporting”.

(d) Section 34 (1) (c)—

Omit “and” where secondly occurring.

(e) Section 34 (1) (d)—

Omit “or transported” where firstly occurring, insert instead “, supplied, transported or distributed”.

(f) Section 34 (1) (d)—

Omit “or transported” where secondly occurring, insert instead “, supplied, transported or distributed; and”.

Energy Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ENERGY AUTHORITY ACT,
1976—*continued.*

(g) Section 34 (1) (e)—

After section 34 (1) (d), insert :—

(e) give such directions as the Minister considers necessary to give effect to any recommendation made by a qualified person pursuant to section 34A.

(h) Section 34 (3)—

Omit “provision, transportation”, insert instead “production, provision, supply, transportation”.

(3) Section 34A—

After section 34, insert :—

34A. (1) In this section—

“industrial matter” has the meaning ascribed thereto by section 5 (1) of the Industrial Arbitration Act, 1940;

Appoint-
ment
of qualified
person to
investigate
certain
industrial
matters.

“qualified person” means a Member of the Industrial Commission of New South Wales or other person having qualifications which the Minister considers appropriate to carry out the functions under this section of a person appointed under subsection (2).

Energy Authority (Further Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE ENERGY AUTHORITY ACT,
1976—continued.**

(2) Where an order is in force under section 33 (2), the Minister may, by order published in the Gazette, appoint a qualified person to investigate any industrial matter specified or described in the order, being an industrial matter with respect to any one or more of the following :—

- (a) the extraction, production, provision, supply, transportation or distribution of any form of energy in relation to which the order under section 33 (2) is in force when the qualified person is so appointed;
- (b) persons engaged in the extraction, production, provision, supply, transportation or distribution of any form of energy in relation to which the order under section 33 (2) is in force when the qualified person is so appointed;
- (c) the utilization of any energy resources in relation to which the order under section 33 (2) is in force when the qualified person is so appointed.

(3) A qualified person appointed under subsection (2) may carry out the functions given to him under subsection (4) notwithstanding that the order under section 33 (2) that was in force when he was so appointed has ceased to be in force.

(4) A qualified person appointed under subsection (2) shall, as soon as practicable after his appointment, investigate the industrial matter specified or described in the order appointing him and make a report and recommendation to the Minister with respect to that industrial matter.

Energy Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ENERGY AUTHORITY ACT,
1976—*continued.*

(5) For the purposes of any investigation under this section, a qualified person appointed under subsection (2) shall have the powers, authorities, protections and immunities conferred on the chairman of a Royal Commission by Division 1 of Part II of the Royal Commissions Act, 1923, and the provisions of section 152 of the Justices Act, 1902, apply to and in respect of a witness or person summoned by or appearing before such a qualified person in the same way as they apply to and in respect of a witness or person summoned or appearing as referred to in those provisions.

(6) The provisions of the Royal Commissions Act, 1923 (section 13 and Division 2 of Part II excepted) apply to and in respect of any witness or person summoned by or appearing before a qualified person appointed under subsection (2) in the same way as they apply to and in respect of a witness or person summoned by or appearing before the chairman of a Royal Commission under that Act.

(4) Section 38 (2) (a) (i)—

Omit “provision, transportation”, insert instead “production, provision, supply, transportation”.
