

**COAL INDUSTRY (AMENDMENT) ACT, 1979,  
No. 156**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 156, 1979.**

An Act to amend the Coal Industry Act, 1946, in relation to the  
Coal Industry Tribunal and in certain other respects.  
[Assented to, 10th December, 1979.]

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*Coal Industry (Amendment).*

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**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 “Coal Industry (Amendment) Act, 1979”. Short title.
  
  2. The Coal Industry Act, 1946, is referred to in this Act as the Principal Act. Principal Act.
  
  3. This Act contains the following Schedules :— Schedules.  

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO THE COAL INDUSTRY TRIBUNAL.

SCHEDULE 2.—AMENDMENTS TO PARTS I–VI OF THE  
PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 3.—AMENDMENTS TO PARTS VII AND VIII OF  
THE PRINCIPAL ACT BY WAY OF STATUTE LAW  
REVISION.
  
  4. The Principal Act is amended in the manner set forth in Schedules 1–3. Amendment  
of Act No.  
44, 1946.
  
  5. The Principal Act is further amended by omitting from section 8 the words “There shall be payable to the Chairman and to the other members of the Board such salaries and allowances as are fixed by the arrangement made” and by inserting instead the words “The Chairman and the other members of the Board shall be paid salary and allowances in accordance with the arrangement entered into”. Further  
amendment  
of Act No.  
44, 1946.
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*Coal Industry (Amendment).*

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Sec. 4.

## SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE COAL  
INDUSTRY TRIBUNAL.

(1) (a) Section 36 (2) (c) (iii)—

Omit the subparagraph, insert instead :—

- (iii) he is absent from duty, except on leave of absence to which he is entitled under the arrangement entered into in pursuance of this section, for 14 consecutive days or for 28 days in any 12 months;

(b) Section 36 (4), (5)—

After section 36 (3), insert :—

(4) For the purposes of this section—

- (a) the holding by a person constituting the Tribunal of office as a member of the Australian Conciliation and Arbitration Commission or as a member of the Industrial Commission of New South Wales, and the engagement by him in the performance of the duties and functions of such an office, shall be deemed not to be engagement by him in paid employment outside the duties of his office as the person constituting the Tribunal; and
- (b) a day on which a person constituting the Tribunal performs duties or functions as a member of the Australian Conciliation and Arbitration Commission, or as a member of the Industrial Commission of New South Wales, shall be deemed not to be a day on which he absents himself from duty as the person constituting the Tribunal.

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*Coal Industry (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE COAL  
INDUSTRY TRIBUNAL—*continued.*

(5) Section 14 of the Industrial Arbitration Act, 1940, shall not prevent a member of the Industrial Commission of New South Wales from accepting or holding office as the person appointed to constitute the Tribunal.

(2) Section 37—

Omit “There shall be payable to the person appointed to constitute the Tribunal such salary and allowance as are fixed by the arrangement made”, insert instead “The person appointed to constitute the Tribunal shall be paid salary and allowances in accordance with the arrangement entered into”.

(3) Section 37A—

After section 37, insert :—

37A. The person appointed to constitute the Tribunal is entitled to leave of absence in accordance with the arrangement entered into in pursuance of section 36. Leave of absence.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.

(1) (a) Section 4 (1), paragraph (n) of the definition of “industrial matters”—

Omit “two”, insert instead “2”.

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*Coal Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (b) Section 4 (1), definition of “the Federation”—  
Omit “Australian”, insert instead “Australasian”.
  - (c) Section 4 (1), definition of “the Federation”—  
Omit “1946”, insert instead “1973”.
- (2) (a) Section 5 (2)—  
Omit “two”, insert instead “2”.
- (b) Section 5 (3)—  
Omit “seven”, insert instead “7”.
  - (c) Section 5 (4) (c)—  
Omit “fourteen”, insert instead “14”.
  - (d) Section 5 (4) (c)—  
Omit “twenty-eight”, insert instead “28”.
  - (e) Section 5 (4) (c)—  
Omit “twelve”, insert instead “12”.
- (3) Section 8—  
Omit “section five of this Act”, insert instead “section 5”.
- (4) Section 11 (3) (h)—  
Omit “the Commissioner for Railways”, insert instead “an authority or body established or constituted for a public purpose by or under the laws of the State”.

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*Coal Industry (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

(5) (a) Section 12—

Omit “Inspector of Coal Mines” wherever occurring,  
insert instead “Inspector of Collieries”.

(b) Section 12 (6)—

Omit “, as amended by subsequent Acts”.

(6) (a) Section 14 (2)—

Omit “or any Act amending that Act”.

(b) Section 14 (4)—

Omit “subsection three of this section”, insert instead  
“subsection (3)”.

(c) Section 14 (4)—

Omit “or any Act amending that Act,”.

(d) Section 14 (4)—

Omit “as amended by subsequent Acts,” wherever  
occurring.

(7) Section 15 (3)—

Omit “the last preceding subsection”, insert instead  
“subsection (2)”.

(8) Section 17 (2), (3)—

Omit “subsection one of this section” wherever occurring,  
insert instead “subsection (1)”.

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*Coal Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (9) Section 21—

Omit “subsection one of section seventeen of this Act”,  
insert instead “section 17 (1)”.

## (10) Section 22—

Omit “section twelve”, insert instead “section 12”.

## (11) Section 25 (2)—

Omit “of this Act”.

## (12) (a) Section 26 (2)—

Omit “subsection one of this section”, insert instead  
“subsection (1)”.

## (b) Section 26 (8)—

Omit “as amended by subsequent Acts”.

## (c) Section 26 (8) (b)—

Omit “sections one hundred and forty-one to one  
hundred and forty-nine”, insert instead “sections 141  
to 149”.

## (13) (a) Section 27 (1)—

Omit “paragraphs (a), (b) and (c) of subsection one  
of section eleven of this Act”, insert instead “section  
11 (1) (a), (b) and (c)”.

## (b) Section 27 (1) (c)—

Omit “Commissioner for Railways”, insert instead  
“Public Transport Commission of New South Wales”.

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*Coal Industry (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

(c) Section 27 (2)—

Omit “subsection one of this section”, insert instead  
“subsection (1)”.

(d) Section 27 (2)—

Omit “subsection two of section fifty-six of this Act”,  
insert instead “section 56 (2)”.

(e) Section 27 (3)—

Omit “paragraph (c) of subsection one of this  
section”, insert instead “subsection (1) (c)”.

(14) (a) Section 29 (5)—

Omit “paragraph (d) of subsection one of this  
section”, insert instead “subsection (1) (d)”.

(b) Section 29 (7)—

Omit “subsections two, four and five of this section”,  
insert instead “subsections (2), (4) and (5)”.

(c) Section 29 (8)—

Omit “paragraph (d) of subsection one of this  
section”, insert instead “subsection (1) (d)”.

(d) Section 29 (9)—

Omit “subsections three and six of this section”, insert  
instead “subsections (3) and (6)”.

(e) Section 29 (9)—

Omit “subsection eight of this section”, insert instead  
“subsection (8)”.



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*Coal Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PARTS I–VI OF THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (15) Section 30—

Omit “subsection two of section twenty-two”, insert instead  
“section 22 (2)”.

## (16) Section 31—

Omit “section twenty-three”, insert instead “section 23”.

## (17) Section 34—

Omit “section twenty-six”, insert instead “section 26”.

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SCHEDULE 3.AMENDMENTS TO PARTS VII AND VIII OF THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION.

## (1) (a) Section 36 (2) (a)—

Omit “five”, insert instead “5”.

## (b) Section 36 (2) (b)—

Omit “seven”, insert instead “7”.

## (c) Section 36 (2) (c)—

Omit “shall”.

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*Coal Industry (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS VII AND VIII OF THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION—*continued.*

(2) Section 37—

Omit “the last preceding section”, insert instead “section 36”.

(3) (a) Section 39 (b) (iv)—

Omit “of the Court relating to the coal mining industry or”.

(b) Section 39 (b) (iv)—

Omit “section three”, insert instead “section 3”.

(4) (a) Section 40 (1) (c)—

Omit “of the Court or”.

(b) Section 40 (1) (d)—

Omit “section three”, insert instead “section 3”.

(c) Section 40 (1A)—

Omit “subsection one of this section”, insert instead “subsection (1)”.

(d) Section 40 (1C)—

Omit “of this section”.

(5) Section 41 (1)—

Omit “two”, insert instead “2”.

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*Coal Industry (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PARTS VII AND VIII OF THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION—*continued.*

## (6) Section 43 (4)—

Omit “three”, insert instead “3”.

## (7) (a) Section 43A (1)—

Omit “section forty-three of this Act”, insert instead  
“section 44”.

## (b) Section 43A (1)—

Omit “two or three”, insert instead “2 or 3”.

## (8) (a) Section 44 (1) (d)—

Omit “award of the Court or”.

## (b) Section 44 (4)—

Omit “paragraph (a) of subsection one of this  
section”, insert instead “subsection (1) (a)”.

## (c) Section 44 (5)—

Omit “subsection three of this section”, insert instead  
“subsection (3)”.

## (9) (a) Section 45—

Omit “sections thirty-nine, forty and forty-two of this  
Act”, insert instead “sections 39, 40 and 42”.

## (b) Section 45—

Omit “subsection one of the last preceding section”,  
insert instead “section 44 (1)”.

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*Coal Industry (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO PARTS VII AND VIII OF THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION—*continued.*

- (10) Section 47 (1)—  
Omit “seven”, insert instead “7”.
- (11) Section 51—  
Omit “by the Court or”.
- (12) Section 52—  
Omit “by regulations”.
- (13) (a) Section 54A (2)—  
Omit “subsection one of this section”, insert instead  
“subsection (1)”.
- (b) Section 54A (2)—  
Omit “two hundred dollars”, insert instead “\$200”.
- (14) (a) Section 55 (1)—  
Omit “paragraph (j) of subsection three of section  
eleven of this Act”, insert instead “section 11 (3)  
(j)”.
- (b) Section 55 (1)—  
Omit “three months”, insert instead “3 months”.
- (15) (a) Section 60—  
Omit “two thousand dollars”, insert instead “\$2,000”.

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*Coal Industry (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO PARTS VII AND VIII OF THE PRINCIPAL ACT BY  
WAY OF STATUTE LAW REVISION—*continued.*

## (b) Section 60—

Omit “two hundred dollars” wherever occurring, insert instead “\$200”.

## (c) Section 60—

Omit “six”, insert instead “6”.

## (16) Section 61 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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