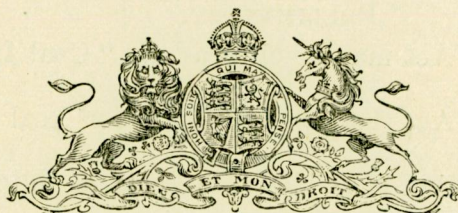


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.
*Legislative Assembly Chamber,
Sydney, 3 March, 1932.*

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1932.

An Act to provide for the constitution of a Coal Industry Board, and to define its powers, functions, and duties; to make further provision for the regulation of the coal-mining industry, including provisions as to the efficient working of coal and as to its sale and disposal, and the recovery and sale of by-products from coal; to authorise the Coal Industry Board to close mines and to regulate or restrict the output of mines; to control the conditions of employment, to settle industrial disputes on the coal-fields, and to promote the welfare of persons engaged in the coal-mining industry; to amend the Industrial Arbitration Act, 1912, and certain other Acts; and for purposes connected therewith.

Coal Industry.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Coal Industry Short title.
Act, 1931."
- 10 (2) This Act shall apply to mines of coal and oil Application,
shale.
- (3) This Act is divided into Parts, as follows :— Division into
Parts.
- PART I.—PRELIMINARY—ss. 1-5.
- PART II.—COAL INDUSTRY BOARD—ss. 6-14.
- 15 PART III.—ALLOCATION OF OUTPUT—ss. 15-19.
DIVISION 1.—*District allocation*—ss. 15, 16.
DIVISION 2.—*The standard tonnage*—ss. 17, 18.
DIVISION 3.—*Determination of quotas*—s. 19.
- PART IV.—DETERMINATION OF PRICES—s. 20.
- 20 PART V.—CLASSIFICATION OF COAL—s. 21.
- PART VI.—CLOSING OF MINES—ss. 22-25.
- PART VII.—RESTRICTION ON LEASES AND
OPENING NEW MINES—s. 26.
- PART VIII.—VALUATION OF MINES—s. 27.
- 25 PART IX.—COMPENSATION FOR CLOSED MINES
—s. 28.
- PART X.—APPEALS AGAINST VALUATION—
s. 29.
- PART XI.—COAL INDUSTRY FUND—ss. 30, 31.
- 30 PART XII.—ACCOUNTS AND AUDITS—ss. 32-34.
- PART XIII.—CAPITAL AND PROFITS—ss. 35-37.
DIVISION 1.—*Capital*—s. 35.
DIVISION 2.—*Profits*—ss. 36, 37.

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PART XIV.—WELFARE—s. 38.

PART XV.—ALLEVIATION PAYMENTS—s. 39.

PART XVI.—COMPULSORY ACQUISITION OF COAL
AND MARKETING—ss. 40-46.

5 PART XVII.—SETTLEMENT OF INDUSTRIAL DIS-
PUTES—ss. 47-58.

PART XVIII.—RENTS, ROYALTIES, AND WAY-
LEAVES—ss. 59, 60.

PART XIX.—METHODS OF MINING—s. 61.

10 PART XX.—RECOVERY OF BY-PRODUCTS—s. 62.

PART XXI.—RETURNS AND STATISTICS—s. 63.

PART XXII.—SUPPLEMENTARY—ss. 64-69.

(4) This Act shall commence on a date ap- Commence-
pointed by the Governor and notified in the Gazette. ment.

15 2. In this Act, unless the context otherwise indicates Definitions,
or requires,—

“Board” means the Coal Industry Board con-
stituted under this Act.

“Coal” includes oil shale.

20 “Colliery” has the same meaning as “mine.”

“Disposal” in relation to a mine means the tonnage cf. 20 and 21
Geo. V, c. 31,
s. 18.
in saleable coal raised and weighed at the
pithead at that mine after deducting all coal to
be used for the purpose of working the mine,
25 and all coal to be supplied free or at reduced
rates for the use of persons who are employed
in or about the mine, and in relation to a
district means the aggregate tonnage in saleable
coal raised and so weighed at all the mines
30 in the district after making the deductions
aforesaid.

“District” means a district prescribed under this
Act.

“Functions” includes powers and duties.

35 “Fund” means the Coal Industry Fund constituted
under this Act.

“Mine”

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- “Mine” means a mine of coal subject to the provisions of the Coal Mines Regulation Act, 1912.
- 5 “Output” in relation to a mine means the tonnage in coal raised and weighed at the pithead of that mine, and in relation to a district means the aggregate tonnage in coal raised and so weighed at all the mines in the district.
- 10 “Owner” when used in relation to any mine, or to mining operations, means and includes any person who is the immediate proprietor, or lessee, or occupier of any mine or of any part thereof, and does not include a person who merely receives a rent, royalty, or fine from
- 15 the mine, or is merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil and not interested in the coal in the land.
- 20 “Prescribed” means prescribed by this Act or the regulations.
- “Regulations” means regulations made under the authority of this Act.
- 25 “Selling agent” means any person acting as a coal-selling agent or carrying on a business for the purpose of selling or disposing of coal or any derivatives obtained from coal.

3. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and ^{Construction of Act.} so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstances is held invalid the remainder of this Act and the application of such provision to other persons or circumstances

35 shall not be affected thereby.

(2) Notwithstanding any provisions of this Act which may be construed to the contrary, but without affecting the generality of subsection one of this section, such provisions shall not impair freedom of trade, commerce,

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commerce, and intercourse among the States of the Commonwealth of Australia, whether by means of internal carriage or ocean navigation, and this Act shall be read and construed accordingly.

5 **4.** (1) Every owner shall register his mine with the Board in the prescribed manner. Mines to be registered.

(2) Any owner who engages in mining coal shall, unless his mine is registered in the prescribed manner, be liable to the prescribed penalty.

10 **5.** The Governor may, on the recommendation of Districts, the Board, by proclamation published in the Gazette, delimit districts for any of the purposes of this Act, and may from time to time in like manner amend or vary the boundaries thereof.

15

PART II.

COAL INDUSTRY BOARD.

6. (1) There shall be constituted a Board to be Board, called the "Coal Industry Board," which shall, subject to the control of the Minister, be charged with the
20 administration of this Act.

(2) The Board shall consist of three members, one of whom shall be appointed as the chairman, one other shall be representative of the owners of mines, and the third shall be representative of the employees. The
25 representative of the owners of mines shall be nominated for appointment in the manner directed by the Governor by proclamation published in the Gazette. The representative of the employees shall be selected by ballot of the employees, and the certificate of the
30 returning officer who conducted the ballot that the person named therein has been so selected shall be deemed a nomination of such person for appointment as the representative of the employees; and the Governor may, by proclamation published in the Gazette, issue
35 such directions as are necessary or convenient in respect of the selection and nomination of such representative.

(3)

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(3) The members of the Board shall be appointed by the Governor for a term of seven years, and any member shall be eligible for reappointment.

(4) The members of the Board shall be paid out of ^{Salary.} the fund such salary as the Governor may determine.

(5) In the case of the illness or absence from New ^{Illness or} South Wales of any member of the Board, the Governor ^{absence.} may appoint any person to perform all or any of the duties imposed upon the member by or under this Act.

10 (6) Where an appointment is made to fill an extraordinary vacancy such appointment shall be for the remainder of the term of the vacant office.

(7) A member of the Board may be suspended ^{Act No. 31,} from his office by the Governor for misbehaviour or ^{1902, s. 8.} incompetence, but shall not be removed from office except in manner following, that is to say:—

20 (a) The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session or sitting;

25 (b) a member suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one sitting days from the time when such statement has been laid before it declares by resolution that the member ought to be removed from office, and if within the time aforesaid each House of
30 Parliament so declares, the member shall be removed by the Governor accordingly.

7. A member of the Board shall be deemed to have ^{Vacation of} vacated his office if he— ^{office.}

35 (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit;

40 (b) absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave he is authorised to grant) or becomes incapable of performing his duties;

(c)

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- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898;
- 5 (d) resigns his office by writing under his hand addressed to the Governor;
- 10 (e) holds any interest or securities or shares in his own name or in the name of a nominee for his own benefit in any undertaking carrying on in Australia the business of coal mining or supplying or selling coal, or the manufacture and sale of by-products of coal, or machinery or plant for coal mining; or if he becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Board or in any wise participates or
- 15 claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.
8. (1) A member of the Board who at the date of his appointment is an officer of the Public Service shall, ^{Saving of rights.} in the event of his office as a member of the Board being discontinued or abolished, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service not
- 20 lower in classification and salary than that which he held at the date of his appointment as a member of the Board.
- (2) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service
- 30 Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any officer of the Public Service appointed as a member of the Board under this Act or to any office under the Board.
- (3) Any officer of the Public Service so appointed
- 35 shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave, payment, pension, or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act,
- 40 1916-1930, as the case may be.

(4)

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(4) The employer's contribution to the pension of any such officer shall be paid by the Colonial Treasurer from the fund or account which would have been liable to pay the same had the officer not been appointed
 5 a member or officer of the Board, and the Coal Industry Fund shall repay to such fund or account a just proportion of the amount so paid to be fixed by the Colonial Treasurer.

9. (1) The Board shall be a body corporate with
 10 perpetual succession and a common seal, and may sue and be sued in its corporate name; and shall for the purposes and subject to the provisions of this Act be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal
 15 property, and working and operating mines and any plant used in the winning, marketing, storage and treatment of coal, and the control and disposal of coal, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.
- 20 (2) No action or suit shall be brought or maintained against any person who is or at any time has been a member of the Board for anything done or omitted by him pursuant to the duties imposed upon
 him by this Act, nor shall any action, suit, or other
 25 proceeding lie against him, nor any costs be payable by him in respect of any proceeding before the Board.

Incorporation of Board.

No action or suit against members of Board.

cf. Act No. 31, 1902, s. 7 (8).

- (3) The Board shall cause minutes of its decision to be kept upon the official papers, and shall cause minutes to be kept of the proceedings at formal meetings.

Minutes of meetings.

- 30 (4) The Board shall cause an annual report and statement of accounts to be prepared and presented to Parliament.

Annual report.

- (5) Notwithstanding anything to the contrary contained in the Coal Mines Regulation Act, 1912, the
 35 Board shall for the purposes of this Act have access to any plans or records of a mine deposited in the Department of Mines.

Board to have access to plans and records.

- (6) Every person appointed or employed under
 this Act, who without lawful excuse reveals any matter
 40 or thing which has come to his knowledge in his official capacity

Secrecy.

Coal Industry.

capacity, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding fifty pounds.

10. (1) Meetings of the Board shall be convened by Procedure at meetings.
5 notice given personally or by post to all members.

(2) The chairman shall preside at all meetings of the Board at which he is present, and in his absence the member who is senior in appointment shall preside:

Provided that in such an event the acting chairman
10 shall not have a casting vote.

(3) At any meeting of the Board at which three members are present the decision of a majority shall be the decision of the Board.

(4) Any two members of the Board shall be a
15 quorum, and, subject to the provisions of this section, shall have all the powers and authority by this Act conferred on the Board.

(5) If at any meeting of the Board at which two members only are present, such members differ in opinion
20 upon any matter, the determination of such matter shall be postponed to the next meeting of the Board.

(6) The notice convening the next meeting shall refer to the matter, and to the fact that the members had differed in opinion.

25 (7) At that or at any subsequent meeting the chairman may, if the voting is again equal, give a second or casting vote.

(8) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that
30 at the time such act or proceeding was taken, done, or commenced there was a vacancy in the office of any one member.

11. The Board or any committee appointed by the Board in the exercise of any of its powers under this
35 Act and the chairman of the Board or committee appointed by the Board shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act and the said
Act

Board to have powers of a Royal Commissioner.

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Act, section thirteen, and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Board.

12. For the purpose of conducting an inquiry or ^{Power to} investigation under the authority of this Act at which ^{delegate.} it may be inconvenient for all or any of the members of ^{cf. Act No.} the Board to be present or in respect of which special ^{31, 1902, s. 11} (1). provision has not been made in this Act or the regulations made thereunder, the Board may delegate any of its powers or functions to any one member of the Board or to any fit person or committee of persons, but the decision shall be determined by the Board.

13. (1) Except where expressly provided the Board ^{Jurisdiction} shall have exclusive jurisdiction to examine, hear, and ^{of Board} determine all matters and questions arising under this ^{final.} Act, and the action or decision of the Board shall be final.

(2) Nothing in subsection one of this section shall prevent the Board from reconsidering any matter ²⁰ which has been dealt with by it, or from rescinding, altering, or amending any decision or order previously made, all of which the Board shall have authority to do.

(3) The decisions of the Board shall be upon the ²⁵ real merits and justice of the case, and it shall not be bound to follow strict legal precedent.

14. (1) Without limiting the generality of any ^{Powers and} other provision of this Act conferring powers on the ^{functions of} Board, the Board may from time to time— ^{Board.}

- ³⁰ (a) (i) allocate to each district the maximum output for the district which may be sold or supplied for consumption ;
- (ii) determine the allocation for each district at such times and for such periods as it thinks fit ;
- ³⁵ (b) (i) determine at such times and for such periods the standard tonnage and quota of every mine in a district ;
- (ii) provide that quotas shall not be exceeded ;
- ⁴⁰ (iii) provide for the determination of the standard tonnage of, and quota for, any
- two

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- two or more mines in a district which are worked by the same owner as if they were one mine ;
- 5 (c) (i) determine at such times and for such periods as it may decide the maximum pithead price at which every class of coal produced in a district shall be sold ;
- (ii) inquire into and take into account in fixing the prices of coals as aforesaid the efficiency or inefficiency of mining management and equipment ;
- 10 (d) determine for any purpose the class to which any coal produced in a district belongs ;
- 15 (e) control the allocation of coals to the uses for which they are most suited, or compulsorily acquire any coals ;
- (f) fix the conditions on which any mine shall be allowed to produce coal ;
- 20 (g) prescribe the form in which owners of mines shall keep their accounts relating to the industry ;
- (h) (i) inquire into the subject of profits in relation to capital ;
- 25 (ii) require the owner of each mine to supply a valuation of the assets which are actually employed at each mine in the winning of coal ;
- (iii) fix the profits that may be made by the owners of mines, after making certain allowances for proper costs of production ;
- 30 (i) (i) collect, prepare, and publish statistics concerning the industry and all operations thereof, and including details as to costs of production and profits of all operating mines and the earnings of employees ;
- 35 (ii) require the owners of mines to furnish such returns, accounts, statistics, and other information as may be considered necessary ;
- 40 (j) (i) aid in the settling of industrial disputes or in preventing threatening, impending, or probable disputes ;
- (ii)

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- (ii) act with committees appointed under this Act to exercise powers of the nature set out in subparagraph (i) of this paragraph;
- 5 (iii) hear and determine appeals from decisions of such committees;
- (iv) require that employees in the industry shall be registered with the Board;
- 10 (v) regulate the number of employees to be engaged, and fix wages, rates, and working conditions of such employees, and any other matters incidental thereto;
- (k) declare in the case of a lock-out or strike whether the same exists, and who is responsible therefor;
- 15 (l) inquire into and determine what mines shall be closed down permanently or temporarily, and upon what terms and conditions;
- (m) assess the amounts of compensation payable in respect of mines closed under this Act or any property compulsorily acquired under this Act;
- 20 (n) provide for the valuation of mines and the hearing and determination of appeals in respect thereto;
- (o) inquire into and report to the Secretary for Mines as to the advisability of the acquisition by the Crown of alienated coal;
- 25 (p) consider and advise the Secretary for Mines as to the desirability of granting further leases by the Crown of coal-bearing lands;
- 30 (q) inquire into the subject of private royalties and wayleaves, and determine the proper charges therefor;
- (r) inquire into and take any necessary action in connection with the transport and storage of coal;
- 35 (s) acquire plant or railways, waggons, and rolling stock;
- (t) inquire into and make provision for—
- 40 (i) methods for improvement in the mining and getting and marketing of coal;
- (ii) hydraulic or other methods of stowage;
- (iii)

Coal Industry.

- (iii) the treatment of coal and recovery of by-products, including the production of oil ;
- 5 (iv) the use of pulverised fuel and coal gas ;
- (v) matters relating to the health, housing, education, and welfare of persons employed in or in connection with the industry ;
- 10 (u) take such action as may be deemed necessary to give effect to any scheme of reorganisation or other matters affecting the industry ;
- (v) erect buildings, plant, machinery, research or other laboratories ;
- 15 (w) operate any mines ;
- (x) make alleviation payments to or other provision for the relief of displaced employees ;
- (y) obtain all requisite information in private or in public to enable the abovementioned powers to be carried into effect ;
- 20 (z) appoint officers to do all things necessary for the discharge of its functions under this Act and generally to transact all matters relating to the administration of this Act ;
- 25 (aa) exercise such powers as are conferred upon it by or under any Act of Parliament of the Commonwealth relating to coal or its by-products.
- (bb) make any apportionment in any case in which an apportionment is necessary.
- 30 (2) Where it appears to the Board that it would be in the public interests, the Board may acquire, by agreement or resumption, and may operate any tramway or railway for the conveyance of coal, or may construct and maintain any tramway or railway for the conveyance of coal, and impose the terms, rates, and conditions upon which same may be operated.
- 35 (3) The Board may acquire and operate any plant, waggons, and rolling stock for the conveyance of coal, and may erect and control any bunkers or other structures for the storage and handling of coal.

Power to
acquire or
construct
railway or
tramway.

Power to
acquire and
operate
plant.

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PART III.

ALLOCATION OF OUTPUT.

DIVISION 1.—*District allocation.*

15. (1) The Board shall from time to time allocate to
 5 each district in accordance with the following provisions
 a maximum output for the district, in this Act herein-
 after referred to as "the district allocation."

District alloca-
 tion.
 of Central
 (Coal Mines)
 Scheme, 1930,
 cl. X.

(2) The Board shall determine the district
 allocation at such times and for such periods as it may
 10 think fit.

Period of
 allocation.

Any such period is in this Act referred to as a
 "period of allocation":

Provided that with a view of facilitating the making
 of contracts for the sale of coal the Board shall
 15 whenever the period of allocation is less than twelve
 months fix and intimate to the owner of each mine in
 the district a figure of output below which the district
 allocation in respect to the remainder of the period of
 twelve months from the beginning of such period of
 20 allocation shall not be fixed and which shall be
 substantially below the output necessary to meet the
 estimated demand during the remainder of the period
 aforesaid.

(3) Before the commencement of each period
 25 of allocation the Board shall request the owner of each
 mine in a district to submit an estimate of the ton-
 nage of coal which he will be able to dispose of during
 the period and the output corresponding thereto.

Such request shall be made so soon as it is reasonably
 30 practicable in the Board's opinion for the owners to
 estimate in respect of the period in question.

(4) The Board may also require from the
 owner aforesaid from time to time such further informa-
 tion as it may decide to be necessary to assist it in
 35 arriving at its determinations.

(5) Each owner shall forward to the Board the
 estimates referred to in subsection three of this section
 within such time as may be determined by the Board
 and specified in the request mentioned in that sub-
 40 section.

(6)

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(6) The Board shall meet at such reasonable interval after the making of the request in subsection three of this section as it may determine, and in any event not less than five weeks before the expiration
5 of each current period of allocation to consider the district allocation for the succeeding period of allocation.

(7) In determining the district allocation the Board shall on every occasion have regard to all relevant circumstances affecting the several districts.

10 (8) The district allocation shall be communicated to the owners in the district as soon as practicable and in no case less than four weeks before the commencement of the period to which it relates.

15 (9) In any period of allocation the owners in a district may at any time apply to the Board to have the district allocation increased for the remainder of such period on the ground that such increase is necessary in order to meet an increased demand for coal or any class of coal.

20 The Board shall meet within fourteen days of the receipt of any such application to consider the same, and if satisfied that the increase applied for is necessary wholly or in part to meet such increased demand as aforesaid, shall grant the same wholly or in part as
25 the case may be, and if not so satisfied shall refuse the same and shall at once communicate such decision to the owners aforesaid, but delay in the making or communication of the decision of the Board shall not entitle the applicant owners to produce in excess of the
30 output already allocated to the district in accordance with the provisions of this section.

16. (1) The owners in a district shall not exceed the district allocation, but if in any period of allocation the aggregate output of a district exceeds the district
35 allocation, the owners of the mines in which the allocation has been exceeded shall be liable in respect to such excess to the penalties prescribed.

District allocation not to be exceeded.
cf. Central (Coal Mines) Scheme, 1930, cl. XI.

(2) No district shall have the right to transfer to any other district any part of the output allocated to
40 it without the consent of the Board.

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(3) If in any period any district fails to produce the whole tonnage allocated to it in respect of that period, such deficiency in production shall not entitle it to produce in excess of the district allocation in any subsequent period, and the output to be allocated to it in such subsequent periods shall continue to be fixed as provided in section fifteen.

DIVISION 2.—*The standard tonnage.*

17. (1) The Board shall determine an annual standard tonnage for each mine and in so doing shall have regard to the special circumstances of every mine and to the proportion which the average daily output of the mine bears to the average daily output of other mines in the district.

(2) For the purpose of assisting the Board in the determination of the standard tonnage each owner in a district shall furnish to the Board a statement in writing showing particulars of the output, cost of production, and number of days worked in respect of his mine for the years ended thirty-first day of December, one thousand nine hundred and twenty-four, to one thousand nine hundred and twenty-eight, inclusive, together with particulars of any fluctuation in trade and the respective quantities of each class of coal, as well as such other information the Board may prescribe. The statement may be accompanied by a claim for special treatment on the ground of the special circumstances of the mine, including the efficiency and economy of the working of the mine, the extent to which it has been or is being developed for economic working, and the extent to which its output has been increasing or decreasing.

(3) The Board may apportion the standard tonnage among the various classes of coal produced.

Any such apportionment shall be effected for all mines allowed by the Board to continue to operate which are producing those classes of coal or any of them.

If

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If the Board decide to apportion the annual standard tonnages amongst classes, such classes shall include coal supplied to coke ovens.

(4) The annual standard tonnage of each mine allowed by the Board to continue to operate shall be, in the first instance, based on the average daily output of the mine during the year ended thirty-first day of December, one thousand nine hundred and twenty-eight, in the absence of any special circumstances such as are referred to in subsection two of this section and which in the opinion of the Board call for special treatment.

Warwick-shire District (Coal Mines) Scheme, 1930, cl. 8 (ii).

(5) If the standard tonnage cannot be ascertained by the above method it shall be determined by the Board.

Ibid. cl. 8 (vi).

18. (1) The Board may at any time review (whether upon an appeal by an owner or not) and if necessary revise and vary the standard tonnages.

Review of standard tonnage.

(2) The Board may fix a monthly standard tonnage in lieu of an annual standard tonnage for a mine and revise such monthly standard tonnage from month to month until it shall decide to fix an annual standard tonnage in lieu of such monthly standard tonnage.

Ibid. cl. 8 (iii).

Monthly standard tonnage.

In fixing monthly standard tonnages the Board may have regard to the estimated monthly requirements of the mine concerned, and to the monthly standard tonnages of other mines.

The Board shall have power in such cases at any time to decide that such mine shall have an annual standard tonnage, and shall determine such annual standard tonnage having regard to the special circumstances of the mine.

(3) Where after the commencement of this Act an owner acquires any mine the standard tonnage of the mine so acquired added to the standard tonnage of any other mine belonging to such owner shall, if the owner so desires, constitute the standard tonnage of the combined mines :

Ibid. cl. 8 (ix).

Provided that where an owner acquires part only of a mine the proportion of the standard tonnage to be added shall

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shall be determined by the Board, and that amount shall be deducted from the standard tonnage of the mine of which part has been so acquired.

- (4) Any coal owner shall have the right to
 5 submit objections to the Board at any time upon any question relative to standard tonnage, and, if he shall be aggrieved by any decision of the Board either upon his objection or otherwise, he shall have the right to appeal therefrom.
- 10 The Board shall thereupon reconsider the matter and deliver its decision on the appeal without undue delay.

DIVISION 3.—*Determination of quotas.*

- 19.** (1) The Board shall, as soon as the first district Quota.
 allocation has been settled, and thereafter from time to cf. North
 15 time, determine the proportion (hereafter in this Act Wales
 referred to as "the quota") of the standard tonnage District
 that may be produced from each mine allowed by the (Coal Mines)
 Board to continue to operate, having regard among Scheme, 1930,
 other matters to the estimated demand for the coal cl. 41 (1).
 20 of the district for the period covered by the quota and to the output permissible under the district allocation.

(2) The Board may if it thinks fit determine a Separate quotas
 separate quota for different classes of coal. for different
 classes of coal.

- (3) Any quota so determined shall cover a Period of
 25 period not exceeding six months, and shall be the quota.
 same proportion of the standard tonnage for the period cf. *Ibid.*
 covered by the quota of coal or of the class of coal, as cl. 41 (3), (4).
 the case may be, for all mines in the district.

(4) The Board may at any time increase the Increase
 30 quota applicable to coal or to any class of coal. quota.
 cf. *Ibid.*
 cl. 41 (6).

(5) The total output of each mine shall be Penalty for
 ascertained at the end of each period for which a quota exceeding
 is determined. quota.
 cf. *Ibid.*
 cl. 42.

If in any case the output has exceeded the tonnage
 35 permitted by the quota (after allowing for any shortage carried forward, and any transfer of quota) the owner shall be liable in respect of such excess to the penalties prescribed.

(6)

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(6) No owner shall be entitled to carry forward the amount of a shortage or any portion thereof as an addition to the tonnage permissible under the quota during the next or any succeeding period:

Shortage not to be carried forward.
cf. North Wales District (Coal Mines) Scheme, 1930, cl. 43.

- 5 Provided that if the quota is fixed for one month only, an owner shall be entitled to carry forward the amount of a shortage as an addition to the tonnage permissible under the quota during the next succeeding month. All such shortages shall be cancelled at the end of each
- 10 period for which the district allocation has been made by the Board.

- (7) Any owner may exceed the quota for any period with the consent of the Board by arranging with any other owner that the output of that other owner
- 15 permissible under the quota for the same period shall be reduced by an agreed number of tons:

Exchange of quota.
cf. *Ibid.* cl. 44.

- Provided that if the excess is in respect of any particular class of coal for which a separate quota has been determined the reduction in the output of such
- 20 other owner shall be in respect of a quota determined for the same class of coal, and that any failure of such owner to reduce his permissible output by the agreed number of tons shall render him liable in respect of such failure to the penalties prescribed.

- 25 (8) Notice in writing of any arrangement to exceed and reduce quotas shall be given to the Board and its consent obtained before effect is given thereto.

Board to be notified.
cf. *Ibid.* cl. 45.

- (9) Any coal owner may raise coal for stock provided that the total coal raised by him in any period
- 30 does not exceed the quota fixed by the Board for the said period.

- (10) (a) If by reason of being closed under this Act or for any other cause, including accident to the mine, machinery, or plant, or the occurrence of
- 35 industrial trouble, any mine in a district is, in the opinion of the Board, unable to supply its quota, the Board may so declare by notice published in the Gazette and in any newspaper circulating in that district.

Quota of closed mine.

(b)

Coal Industry.

(b) When any such notice has been published the owner of any other mine which produces the same class of coal may apply in writing to the Board for permission to increase the quota of that other mine, and the Board may grant permission accordingly, but the total increase in that class of coal from all mines in the district shall not be in excess of that necessary to supply the quota of the first-mentioned mine.

- 10 (c) The mine unable to produce its quota from any of the causes stated in paragraph (a) of this subsection shall be allowed, unless the Board otherwise directs, to fill such part of its quota shortage as has not with the permission of the Board been filled by any
15 other mine during the next or subsequent quota periods fixed by the Board.

PART IV.

DETERMINATION OF PRICES.

- 20.** (1) The Board shall, as soon as practicable after it is constituted, and may from time to time call for
20 returns from each owner in every district setting forth the prices actually obtained by him during the twelve months ending on the thirty-first day of December last preceding for the various classes of coal sold or supplied
25 by him, together with such further information as the Board may deem necessary.

- (2) If, after taking into consideration the matters and making the allowances hereafter mentioned, the Board considers that the proceeds of sale of the
30 quantities of coal shown in the estimates submitted in accordance with subsection three of section fifteen of this Act will produce a profit exceeding eight per centum per annum on the capital actually employed in the mines in any district, the Board may fix a maximum
35 price per ton of twenty hundredweights for each class of coal in that district.

(3)

Coal Industry.

(3) No owner shall sell or supply coal at a price exceeding the maximum price so fixed.

No sale in excess of maximum price.

(4) In fixing the maximum price the Board shall—

Matters to be taken into consideration.

- 5 (a) take into consideration the average operations and prices for the before-mentioned period of twelve months at all mines within the district which are efficiently producing coal, but may, in its discretion, exclude from consideration
- 10 the operations and prices at any mine which in the Board's opinion is not conducted with reasonable efficiency;
- 15 (b) make reasonable allowance for depreciation, taxation (but excluding income taxes), rates, workmen's compensation and family endowment charges, and such other matters as the Board may determine are proper costs of production.

(5) The price so determined shall be (after deducting the cost of transport and all other charges incurred from pit head to market or port of shipment) the price per ton at the pit head.

(6) The Board may revise the maximum price from time to time, and shall alter same when such appears to be necessary or desirable.

(7) The Board may also fix a minimum price per ton of twenty hundredweights below which coal or any class of coal may not be sold if such appears to the Board to be necessary or desirable.

(8) With a view to ascertaining whether any coal has been sold above the maximum price or below the minimum price, if so fixed, owners shall furnish to the Board when requested full details of the costs and charges which fall to be deducted from or added to the price as the case may require in order to arrive at the pit head price, and where coal is sold at a price including waggon hire, the amount of waggon hire shall be calculated by taking the amount which would have

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have been charged therefor had the coal been carried in waggons owned by the New South Wales Government Railways.

(9) Where for the purposes of this section it is necessary to determine the value of any asset, such value shall be determined in accordance with section twenty-seven of this Act.

PART V.

CLASSIFICATION OF COAL.

10 **21.** (1) The Board shall allocate the coal produced at each mine into classes, such classification being made at the discretion of the Board according to the nature of the coal or of the trade, industry, or other category of consumer supplied or according to whether the coal be
 15 supplied for use in New South Wales or for export.

Classification.
 cf. North
 Wales
 District
 (Coal Mines)
 Scheme, 1930,
 cl. 33.

(2) The Board shall within seven days after making such classification notify each owner of a mine the class in which the coal has been placed.

(3) If any owner is dissatisfied with the
 20 classification of the coal from his mine he may within fourteen days after the receipt of notice of classification appeal to the Board.

(4) If so required by the Board or the purchaser, or the authorised agent of the purchaser, the owner
 25 shall tender with each consignment of coal intended for delivery a certificate indicating the classification of the coal supplied and comprised in the consignment.

(5) Any owner who fails on demand to furnish the certificate required shall be guilty of an offence
 30 against this Act.

PART

Coal Industry.

PART VI.

CLOSING OF MINES.

22. (1) Where the district allocation is not adequate to permit of each mine in a district being worked for a period of at least nine days in each fortnight the Board may close either temporarily or permanently such one or more of the mines in that district as may be necessary, in its opinion, to ensure that each remaining mine in the district may be worked for the said period of nine days in each fortnight.

Closing of mines.

(2) Where a mine is to be closed either temporarily or permanently the Board shall give the owner notice of the closing at least twenty-one days before such closing.

Notice of closing.

(3) The owner shall give due notice of the closing to all the employees of the mine, and that at the expiration of not less than fourteen days from the date of such notice their services at the mine will be no longer required.

Employees to receive at least 14 days' notice.

(4) Where a mine is permanently closed the Board shall notify in the Gazette that the mine specified in such notification has been permanently closed and that the land held, used, or occupied in connection with the mine and described in the notification, together with the minerals thereunder, has been resumed. The land and minerals shall thereupon vest in the Board for the purposes of this Act for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way or other easements whatsoever and to the intent that the legal estate therein together with all powers incident thereto or conferred by this Act shall be vested in the Board.

Vesting of interest of owner in Board.

(5) (a) Where a mine is closed temporarily the owner may be required by the Board—

Powers of Board as to mines temporarily closed.

(i) to secure the main and other roadways in the mine by strengthening or adding to the timber, to seal the workings off in small areas by building stoppings of brick or concrete where specified

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specified by the Board, and to seal off the entrances to the mine to the satisfaction of the Board when so directed; or,

- 5 (ii) to keep the mine open, unwatered, and in good repair, ready to recommence operations at short notice and to employ persons for this purpose.

(b) The Board shall determine what contribution shall be made from the fund for the purposes aforesaid, and for the payment of any rents, royalties,
10 taxes, or other charges.

(6) When a mine is permanently closed the entrances to same shall be filled in or sealed off by brick or concrete stoppings or otherwise secured as directed by the Board.

- 15 **23.** If any owner or person produces coal from any mine after the Board has directed that operations at that mine are to cease either temporarily or per-
manently, such owner or person shall for each and every day that coal is produced after the date of closing
20 specified in the notice issued by the Board be liable to a penalty not exceeding one hundred pounds.

Penalty for continuing to work closed mine.

- 24.** (1) When a mine is closed temporarily by order of the Board the lease or leases of land held for coal mining or mining purposes by the owner of the mine
25 whether Crown or private, shall not be cancelled by reason of a breach of the labour or other conditions provided by such lease, and this notwithstanding anything contained in the Mining Act, 1906, or any Act amending same.

Indemnity of owners of mines temporarily closed.

- 30 (2) Where a mine is closed temporarily by order of the Board a right of reversion or forfeiture for a breach of the labour or other conditions contained or implied in any lease thereof shall not be enforceable by entry or otherwise.

- 35 (3) The Secretary for Mines shall not entertain any complaint made under the provisions of sections one hundred and twenty-four and 124A of the Mining Act, 1906, which arises out of such closing.

- 40 (4) Such leases shall be treated as being suspended but capable of revival on the Board determining to re-open such mine.

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- 25.** (1) The Board on the permanent closing of any mine shall notify the Secretary for Mines who shall thereupon publish a notice in the Gazette reserving the land described in the notice from occupation for the purpose of mining for coal under any Act relating to mining, and the land shall thereupon be deemed to be reserved from such occupation under any such Act until the reservation is revoked by the Governor under the provisions of any such Act. Reservation from mining on permanent closing.
- 10 (2) The Secretary for Mines shall likewise cause the notification of the Board so far as it concerns any lease or title under the Mining Act, 1906, to be noted in the registers of the Department of Mines as vesting the lease or title absolutely in the Board.

15

PART VII.**RESTRICTION ON LEASES AND OPENING NEW MINES.**

- 26.** (1) Before recommending the grant of any application for lease or concurring in any agreement to mine for coal, the Secretary for Mines shall refer the application or agreement to the Board for inquiry and report. Application for lease to be referred to Board.

- 20 (2) Before granting any application for authority to enter on private lands for the purpose of mining for coal the warden shall refer the application to the Board for inquiry and report. Application for authority to enter to be referred to Board.

If the Board report that the application should not be granted the warden shall refuse the application.

- 30 (3) No person having any right or interest in any seam of coal not reserved to the Crown shall subsequent to the passing of this Act commence mining for coal unless such seam of coal has been included in a colliery holding the plan of which has been deposited in the Department of Mines prior to the commencement of this Act or grant any lease, agreement, or right to mine the coal to any other person without first obtaining the consent of the Board, and the Board shall have the right to withhold such consent.

PART

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PART VIII.

VALUATION OF MINES.

27. (1) (a) The owner of each mine shall supply to the Board in such manner or form as the Board may direct full particulars as to the valuation of the assets which are actually employed in the production and marketing of coal at his mine. Particulars to be furnished.

(b) For the purposes of this section the following items shall be included in the valuation, that is to say, land, development, buildings, plant, tools, machinery, railways, rolling stock and other transport appliances, wharfs, cranes, structures for the storage of coal and/or water, live stock and other items provided that such development, buildings, plant, machinery and other items are in the opinion of the Board necessary for the efficient production and marketing of coal. Items included in valuation.

Electric light undertakings, high and low temperature and other by-product recovery plants associated with and belonging to a mine shall, if the Board so determines, be treated as part of the mine operations and included in the valuation of the mine and the profits or losses of such undertakings shall be included as profits or losses of the mine.

(c) A register shall be kept of all fixed assets together with a description of the items, date of purchase, cost and all other particulars which the Board may deem necessary. Register of assets.

(2) If the Board is satisfied that the valuation submitted by the owner is fair and reasonable or if the owner agrees to the modifications, if any, suggested by the Board, then such valuation or modified valuation shall be certified by the Board as the valuation of the mine for the purpose of this Act. Procedure.

If the Board does not so certify the valuation received from the owner shall be referred to the Valuer-General who (with the assistance of any special expert staff he may require) shall check the valuation submitted to the Board and shall ascertain the actual value of the assets employed for the production of coal on the basis of

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of their true value in connection with each mine as a going concern and not having regard merely to the cost of such assets to the mine, the amount placed against them in the books, or the share capital which may be based
5 upon them.

The Valuer-General may, with the approval of the Board, in any case value the assets upon the basis of the present day cost less suitable allowances for depreciation.

- 10 (3) (a) For the purpose of determining the valuation the owner of any mine or undertaking shall permit the Valuer-General or any person authorised by him or by the Board to enter on any land, building, or works used in connection with the production of coal at
15 any mine, and to inspect the plant and machinery used in or about the mine at any reasonable time; also to inspect such books, plans, documents, or records in the possession of or under the control of such owner which contain particulars relating to the value of the mine or
20 plant so that a just and equitable value of the mine as a going concern may be obtained.

Every reasonable facility and assistance shall be given by the owner to the officers employed on this work.

- 25 (b) Goodwill shall not be taken into account in determining the actual value of the mine, but the earning capacity of the assets shall be taken into consideration as a factor in their value.

- 30 (c) Where any private railway serves more than one mine, the property of the owner of the railway, the value of the railway shall be apportioned by the Valuer-General.

- (d) In the case of a new mine the valuation shall be made as at the date of commencement of
35 mining operations, and in the case of additions to or replacement of assets or plant the Board may require the valuation to be amended, regard being had to the assets rendered unnecessary thereby.

- 40 (4) (a) The Valuer-General shall as soon as the valuation of a mine has been determined furnish the Board with particulars thereof.

(b)

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(b) On receipt of same the Board shall forthwith notify the owner of the mine.

(5) If the owner of the mine is aggrieved with the determination of the Valuer-General he may within
5 twenty-one days appeal therefrom to the Board.

PART IX.

COMPENSATION FOR CLOSED MINES.

28. (1) Where a mine is closed either temporarily or permanently by the direction of the Board the owner
10 thereof and every person having any estate or interest therein shall be awarded such compensation as is approved by the Board after consideration of the recommendation of the Valuer-General or person appointed by the Board and which after due inquiry it considers
15 to be just and equitable.

Amount to be approved by Board.

(2) The compensation, if any, awarded by the Board in respect of a mine which has been compulsorily closed shall be paid at such times and by such instalments as the Board may determine, provided that the
20 maximum current rate of interest payable for the time being on any sum deposited in the Commonwealth Savings Bank of Australia shall be paid on the amount so awarded or the balance of any sum owing thereon.

(3) If an owner or person having an estate or
25 interest is aggrieved with the amount of compensation awarded to him for the closing of the mine, or the manner of payment thereof, he may appeal to the Board.

(4) No claim for compensation shall be allowed
30 by the Board to the owner of a mine which was closed by the owner prior to the thirty-first day of December, one thousand nine hundred and thirty, except for the purposes mentioned in subparagraphs (i) and (ii) of paragraph (a) of subsection five of section twenty-two
35 of this Act.

PART

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PART X.

APPEALS AGAINST VALUATION.

29. (1) The Board may hear and determine any appeal under Parts VIII and IX of this Act, or may refer the same to the Land and Valuation Court for its determination. Board to determine appeals.

(2) Where the Board makes a determination any person aggrieved with such determination may appeal therefrom to the Land and Valuation Court. Such appeal shall be by way of rehearing.

(3) The Land and Valuation Court shall have jurisdiction to determine all appeals under this section, and all appeals referred to it by the Board.

(4) (a) Appeals to the Board shall be made in the manner and form prescribed.

(b) Appeals and references to the Land and Valuation Court shall be made in accordance with rules of court of that court.

(5) If the award in any appeal under this Act is for an amount equal to or less than the amount of the valuation last notified to the owner of the mine the appellant shall pay the costs of the appeal.

If the award is for an amount exceeding the amount of such valuation but less than the amount of the claim by the appellant, the Board shall pay to the appellant the proportion of his costs which the excess of the amount of such award over such valuation bears to the excess of the claim over such valuation.

If the award is for an amount equal to or greater than the amount of such claim the Board shall pay the costs of the appeal.

(6) In any case where the Board has determined an appeal and no appeal from such determination has been taken to the Land and Valuation Court, the costs of such appeal may be taxed before the Prothonotary of the Supreme Court and shall be allowed upon the same scale and principles as govern the taxation of costs in the Common Law Jurisdiction of the Supreme Court.

In

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In any case where the Land and Valuation Court has determined an appeal the costs of such appeal may be taxed in accordance with rules of court of that court.

PART XI.

5 COAL INDUSTRY FUND.

30. (1) There shall be constituted a fund to be ^{Fund.} called the "Coal Industry Fund."

(2) (a) All moneys received and penalties recovered under this Act, together with such sums as
10 may from time to time be provided by Parliament, shall be paid into the fund.

(b) All moneys expended under or for the purposes of this Act shall be paid out of the fund.

(c) The general costs of administration of
15 this Act shall be paid out of the fund.

(d) The fund shall be under the direction and control of the Board, and shall be applied for the purposes of this Act and for no other purpose whatsoever.

(3) The fund shall as far as practicable be
20 invested by the Board in any security in which a trustee is by the Trustee Act, 1925, or any Act amending the same, authorised to invest trust funds.

(4) Where the Board is desirous of constructing or acquiring works, buildings, or plant for the purposes
25 of giving effect to the provisions of this Act and shows that the cost thereof is beyond its financial ability the Minister may from moneys provided by Parliament for the purpose make advances to the Board for the construction or acquisition of such works, buildings, or plant.

30 (5) Before any such advance is made, the Minister may require the Board to enter into a contract to secure payment by it of annual instalments for—

(a) the refund of the money advanced or a portion of such money; and
35 (b) interest on such money at such rate as the Minister may decide.

(6)

Coal Industry.

(6) If any instalment be not paid on the due date it may be recovered by the Minister together with interest thereon.

31. (1) The Board shall cause to be kept proper ^{Accounts to} 5 books of account. _{be kept.}

(2) The accounts of the Board shall be audited by the Auditor-General who shall have with respect to such accounts all the powers conferred on the Auditor-General by any law now or hereinafter to be in force 10 relating to the audit of public accounts and the Audit Act, 1902, and Acts amending the same shall apply to the Board and its officers in the same manner as it applies to accounting officers of Public Departments.

(3) The Board shall as soon as practicable after 15 the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Board.

(4) The Board shall, out of the fund in each 20 year, pay to the Consolidated Revenue Fund such sums at such periods as the Colonial Treasurer may decide towards defraying the cost and expenses of any audit or valuation made by the Auditor-General or the Valuer- 25 General in pursuance of this Act. Such expenses may include a just proportion of the salaries of the officers engaged upon any such audit or valuation.

PART XII.

ACCOUNTS AND AUDITS.

32. Each owner shall keep the accounts of produc- 30 tion and marketing of coal free from any other business undertaking, and in the manner and form prescribed. ^{Separate} _{accounts to} _{be kept.}

33. (1) Each owner shall cause to be filled up and 35 forwarded to the Board, on or before the thirty-first day of March in each year, an annual statement of accounts and a list of shareholders made up to the thirty-first day of December last ensuing as near as may be in the ^{Owner to} _{furnish} _{statement of} _{accounts and} _{list of share-} _{holders.}

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the form and containing such particulars as may be prescribed, or as near thereto as circumstances will permit.

(2) If any owner makes default in complying with the provisions of this section, he shall be liable to a penalty not exceeding two pounds for each day during which such default continues.

34. (1) Upon application by the Board, the Colonial Treasurer may request the Auditor-General to examine and report upon the accounts of any owner. Audit of accounts.

(2) The Board may appoint any competent person to examine or audit the accounts of any owner, and report to it upon the result of such examination and audit.

(3) For the purposes of any such examination, audit, or report the Auditor-General or any officer appointed by him or the person appointed by the Board shall be given access and opportunity to examine all books and documents in the control of the owner, which relate to the accounts for the production and marketing of coal.

(4) Any person who obstructs the Auditor-General or any officer appointed by him, or the person appointed by the Board, in the exercise of his powers or the performance of his duties under this section, or without lawful excuse refuses to produce any book, account, document, writing, paper, or instrument in his possession or under his control, or to answer any question asked by the Auditor-General or such officer or person for the purpose of the exercise of such powers or performance of such duties, shall be liable on conviction to a penalty not exceeding twenty pounds, and any person, who after conviction for any such offence, still refuses to produce any such book, account, document, writing, paper, or instrument, or to answer any such question, shall be liable to a further penalty not exceeding twenty pounds for every day during which such default continues.

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PART XIII.

CAPITAL AND PROFITS.

DIVISION 1.—*Capital.*

35. For the purposes of this Act, which relate to Method of assessing capital.
 5 the determination of the selling price of coal and to the profits earned by owners, the Board shall adopt in each case as the amount of owners' capital actually employed in the production and marketing of coal the valuation of assets made in accordance with section twenty-seven
 10 of this Act, after adding capital subsequently expended thereon, if any, together with the value of such other assets representing working capital as the Board may consider equitable, and after deducting liabilities due to debenture holders, mortgagees, and other creditors.

DIVISION 2.—*Profits.*

15 **36.** (1) Where in any year the net profit accruing to any owner of a mine after providing for all expenses properly chargeable to revenue exceeds eight per centum of the capital actually employed in the production and
 20 marketing of coal, the excess amount of such profit over eight per centum shall be divided into three equal parts. Two such parts shall be paid into the fund, and the remaining part shall be retained by the owner. Profits in excess of eight per centum to be apportioned.

(2) Of the net profit eventually accruing to
 25 any owner after deducting the proportion, if any, required by subsection one of this section to be paid into the fund, one-tenth part (or such other proportion as may be determined by the Board) shall be set aside by such owner as a contingency reserve to provide for
 30 unexpected occurrences or for possible losses and expenses entailed by floods, fires, explosions, falls, and other serious damage to the mine. Contingency reserve.

37. All sums set apart by any owner for depreciation shall be subject to the approval of the
 35 Board, and the whole or any part thereof may be Investment of depreciation fund.
 127—C invested

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invested in Government or other securities not connected with the business of the owner, or may be applied in whole or in part for general purposes of the mine to which capital is properly applicable.

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PART XIV.

WELFARE.

38. Out of the fund constituted under this Act the Board may make provision for the health, housing, education in coal mining, and the social welfare of 10 persons engaged in or in connection with the coal-mining industry, and may formulate and bring into effect schemes having such objects.

PART XV.

ALLEVIATION PAYMENTS.

15 **39.** (1) Out of the fund constituted under this Act the Board shall, as and when funds are available, make provision for alleviation payments or monetary grants to persons displaced from the coal industry by reason of the closing down of mines by the Board, or slackness of 20 trade, or for other cause affecting the coal industry.

(2) The Board shall, as and when funds are available, inaugurate and bring into effect schemes for the vocational training of men and boys or for placing them in other avenues of industry.

25 (3) The Board shall, as and when funds are available, inaugurate and bring into effect a scheme for the granting of pensions or the making of a compassionate allowance to persons who subsequent to the passing of this Act may be retired from their employment in the coal-mining industry by reason of being of 30 the age of sixty years or over.

(4)

Coal Industry.

(4) No claim for alleviation payments shall be entertained by the Board unless the person making the claim is registered as prescribed.

(5) (a) The Board shall as early as practicable
5 after the passing of this Act caused to be prepared a register showing the names of all persons employed in or about the mines in the respective districts in the production and marketing of coal as at the thirty-first day of December, one thousand nine hundred and
10 twenty-seven :

Provided that the name of any person shall not be shown in such register by the Board if notice of discontinuance of the mine in or about which such person was employed was given under the Coal Mines
15 Regulation Act, 1912, prior to the thirty-first day of December, one thousand nine hundred and thirty, unless such person was subsequently employed in or about another mine as at the thirty-first day of December, one thousand nine hundred and thirty ; and
20 the Board shall revise such register to show the names of all persons employed in or about the mines in the respective districts in the production and marketing of coal as at the thirty-first day of December in the year one thousand nine hundred and thirty-one and in each
25 succeeding year.

(b) For the purpose aforesaid each owner, when so required by the Board, shall furnish a return in the form prescribed giving the names and other particulars of the persons employed during the period
30 prescribed.

(c) An employee for the purpose of this Part of this Act shall mean a person who was paid a salary or wage by the owner for duties performed in or about a mine in connection with the production or
35 marketing of coal or a person who was paid for mineral gotten out of the mine, or who had contracted to perform work in or about a mine for the purpose of or ancillary to the production or marketing of coal, or who was wholly employed by the workmen as their representative in relation to their duties in and about the
40 mine in the production and marketing of coal :

Provided

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Provided that where the person employed by the workmen was engaged in respect to more than one mine his name shall be entered in respect to one mine only and as he may elect.

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PART XVI.

COMPULSORY ACQUISITION OF COAL AND MARKETING.

- 40.** (1) The Governor may, on the recommendation of the Board, and on behalf of his Majesty, purchase by agreement or acquire compulsorily any coal in New South Wales produced in Australia, not being coal which is held for export under and in accordance with a valid and existing license granted under any Act of the Parliament of the Commonwealth of Australia, or of which any properly constituted authority under any such Act has accepted control or which is included in any contract duly entered into under any such Act:

Governor may purchase or compulsorily acquire coal.

Act No. 13, 1927, s. 21.

- Provided that the Governor under the powers conferred by this Act shall not acquire compulsorily any such coal in any case where the owner or the person having the control or disposal thereof has exported or arranged to export such quantity as he is licensed to export under and in accordance with such license as aforesaid, and such further quantity (if any) as is determined by the Governor and for the export of which a license can be obtained under any Act of the Parliament of the Commonwealth of Australia.

- (2) The Governor may authorise the Board to acquire any coal which this Part of this Act empowers him to acquire.
- 30** (3) Any coal acquired pursuant to this Act may be sold by the Board in such manner as it thinks fit.

- (4) The Board may, for the purpose of obtaining money to carry out any acquisition authorised by this section, enter into any agreement with the Government of the Commonwealth or any person or with any bank carrying on business in New South Wales.

(5)

Coal Industry.

(5) Any acquisition or agreement shall be reported to Parliament forthwith if Parliament be then sitting, or if Parliament is not in session, then within fourteen sitting days of the commencement of the next 5 session.

41. The following provisions shall have effect with respect to the compulsory acquisition of coal under this Act:—

Provisions as to compulsory acquisition of coal.

Act No. 13, 1927, s. 22.

- 10 (a) The Minister by order in writing under his hand or the Board, when authorised under section forty of this Act, by order in writing under its seal, such order being served upon any person being the owner of or having the control or disposal of any coal described or referred to in the order, may declare that such coal is acquired by His Majesty.

15 In any such order it shall be sufficient to describe the coal so acquired as coal in a certain locality or place or in any other manner by which the coal may be identified.

- 20 (b) Upon the service of any such order all coal described or referred to in the order shall cease to be the property of the then owner thereof, and shall become and remain the absolute property of His Majesty, freed from any mortgage, charge, lien, or other encumbrance thereon whatsoever.

Effect of order.

25 The then owner and any agent, manager, attorney, servant, and workman of such owner shall, without delay, hindrance, obstruction, claim, demand, or objection whatsoever, give immediate and peaceable possession of such coal to the Board on behalf of His Majesty, and all the title and property of the then owner thereof shall be changed into a right to receive payment of the value thereof at the price fixed by the Board (which shall not be above the maximum price or below the minimum price if same has been determined under this Act), to be paid at such times and intervals as the Board may by notice published in the Gazette declare: Provided

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Coal Industry.

Provided that in any case where at the time of acquisition any person holds any mortgage, charge, lien, or other encumbrance over any such coal, such person shall be entitled to receive payment out of the sum which would otherwise be payable to the owner of the principal moneys and interest (if any) for the time being secured thereby in preference to the owner, and only the balance (if any) of the value of such coal shall be paid to the owner.

(c) The Board may exempt from the operation of such order or demand—

(i) such owner of coal as it thinks fit ;

(ii) such portion of the coal as the owner may require for the purpose of working the mine or supplying free or at reduced rates for the use of the persons employed in or about the mine ;

(iii) such other sales and purchases or receipts of coal as it thinks fit.

(d) The production of any such order or of a copy thereof, or of a telegram purporting to be a demand pursuant to such order and to be signed by the chairman of the Board, shall be sufficient authority for the delivery of possession of any coal described or referred to in such order or demand.

(e) All coal described or referred to in any such order or demand may, without any warrant other than this Act, be seized and taken possession of by any officer authorised, either generally or in any particular case, in writing by the chairman of the Board in that behalf.

Such officer, with any necessary assistance, may, for any of the purposes of this section, enter any place at any time, and use any force which may be necessary.

(f) Any person who refuses to deliver, or delays or obstructs or hinders the delivery of any coal described or referred to in any such order or

Authority for
delivery of
possession.

Seizure and
taking
possession of
coal.

Penalty for
refusal to
deliver and
for obstruc-
tion, &c.

Coal Industry.

5 or demand, shall be liable to a penalty of not more than one hundred pounds; and, if such person is a company, the individual person guilty of the offence, and also the managing director or other manager in New South Wales of the company shall each be liable to the like penalty.

10 (g) In the event of any doubt or dispute as to the person legally entitled to receive any moneys payable under this section, the Board may pay the same into the Supreme Court in its equitable jurisdiction, to abide the order of that court. Disputes as to amounts payable.

15 (h) The receipt given by any person to the Board for any moneys paid for any coal acquired under this section shall be a sufficient discharge to the Board in respect of the liability to make payment therefor. Effect of receipts.

20 Nothing in this paragraph shall prejudice or affect the right of any person claiming to be entitled to receive any such moneys to recover the same from any person to whom the Board has paid the same.

25 **42.** (1) The Board may by notice published in the Gazette and in a newspaper circulating in the locality, require all or any persons having within a locality therein mentioned any coal in excess of a quantity specified in the notice, owned by them or in their disposal or under their control for the purposes of trade or sale, to make returns of such coal. Returns of coal. Act No. 13, 1927, s. 23.

30 (2) Such returns shall be in the form and shall contain the particulars and shall be made within the time and to the persons prescribed.

35 (3) If any person to whom such a notice applies fails, neglects, or refuses to make such a return, he shall be liable to a penalty of not more than one hundred pounds.

43. No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or the Board or any member Indemnity. Ibid. s. 24.

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member thereof or any officer or person acting in the execution of this Part of this Act for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of the passing of this Act or of its operation or of anything done or purporting to be done under this Part of this Act save only for the price pursuant to this Act payable for any coal purchased or acquired under this Part of this Act.

10 **44.** (1) The Board may inquire into and fix the price per ton at which any selling agent shall sell or supply coal or any class of coal for use or consumption in New South Wales or for export. Board may fix selling price of coal.

(2) The Board may also fix the profit per ton of coal made by any selling agent in New South Wales.

15 (3) The Board may at any time by notice in writing given to any selling agent require him to furnish in writing to the Board within a time to be specified in the notice the prescribed particulars with respect to coal which is at the time, or has previously been, or is likely to be owned by him or under his control or at his disposal during any period specified by the Board, and may by like notice require such selling agent to comply with such directions in respect of the aforesaid coal as the Board thinks proper in order to ensure the observance of any determination for the time being in force, or any direction or policy of the Board. Board may require coal selling agent to furnish particulars of coal sold. cf. Act No. 13, 1927, s. 25 (1).

20 (4) The Board may at any time, by notice in writing given to any selling agent require such selling agent to furnish in the prescribed form to the Board at the times and in respect of the periods prescribed, any particulars with respect to the coal which is at the time or has previously been or is likely to be in the control of such selling agent for the purpose of trade or sale, and may, by notice in writing given as aforesaid, give to any such selling agent such direction as the board thinks proper in order to ensure the observance of any determination for the time being in force. Ibid. s. 25 (2).

35 (5) Any such selling agent who fails to comply with any requirement or direction of the Board under this section shall be liable to a penalty not exceeding five hundred pounds. cf. Ibid. s. 25 (3).

Coal Industry.

45. The Board may inquire into and publish from time to time such information as it may deem advisable in respect of the following matters :—

Board may
publish
information.

- 5 (a) the market price of coal or the conditions generally of the coal market or trade in each of the States of the Commonwealth, New Zealand, or other countries ;
- (b) the location of and organisation of markets for coal ; and
- 10 (c) shipping freights, method of handling transport, and the distribution of coal.

The Board may formulate and give effect to any schemes arising out of such inquiries, and may make provision therefor out of the fund constituted under this Act.

46. The Premier of New South Wales may—

Concerted
action
between
Common-
wealth
and States.
Act No. 13,
1927, s. 26.

- (a) join either with—
 - (i) the Prime Minister of the Commonwealth and the Premiers of the States thereof or any of them ; or
 - 20 (ii) the Premiers of such States or any of them,
- in any arrangements for concerted action in the marketing of coal ; and
- 25 (b) on behalf of the Government of New South Wales agree to any such arrangement and do any acts, matters, or things necessary or expedient to carry the same into effect.

PART XVII.

30 SETTLEMENT OF INDUSTRIAL DISPUTES.

47. (1) For the purposes of this Part of this Act the Board shall divide the coal-fields of the State into four districts, to be known respectively as the Southern, Western, Newcastle, and Maitland districts.

Districts.

- 35 (2) The Board shall have power to include in any of the aforesaid districts any mine situate in any other part of the State.

Coal Industry.

48. (1) The Minister may appoint a chairman of Chairman. committees for each of the aforesaid districts upon such terms and conditions as to remuneration and otherwise as he thinks fit and fix the period of the appointment.

5 (2) Each chairman shall have the powers prescribed by or under this Part of this Act and shall devote the whole of his time to the duties of his office except when he is absent on leave granted by the Minister. He shall reside in the district of which he is chairman.

10 **49.** (1) When any grievance or dispute arises in Disputes. relation to the conditions of employment or to any matter connected with the working of a mine, the person aggrieved or concerned in the dispute or the organisation of which such person is a member shall refer such
15 grievance or dispute to the owner.

(2) Should the grievance or dispute be not settled to the satisfaction of all parties thereto, the matter or dispute shall be referred by the owner or person aggrieved or the organisation concerned to the
20 chairman of committees of the district. The chairman shall forthwith require the organisation to which such person belongs and the owner of the mine to each nominate a representative to sit with him as a colliery committee for the purpose of determining the
25 matter or dispute. Where the representatives on the committee are unable to agree upon any matter the chairman shall decide the question.

(3) An appeal shall lie in the prescribed manner Appeal to district committee. to the district committee established in the manner set
30 out in section fifty.

50. (1) Where any question or dispute arises with District committee. respect to a matter affecting rates of pay or conditions of employment generally in a district or upon any appeal from a colliery committee, the chairman of
35 committees of the district shall thereupon call upon the owners of mines in the district and the organisation of employees concerned in such question, dispute, or appeal each to nominate two representatives to sit with him as a district committee.

(2)

Coal Industry.

(2) The district committee shall determine such question, dispute, or appeal, and failing agreement on any matter by the representatives of the parties, the chairman shall decide the question.

5 (3) From any decision of the district committee an appeal shall lie to the Board in the prescribed manner. Appeal to Board.

51. (1) Where any matter arises affecting conditions of employment in mines generally throughout the State, State committee.
10 such matter shall be determined by the State committee, consisting of the chairman of the Board and one representative of owners of mines and one representative of employees from each district nominated as prescribed.

(2) When the chairman of the Board is unable
15 to sit, any one of the other members of the Board may act in his stead.

(3) From any decision of the State committee an appeal shall lie in the prescribed manner to the Board. Appeal to Board.

20 52. (1) Any order or award made under this Part by a colliery committee or district committee shall be signed by the chairman of committees of the district and any order or award made by the State committee or Board shall be signed by the chairman of the committee
25 or Board respectively. Order or award to be signed by chairman.

All such orders and awards shall be filed as of record with the Board and shall be published as prescribed.

(2) Any such order or award shall be binding on the parties, and may be enforced as an award made
30 pursuant to the provisions of the Industrial Arbitration Act, 1912, and any amendment of such Act or pursuant to the provisions of any Act passed in substitution of such Act.

53. The Board shall on application to it in that Preference to financial members of unions.
35 behalf prescribe by order or award that absolute preference of employment shall be given to the financial members of the industrial unions or organisations of employees specified in the award.

The terms and conditions and manner in which such
40 preference shall operate shall be determined by the Board.

54.

Coal Industry.

- 54.** (1) Under no circumstances shall there be a stoppage of work by reason of any grievance or dispute arising as between an employee and the owner or representative of the owner of the mine in or about which he is employed, but in all cases such grievance or dispute shall be referred to the owner, and, failing settlement between the parties, shall be referred to the colliery committee in accordance with the provisions of section forty-nine. Stoppage of work.
- 10 (2) Where in disregard of the provisions of this Part of this Act, or of a direction or decision of the Board, or of a committee or of a chairman there is a stoppage of work at any mine by the employees at such mine, or by the owner thereof, the Board may take
15 away from the person, organisation, or owner responsible for such stoppage any privileges or rights conferred by or under this Act upon such person, organisation, or owner.
- 20 **55.** (1) The Board or the chairman thereof or of a State committee or the chairman of committees of a district may, for the purpose of preventing any threatening, impending, or probable dispute, summon any person to attend, at a time and place specified in the summons, at a conference. Power to summon conference.
- 25 (2) Any person so summoned shall attend the conference and continue his attendance as directed by the Board or chairman summoning the conference.
- (3) Any agreement arrived at at such conference shall be set down in writing, signed by the parties to
30 the agreement and filed by the chairman of the conference as of record with the Board.
- 56.** The cost of the remuneration, allowances, and expenses of the chairmen of committees of the districts, and of the allowances and expenses of representatives
35 on the committee and of the cost of the administration of this Part of this Act shall be borne by the Board, and shall be paid out of the fund. Costs, allowances, and expenses to be paid out of fund.
- 57.** From and after the commencement of this Act, the provisions of the Industrial Arbitration Act, 1912, or of any amendment of such Act, shall not apply to persons employed in or about mines in the State. Act No. 17, 1912, not to apply.

58.

Coal Industry.

58. (1) The Governor may make regulations for Regulations
carrying out the provisions of this Part of this Act,
and in particular—

- 5 (a) regulating the procedure at meetings of the Board and of committees;
- (b) providing for the payment of expenses of witnesses summoned by the Board or a chairman, or summoned to attend a conference under section fifty;
- 10 (c) fixing the amount of allowances and of out-of-pocket expenses payable to members of any committee;
- (d) as to matters which by this Part of this Act may be prescribed.
- 15 (2) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date specified in the regulations; and
 - 20 (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.
- 25 (3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before the House, disallowing any regulation or part thereof, such regulation or part shall thereupon
30 cease to have effect.

PART XVIII.

RENTS, ROYALTIES, AND WAYLEAVES.

- 59.** (1) An owner of a mine who is by contract bound to pay a rent or royalty in respect of the coal raised in the mine to any person other than the Crown, may apply to the Board for an order varying the amount or the time or manner of payment of such rent or royalty.

Power of Board to vary rent or royalty.

(2)

Coal Industry.

(2) Upon receipt of such application the Board shall hold an inquiry of which notice shall be given as prescribed to all persons interested in the rent or royalty, and at which such persons and the owner may
5 appear and give evidence.

(3) The Board shall in making an order have regard to the rents and royalties payable under the Mining Act, 1906, and any Act amending the same, in mines operating under like conditions.

10 (4) The Board may by order vary the amount or the time and manner of payment of the rent or royalty.

(5) An order under this section may be registered in the Register of Causes, Writs and Orders
15 affecting land. No such order shall take effect until it is so registered.

(6) This section shall apply notwithstanding any stipulation to the contrary.

60. (1) Where any wayleave or right has been
20 granted or exists for the purpose of getting or conveying any coal from, or for giving access to or from any mine, the owner of the mine or any person interested in the land over or through which the wayleave or right has been granted or exists, may apply
25 to the Board for an order varying the terms and conditions of the wayleave or right.

Power of Board to vary terms and conditions of any wayleave or right.

(2) Upon receipt of such application the Board shall hold an inquiry of which notice shall be given as prescribed to every person who may be affected by
30 the order and at which such persons may appear and give evidence.

(3) The Board may by order vary the terms and conditions of the wayleave or right, and such order shall be read and construed with and as forming part
35 of any Act, contract, lease, or agreement creating or evidencing such wayleave or right.

(4) An order under this section may be registered in the Register of Causes, Writs and Orders affecting land. No such order shall take effect until it
40 is so registered.

(5)

Coal Industry.

(5) This section shall not authorise the Board to make an order affecting the Railway Commissioners for New South Wales.

PART XIX.

5 METHODS OF MINING.

61. (1) The Board may inquire into any methods of ^{Inquiry by Board.} effecting improvements in the mining and winning of coal by mechanical or other means, and may formulate schemes and take such action as may appear advisable
10 to give effect thereto.

(2) The Board may carry out investigations and conduct experiments in the matter of hydraulic, pneumatic, or other means of stowage, and may formulate schemes and give effect thereto.

15 (3) Where it appears to the Board that it is desirable in the public interest that investigations be conducted as to whether any mine or seam of coal can be more effectively and economically worked under conditions other than those then existing and the owner agrees
20 to assist in the making of such investigations, the Board may recommend to the Secretary for Mines that the terms and conditions of any lease issued under the Mining Act, 1906, be abrogated, varied, or amended, or
25 that the amounts payable as rents or royalty, or both, should be reduced, and the Secretary for Mines may recommend to the Governor that approval be given thereto either wholly or in part and for such period as he deems advisable.

Upon the approval of the Governor being given
30 thereto, the conditions of the lease shall, notwithstanding any provision in the Mining Act, 1906, to the contrary, be abrogated, varied, or amended accordingly.

(4)

Coal Industry.

(4) Where it is represented to the Board that in the interests of the safety of any mine or the workmen employed in any mine, or for the more effective working of a mine, or in the public interest—

- 5 (a) the boundaries between any adjoining colliery holdings should be adjusted ; or
- (b) barriers of coal should be left between the boundaries of any colliery holdings ; or
- 10 (c) the method or system of working any mine or part thereof, or the method of winning the coal should be varied,

the Board may refer the matter to the Secretary for Mines, who may thereupon request the Chief Inspector of Coal Mines to make inquiry and report to him, or
15 the Chief Inspector of Coal Mines may initiate action in any such matter.

(5) If the Secretary for Mines informs the Board that the matter under reference is such as may call for remedy, the Board shall hold an inquiry at
20 which all persons affected shall have the right to appear and be heard, and may make an order in respect of any of the matters referred to in subsection four of this section.

(6) An order made under this section may be
25 registered in the Register of Causes, Writs, and Orders affecting land, and shall not take effect until so registered.

Any order shall when so registered bind the Crown and all persons having any estate or interest in any mine affected, and shall be read and construed as abrogating
30 any matters to the contrary and as forming part of any lease agreement or right to work the coal.

(7) The Board shall notify the Secretary for Mines of the order and determination, and where any lease or title granted under the Mining Act, 1906, is
35 affected thereby, the colliery holding lease or title shall, to the extent of such order and determination, be abrogated, amended, or varied accordingly.

(8) In any other case the Board may require all persons interested in any mine to perform all acts and
40 execute all documents necessary to make any documents of title conform to the order or determination.

(9)

Coal Industry.

(9) (a) The Board may assess the compensation payable, if any, or impose the terms and conditions upon which the transfer or exchange in the lands may be made as between the respective mine owners or the
5 variation which may be made in the terms or conditions or methods of working the coal.

(b) Any person aggrieved may appeal to the Board.

PART XX.

10 RECOVERY OF BY-PRODUCTS.

62. (1) The Board shall, as and when funds are available conduct investigations, make research into, or carry out experiments in relation to— Board to conduct investigations.

- 15 (a) the recovery of by-products from coal or the production of oil from coal; or
(b) the use of pulverised coal or other coal fuels or coal gas; or
20 (c) any process having for its object the more effective utilisation or treatment of coal or the by-products therefrom;

and for such purposes or any of them may erect and acquire any plant, buildings, laboratories, or apparatus.

(2) The Board may afford skilled assistance to any person who has developed a method or process in
25 respect of any of the matters as to which, under the provisions of subsection one of this section, the Board is authorised to conduct investigations, make researches, or carry out experiments.

(3) The Board may acquire, erect, and operate
30 any plant and machinery required for the purpose of manufacturing or supplying as a commercial enterprise, any method or process or the produce of any method or process, or any machinery or plant necessary for the effective application of any method or process in respect
35 of any of the matters as to which, under the provisions of subsection one of this section, the Board is authorised to conduct investigations, make researches, or carry out experiments.

Coal Industry.

(4) (a) The Board, if it deems it advisable in the public interest so to do, may make advances to any person out of the fund to purchase and erect any plant, machinery, buildings, or apparatus, or to acquire any
 5 rights or patents in any process or methods of working, or in the payment of any royalties or other fees for the operating of any process or methods as to which, under the provisions of subsection one of this section, the Board is authorised to conduct investigations, make
 10 researches, or carry out experiments.

(b) Any assistance granted may be upon such terms and subject to such conditions as to repayments as the Board may impose.

PART XXI.

15 RETURNS AND STATISTICS.

63. (1) The Board shall have power to collect and prepare statistics of the coal industry and so as to cover
 all operations in respect thereof, including details as to cost of production and profits of all operating mines,
 20 the days worked and earnings of employees, and such other matters as may be prescribed. Statistics to be prepared.

(2) The owner of each mine shall keep an accurate account of the daily (or part thereof) attendance of each and every person employed at the mine, and
 25 shall furnish to the Board as may be prescribed in each year particulars as to the number of days worked and the amount of wages or salary earned by each person employed during the year ending on the preceding thirty-first day of December.

30 (3) The Board may at its discretion publish full particulars of all conditions prevailing in the industry, including costs of production, profits, and earnings of employees, and such other information as it considers to be of public interest.

PART

Coal Industry.

PART XXII.

SUPPLEMENTARY.

64. (1) The Board may exempt from any of the provisions of this Act any mine established under the provisions of the State Coal Mines Act, 1912, or any mine operated by the Railway Commissioners for New South Wales or any mine the output of which is used solely by the undertaking owning the mine and where the primary object of such undertaking is not coal mining and so long as the mine is worked as ancillary to such primary object :

Act not to apply to certain mines.

Provided, however, that the wages, rates, and working conditions fixed under this Act for mines working a similar class of coal in the district in which any such mine is situated shall apply thereto.

(2) The Board may by regulation exempt any mine used for the getting of oil shale from all or any of the provisions of this Act.

65. (1) Any owner who fails to register his mine shall be liable to a penalty not exceeding one hundred pounds.

Penalties.

(2) Any owner of a mine who shall raise any coal in a quota period in excess of the amount fixed by the quota shall be liable to a penalty of five shilling per ton for every ton on such excess unless the Board determine that such excess has not affected the interests of any other owner in the district.

(3) In addition to any monetary penalty payable under subsection two of this section any excess tonnage may be carried forward and debited against the owner concerned in a subsequent quota period if the Board so decide.

(4) Any owner who on demand refuses or omits to furnish to the Board or any person authorised by the Board such returns, accounts, and other information as the Board may consider necessary for the carrying out of its duties or as may be required under this Act and regulations shall be liable to a penalty of ten pounds per day in respect of every such day that returns are overdue.

(6)

Coal Industry.

(5) Any owner who refuses to allow the Board or any person authorised by the Board or under this Act to inspect any plans, books of accounts, or other documents used in the carrying on of his business as
5 an owner shall be liable to a penalty not exceeding twenty pounds for each and every day that such refusal continues.

(6) Any person who knowingly inserts any false quantity or particulars, or knowingly makes a false
10 statement in any return account or information directed by this Act or the regulations made thereunder, or required by the Board, shall be liable to a penalty not exceeding fifty pounds.

(7) Every person guilty of an offence against
15 this Act shall for every such offence be liable, if no other penalty or punishment is prescribed, to a penalty not exceeding fifty pounds.

66. Any penalty prescribed by this Act or the
20 regulations thereunder may be recovered in a summary manner in a court of petty sessions holden before a stipendiary or police magistrate. Recovery of penalty.

67. All complaints or other legal proceedings for
25 the recovery of any moneys payable to the Board under this Act or the regulations, or for any breach of this Act or of any of the regulations made thereunder, may be laid and taken by the chairman of the Board or any officer appointed by the Board in that behalf, and the chairman or any such officer may appear and represent the Board at the hearing of such complaints or
30 other legal proceedings. Prosecution of complaints.

68. Any notice required to be given or that may
35 be given by the Board under this Act or the regulations shall be deemed to have been duly given if sent by post in a letter addressed to the person to be served at his place of abode or business in New South Wales last known to the Board, and such notice shall be deemed to have been given at the time when a letter so posted should in the ordinary course be delivered. Service of notices.

69. (1) The Board may make regulations not incon-
40 sistent with this Act prescribing all matters, forms, and fees which by this Act are required or authorised to be prescribed, Regulations

Coal Industry.

prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

The regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof or of any provision 5 of this Act.

(2) The regulations shall—

- (a) be submitted to the Governor for approval, and after such approval be published in the Gazette; and
- 10 (b) shall take effect from the date of publication thereof, or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication 15 if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within 20 fifteen sitting days after the regulations have been laid before the House, disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

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