

Coal Industry Amendment Act 1979

No. 126 of 1979

An Act to amend the *Coal Industry Act* 1946.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Coal Industry Amendment Act* 1979.¹ Short title,
&c.
- (2) The *Coal Industry Act* 1946² is in this Act referred to as the Principal Act.
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment
3. Section 4 of the *Coal Industry Act* 1957 is repealed. Repeal of
Section 4 of
the *Coal
Industry Act*
1957
4. Section 8 of the Principal Act is repealed and the following section substituted:

“8. The Chairman and the other members of the Board shall be paid salary and allowances in accordance with the arrangement entered into in pursuance of section 5.”

Salary and
allowances
5. Section 30 of the Principal Act is amended— Coal
Industry
Tribunal
 - (a) by omitting sub-paragraph (iii) of paragraph (c) of sub-section (2) and substituting the following sub-paragraph:

“(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;”;

 and
 - (b) by adding at the end thereof the following sub-section:

“(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 the State, 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 the State, shall be deemed not to be a day on which he absents himself from duty as the person constituting the Tribunal.”.

6. Section 31 of the Principal Act is repealed and the following section substituted:

Salary and allowances

“31. The person appointed to constitute the Tribunal shall be paid salary and allowances in accordance with the arrangement entered into in pursuance of section 30.”.

7. After section 31 of the Principal Act the following section is inserted:

Leave of absence

“31A. The person appointed to constitute the Tribunal is entitled to leave of absence in accordance with the arrangement entered into in pursuance of section 30.”.

Formal and other minor amendments

8. The Principal Act is amended as set out in the Schedule.

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SCHEDULE

Section 8

FORMAL AND OTHER MINOR AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used to identify a section of that Act, or of another Act, and substituting that number expressed in figures:

Sub-section 12 (2), sub-paragraph 33 (b) (iv), paragraph 34 (1) (d), section 39.

2. The following provisions of the Principal Act are amended by omitting “of this Act” and “of this section” (wherever occurring):

Sub-sections 15 (3), 21 (7) and (9), 34 (7) and 38 (5), section 39.

3. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Section 3	Repeal.
Section 4 (definition of “the Commission”)	Omit “Commonwealth”, substitute “Australian”.
Section 4 (definition of “the Court”)	Omit.

SCHEDULE—continued

Provision	Amendment
Section 4 (definition of “the Federation”)	Omit “Australian”, substitute “Australasian”.
Section 8A	Repeal, substitute the following section: Preservation of rights “8A. Where a person appointed as a member of the Board was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the <i>Officers’ Rights Declaration Act 1928</i> applied— (a) he retains his existing and accruing rights; and (b) for the purpose of determining those rights, his service as a member of the Board shall be taken into account as if it were service in the Australian Public Service.”
Paragraph 14 (3) (h)	Omit “the Commissioner of Railways”, substitute “an authority or body established or constituted for a public purpose by or under the laws”.
Sub-section 17 (2)	Omit “ <i>Commonwealth Public Service Act 1922-1946</i> ”, substitute “ <i>Public Service Act 1922</i> ”.
Sub-section 17 (3)	Omit sub-section (3), substitute the following sub-section: “(3) Where an officer appointed, or a person employed, under this Part was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the <i>Officers’ Rights Declaration Act 1928</i> applied— (a) he retains his existing and accruing rights; and (b) for the purpose of determining those rights, his service as an officer appointed, or a person employed, under this Part shall be taken into account as if it were service in the Australian Public Service.”
Sub-section 18 (3)	Omit “the last preceding sub-section”, substitute “sub-section (2)”.
Sub-section 21 (5)	Omit “paragraph (d) of sub-section (1) of this section”, substitute “paragraph (1) (d)”.
Sub-section 21 (8)	Omit “paragraph (d) of sub-section (1) of this section”, substitute “paragraph (1) (d)”.
Sub-section 22 (1)	Omit “of the Commonwealth”.
Paragraph 30 (2) (c)	Omit “shall”.
Sub-paragraph 33 (b) (iv)	Omit “of the Court relating to the coal mining industry or”.
Paragraph 34 (1) (c)	Omit “of the Court or”.
Sub-section 34 (1A)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.
Sub-section 34 (1C)	Omit “the last preceding sub-section”, substitute “sub-section (1B)”.
Sub-sections 36 (1) and (2)	Omit “sub-section (2) of section thirty-two of this Act”, substitute “sub-section 32 (2)”.
Sub-section 37A (1)	Omit “the next succeeding section”, substitute “section 38”.
Paragraph 38 (1) (d)	Omit “award of the Court or”.
Sub-section 38 (4)	Omit “paragraph (a) of sub-section (1) of this section”, substitute “paragraph (1) (a)”.
Section 39	Omit “sub-section (1) of the last preceding section”, substitute “sub-section 38 (1)”.
Section 45	Omit “by the Court or”.
Section 48A	Omit “Two hundred dollars”, substitute “\$200”.
Section 49	Omit “paragraph (j) of sub-section (3) of section fourteen of this Act”, substitute “paragraph 14 (3) (j)”.

SCHEDULE—continued

Provision	Amendment
Section 54	(a) Omit “Two thousand dollars”, substitute “\$2,000”. (b) Omit “Two hundred dollars” (wherever occurring), substitute “\$200”. (c) Omit “six”, substitute “6”.
Section 55	Repeal, substitute the following section: Orders not “55. Orders made under this Act shall not be statutory deemed to be statutory rules within the meaning rules of the <i>Statutory Rules Publication Act</i> 1903.”.

NOTES

1. Act No. 126, 1979; assented to 6 November 1979.
2. Act No. 40, 1946, as amended. For previous amendments *see* Act No. 61, 1951; No. 30, 1952; No. 52, 1956; No. 61, 1957; No. 57, 1958; No. 11, 1965; No. 93, 1966; No. 216, 1973 (as amended by No. 20, 1974); and No. 36, 1978.