



# Coal Industry Legislation Amendment Act 1992

No. 212 of 1992

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**An Act to amend the *Coal Industry Act 1946* and the  
*Industrial Relations Act 1988***

[Assented to 24 December 1992]

The Parliament of Australia enacts:

## Short title

1. This Act may be cited as the *Coal Industry Legislation Amendment Act 1992*.

## 5 Commencement

2. (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), section 3 commences on a day to be fixed by Proclamation.

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(3) If section 3 does not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, section 3 is repealed on the first day after the end of that period.

(4) Subject to subsection (5), section 4 commences on a day to be fixed by Proclamation. 5

(5) If section 4 does not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, section 4 is repealed on the first day after the end of that period.

**Amendments relating to the provision of administrative support for the Coal Industry Tribunal and Local Coal Authorities** 10

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

**Amendments relating to audit of the Joint Coal Board**

4. The Act specified in Schedule 2 is amended as set out in that Schedule. 15

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**SCHEDULE 1**

Section 3

**AMENDMENTS RELATING TO THE PROVISION OF  
ADMINISTRATIVE SUPPORT FOR THE COAL INDUSTRY  
TRIBUNAL AND LOCAL COAL AUTHORITIES**

***Coal Industry Act 1946***

**Section 28K:**

Omit all the words after “Parliament”, substitute “for the purposes of the Board”.

**Subsections 37(2) and (2A):**

Omit “, with the concurrence of the Board,”.

**Section 40:**

Repeal the section.

***Industrial Relations Act 1988***

**Paragraph 67(2)(b):**

Omit “of the Industrial Registry”, substitute “conferred on the Industrial Registry by this Act”.

**Paragraph 75(2)(b):**

Omit “of the Industrial Registry”, substitute “conferred on the Industrial Registry by this Act”.

**After section 78:**

Insert:

***“Division 2A—Administrative support for the Coal Industry Tribunal  
and Local Coal Authorities***

**Interpretation**

“78A. In this Division:

‘**administrative support function**’ means the function of providing administrative support to the Tribunal and to Local Coal Authorities;

‘**Local Coal Authority**’ means a Local Coal Authority established by the Tribunal;

‘**State Act**’ means the *Coal Industry Act 1946* of New South Wales;

‘**Tribunal**’ has the same meaning as in the *Coal Industry Act 1946*.

**Object of joint Commonwealth/New South Wales scheme**

“78B. The object of the joint legislative scheme constituted by this Division and by complementary provisions of the State Act is to confer the administrative support function on the Industrial Registry.

**SCHEDULE 1—continued**

**Conferral of administrative support function to the extent of Commonwealth legislative power**

“78C.(1) The administrative support function is conferred on the Industrial Registry.

“(2) The Industrial Registrar:

- (a) must perform the function conferred on the Industrial Registry by this section; and
- (b) has such powers as are necessary for the performance of that function.

“(3) Subject to the directions of the Industrial Registrar, each Deputy Industrial Registrar:

- (a) must perform the function conferred on the Industrial Registry by this section; and
- (b) has such powers as are necessary for the performance of that function.

“(4) This section confers functions and powers to the extent to which they are not in excess of the legislative power of the Commonwealth.

**State Act may confer administrative support function to the extent of State legislative power**

“78D.(1) This section applies if the State Act contains provisions about the administrative support function which are complementary to section 78C of this Act.

“(2) The Industrial Registry may perform the function conferred by the complementary provisions of the State Act.

“(3) The Industrial Registrar, and each Deputy Industrial Registrar, may perform the functions, and exercise the powers, conferred by the complementary provisions of the State Act.

**Management of Industrial Registry—needs of Tribunal and Local Coal Authorities to be considered**

“78E. In allocating and managing the resources of the Industrial Registry, the Industrial Registrar must have regard to the needs of the Tribunal and Local Coal Authorities.”.

**SCHEDULE 2**

Section 4

**AMENDMENTS RELATING TO AUDIT OF THE  
JOINT COAL BOARD**

***Coal Industry Act 1946***

**Subsection 28N(2):**

Insert "Commonwealth" before "Minister".

**Subsection 28N(3):**

Omit the subsection, substitute:

"(3) The annual report must contain:

- (a) a report of the Board's operations during the financial year; and
- (b) financial statements for that year in such form as the Minister for Finance approves; and
- (c) statements about such other matters as the Minister for Finance may require; and
- (d) statements about such other matters as the Commonwealth Minister and the State Minister may require.

"(4) Before submitting the annual report to the Commonwealth Minister and the State Minister under subsection (1), the Board must submit the financial statements set out in the report to the Auditor-General, who must report to the Ministers:

- (a) whether, in the Auditor-General's opinion, the statements are based on proper accounts and records; and
- (b) whether the statements are in agreement with the accounts and records and, in the Auditor-General's opinion, show fairly the financial transactions and the state of affairs of the Board; and
- (c) whether, in the Auditor-General's opinion, the receipt, expenditure and investment of money, and the acquisition and the disposal of assets, by the Board during the financial year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Ministers.

"(5) The Commonwealth Minister must cause the Auditor-General's report to be laid before each House of the Parliament within 21 sitting days of that House after receiving that report."

**Subsection 28T(4):**

Omit the subsection.

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*[Minister's second reading speech made in—  
Senate on 17 September 1992  
House of Representatives on 16 December 1992]*