

THE SCHEDULE—*continued.*Accounts
and records.

20. Each party shall—

- (a) keep full accounts and records of all financial transactions, work done and stores bought, used or disposed of, in connexion with the standardization works; and shall furnish to the Minister periodical reports and such details as he requires; and
- (b) permit the Auditor-General for the Commonwealth or of the State to inspect such accounts and records.

PART IV.—SUPPLEMENTARY PROVISIONS.

Works to be
undertaken
by the
Commonwealth,

21. The Commonwealth shall undertake—

- (a) the conversion to standard gauge of the 3' 6" gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge;
- (b) the construction of a new standard gauge railway from Alice Springs to Birdum and the construction of the standard gauge locomotives and rolling stock necessary to operate this line; and
- (c) the conversion to standard gauge of the 3' 6" gauge Commonwealth Railway line from Birdum to Darwin, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge.

Cost of works
undertaken
by the
Commonwealth.
Acquisition and
conversion of
the Silverton
Tramway.

22. The Commonwealth shall bear the cost of carrying out the works specified in the last preceding clause.

23. The Commonwealth shall take all reasonable steps to ensure that the Silverton Tramway and the locomotives and rolling stock thereon shall be acquired and vested in The South Australian Railways Commissioner.

COAL INDUSTRY (TASMANIA).

No. 84 of 1949.

An Act to provide means for Securing and Maintaining adequate Supplies of Coal to assist in meeting the need for that commodity throughout Australia and for providing for the Regulation and Improvement of the Coal Industry in the State of Tasmania, and for other purposes.

[Assented to 28th October, 1949.]

Preamble.

WHEREAS it has been agreed between the Governments of the Commonwealth of Australia and of the State of Tasmania that they shall take measures for securing and maintaining supplies of coal to assist in meeting the need for that commodity throughout Australia and in trade with other countries, and for providing for the regulation and improvement of the Coal Industry in the State of Tasmania and for other matters relating to the production, supply and distribution of coal:

AND WHEREAS it has been further agreed between the two Governments that authorities shall be established vested with power to take action designed to attain those objectives :

AND WHEREAS it has been further agreed that the two Governments shall take all practicable steps to secure the passage by the Parliament of the Commonwealth and the Parliament of the State of Tasmania of legislation within the constitutional powers of the respective Parliaments providing for the establishment of those authorities and for the vesting of appropriate powers in those authorities :

AND WHEREAS each of the two Governments has undertaken not to take action, without the prior concurrence of the other, to repeal or amend any of the legislation or to initiate or amend any legislation relating to any matters affecting the Coal Industry which is specified in the agreement :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Coal Industry (Tasmania) Act* Short title.
1949.
2. The several Parts and sections of this Act shall come into Commencement.
operation on such dates as are respectively fixed by Proclamation.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—Powers of Tasmanian Joint Coal Board.
 - Part IV.—Finance.
 - Part V.—Industrial Matters.
 - Part VI.—General.
4. In this Act, unless the contrary intention appears— Definitions.
 - “ coal ” includes coke ;
 - “ industrial dispute ” means—
 - (a) a dispute (including a threatened, impending or probable dispute) as to industrial matters ; and
 - (b) a situation which is likely to give rise to a dispute as to industrial matters ;
 - “ industrial matters ” means all matters pertaining to the relations of employers and employees in the coal mining industry and, without limiting the generality of the foregoing, includes—
 - (a) all matters or things affecting or relating to work done or to be done ;
 - (b) the privileges, rights and duties of employers and employees ;
 - (c) the wages, allowances and remuneration of persons employed or to be employed ;
 - (d) the piece-work, contract or other reward paid or to be paid in respect of employment ;

- (e) the question whether piece-work or contract work or any other system of payment by results shall be allowed, forbidden or exclusively prescribed ;
- (f) the question whether monetary allowance shall be made by employers in respect of any time when an employee is not actually working ;
- (g) the hours of employment, qualifications and status of employees ;
- (h) the mode, terms and conditions of employment ;
- (i) the employment of any persons or class of persons ;
- (j) the preferential employment or the non-employment of any particular person or class of persons ;
- (k) the right to dismiss or to refuse to employ or the duty to reinstate in employment, a particular person or class of persons ;
- (l) any custom or usage in the coal mining industry, whether general or in a particular locality ;
- (m) any shop, factory or industry dispute, including any matter which may be a contributory cause of such a dispute ;
- (n) any question arising between two or more organizations of employees, or within such an organization, as to the rights, status or functions of the members of those organizations or of that organization or otherwise, in relation to the employment of those members ; and
- (o) any question as to the demarcation of functions of employees or classes of employees, whether as between employers and employees or between members of different organizations of employees, and includes all questions of what is right and fair in relation to an industrial matter having regard to the interests of the persons immediately concerned and of society as a whole ;

“ the Board ” means the Tasmanian Joint Coal Board constituted in pursuance of this Act and the State Act ;

“ the New South Wales Board ” means the Joint Coal Board constituted in pursuance of the *Coal Industry Act* 1946 ;

“ the State ” means the State of Tasmania ;

“ the State Act ” means the Act passed by the Parliament of the State to give effect to the agreement referred to in the preamble to this Act and includes the State Act as amended from time to time ;

“ the State member ” means that member of the Board who is not a member of the New South Wales Board ;

“ the Tribunal ” means the Coal Industry Tribunal constituted in pursuance of the *Coal Industry Act* 1946 and the Coal Industry Act, 1946 of the State of New South Wales.

PART II.—ADMINISTRATION.

5.—(1.) The Governor-General may enter into an arrangement with the Governor of the State for the constitution, subject to this Act, of an authority which shall be known as the Tasmanian Joint Coal Board.

Tasmanian
Joint Coal
Board.

(2.) The Board constituted in pursuance of the arrangement shall consist of the persons who are for the time being the members of the New South Wales Board and of one other member.

(3.) In the last preceding sub-section, the reference to the persons who are for the time being members of the New South Wales Board includes a reference to any person acting for any member of the New South Wales Board who is absent from duty by reason of illness or otherwise.

(4.) The Chairman for the time being, or any person acting as the Chairman, of the New South Wales Board, shall be the Chairman of the Board constituted in pursuance of the arrangement.

(5.) The State member—

(a) shall be appointed for a period not exceeding seven years but shall be eligible for re-appointment ;

(b) shall be deemed to have vacated his office if—

- (i) he engages in any paid employment outside the duties of his office ;
- (ii) he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (iii) except on leave granted by the Governor-General or the Governor of the State, he absents himself from duty for fourteen consecutive days or for twenty-eight days in any twelve months ;
- (iv) he becomes in any way (otherwise than as a member of the Board) concerned or interested in any contract or agreement entered into by or on behalf of the Board or in any way (otherwise than as a member of the Board) participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom ;
- (v) he resigns his office by writing under his hand addressed to the Governor-General or the Governor of the State and the resignation is accepted by the Governor-General or the Governor, as the case may be ; or
- (vi) he becomes permanently incapable of performing his duties.

(6.) An arrangement entered into under this section may provide for the appointment of a person to act for the State member when he is absent from duty by reason of illness or otherwise and for the termination, for misbehaviour or incapacity, of the appointment of

the State member and of the person appointed to act for him and any such provision shall have effect accordingly.

(7.) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(8.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(9.) The Board shall not be prevented from exercising any of its powers and functions by reason only of a vacancy in the membership of the Board.

Member not to take part in management of coal mine, &c.

6.—(1.) The State member shall not exercise, and shall forthwith relinquish, any power or authority vested in him (otherwise than by or under this Act or the State Act) by reason of which he may influence the management or control of any coal mine or any company owning or controlling a coal mine or engaged in the handling or distribution of coal.

(2.) If the State member is a shareholder in any such company, he shall not as such exercise any vote.

(3.) If the State member acts in contravention of, or fails to comply with, any obligation imposed on him by this section, then, without affecting any liability he may have under this Act in respect of the act or failure, he shall be deemed to have vacated his office.

(4.) Nothing in the *Coal Industry Act* 1946 prevents a member of the New South Wales Board from exercising any power or authority under this Act.

Meetings of the Board.

7.—(1.) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

(2.) Meetings of the Board shall be called in such manner as is prescribed.

(3.) At all meetings of the Board a majority of the members of the Board shall form a quorum.

(4.) The proceedings of the Board shall be conducted in accordance with the regulations.

Remuneration and allowances of State member.

8. There shall be payable to the State member such salary and allowances as are fixed by the arrangement made in pursuance of section five of this Act.

Delegation.

9.—(1.) The Board may, in relation to any particular matter or class of matters, by writing under its seal, delegate to any person or authority all or any of its powers under this Act (except this power of delegation), so that the delegated powers may be exercised by the person or authority with respect to the matters or class of matters or the part of the State specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Board.

(3.) Where under this Act the exercise of any power by the Board is dependent upon the opinion or belief of the Board in relation to any matter, that power may be exercised by the delegate upon the opinion or belief of that delegate.

PART III.—POWERS OF TASMANIAN JOINT COAL BOARD.

10.—(1.) In pursuance of agreement between the Government of the Commonwealth and of the State, it is declared that the Board is to have all the powers and functions specified in this Act in relation to the Board.

Vesting of
powers in
Board.

(2.) Subject to the Constitution, those powers and functions are by this sub-section, and not otherwise, vested in the Board to the extent to which they are not in excess of the legislative power of the Commonwealth.

11.—(1.) The powers and functions of the Board are to include the taking of such action as, in the opinion of the Board, is necessary or desirable—

Declared powers
and functions
of Board.

- (a) to ensure that coal is produced in the State in sufficient quantities and with sufficient regularity, having in mind the need for coal throughout Australia and in trade with other countries ;
- (b) to ensure that the coal resources of the State are conserved, developed, worked and used to the best advantage in the public interest ;
- (c) to ensure that coal produced in, or imported into, the State is distributed and used in such manner, quantities, classes and grades and at such prices as are calculated best to serve the public interest and secure the economical use of coal and the maintenance of essential services and industrial activities ; and
- (d) to promote the welfare of workers engaged in the coal industry in the State.

(2.) In particular, and without limiting the generality of the foregoing, the Board is to have power to make provision for or with respect to—

- (a) the working and getting of coal, including the introduction and operation of sound mining principles and practices and methods of stowage and haulage, and the regulation of output ;
- (b) the conservation of coal, the development of any coal mine, seam or field, and the opening, closing or abandonment of any coal mine ;
- (c) the introduction, modification, replacement and operation of machinery, plant and equipment for use in connexion with the production and distribution of coal, and the manufacture, procurement, improvement and standardization of such machinery, plant and equipment ;

- (d) the classification and grading of coal and its preparation for market ;
- (e) the effective and economical distribution of coal, including its purchase, sale, marketing, acquisition, disposal, supply, storage, reservation, pooling, transport, carriage, conveyance, delivery, handling, loading, discharge and reception ;
- (f) the efficient and economical use of coal, the development of uses or markets for coal, and the recovery of the by-products of coal ;
- (g) the regulation of prices for the sale, purchase or re-sale of coal, the values at which coal is recorded in the accounts of any business and of profits in the coal industry ;
- (h) subject to the State Act, the health and safety of persons engaged in the coal industry, including the regulation of conditions in the industry with respect thereto, and the enforcement of measures for the abatement of dust in mines ;
- (i) the establishment of sound industrial welfare practices, including the provision of amenities for employees in the coal industry ;
- (j) collaboration with other persons and authorities in the establishment and provision of amenities and of health, educational, recreational, housing and other facilities for communities of persons in coal mining districts, and in the promotion of the development and diversification of industry and of town and regional planning in such districts ;
- (k) the regulation of employment in and recruitment to the coal industry, including the promotion of stability of employment ;
- (l) the training, efficiency, and competency of persons engaged in the coal industry ;
- (m) the publication of reports and information of public interest ; and
- (n) any matter incidental to all or any of the foregoing matters.

(3.) The Board is to have authority to make such orders, take such measures, give such directions and do such things as are, in the opinion of the Board, necessary for, or incidental to, the effective exercise of its powers and functions and, in particular, and without limiting the generality of the foregoing—

- (a) to provide, and to assist others to provide or obtain, advice, technical services, equipment and other facilities and aids to efficiency and economy ;
- (b) to undertake or arrange for research, inquiries, investigations, surveys, tests and inspections ;

- (c) to enter into and carry out contracts and transactions, to incur expenditure and make advances, and to acquire and dispose of any property or rights ;
 - (d) to require the keeping and production of accounts, books and records and the compilation and furnishing of statistics, returns and other information in such form and relating to such matters as it may specify in the requirement ;
 - (e) to acquire any coal, sell any coal acquired by or vested in it, impose conditions under which any other person or authority may acquire, purchase, sell or dispose of coal, and enter into arrangements and agreements with other persons and authorities as to the sale or disposition of coal ;
 - (f) to acquire any coal mine and to operate any mine acquired by or vested in it ;
 - (g) to acquire, procure, erect, construct, requisition the use of and operate plant, machinery and equipment (including railways, rolling stock and sidings, not being the property of the State) ;
 - (h) to establish and operate, or assist others to establish and operate, coal mines and other undertakings or enterprises ;
 - (i) to terminate, suspend, vary or modify any contract or agreement relating to or affecting the production, supply or distribution of coal, including sale, transportation by land or sea, loading, discharge, delivery, storage and use ; and
 - (j) to suspend or exclude from employment in the coal industry, subject to appeal as prescribed, any person employed in the industry who acts in a manner prejudicial to the effective working of the industry.
- (4.) The Board is to have power at any time to rescind, terminate or vary any order, direction or requirement made or given by it.

12. Nothing in this Act authorizes the Board to acquire a coal mine otherwise than by agreement.

No compulsory acquisition of coal mines.

13.—(1.) The Board is to have power to appoint such officers and employ such persons as it thinks necessary to assist it in the execution of its powers and functions.

Appointment of officers.

(2.) Officers appointed or persons employed in pursuance of this Act shall not be subject to the *Commonwealth Public Service Act* 1922–1948 and their remuneration and conditions of employment shall be such as are determined by the Board.

(3.) Where an officer appointed, or a person employed, in pursuance of this Act, was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service or employment under this Act shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the

Public Service of the Commonwealth and the *Officers' Rights Declaration Act* 1928-1940 shall apply as if this Act and this section had been specified in the Schedule to that Act.

Directions
on matters
of policy.

14.—(1.) The Board shall, as and when required by the Prime Minister or the Premier of the State, furnish reports to the Prime Minister and to the Premier with respect to the policy it is pursuing or proposes to pursue in the discharge of its powers and functions and, in particular, with respect to programmes of proposed re-organization, acquisition or development involving substantial outlay of capital, and with respect to proposals affected by and affecting matters of national policy, including defence, full employment and price stabilization.

(2.) The Prime Minister may, in agreement with the Premier of the State, issue directions to the Board on matters of policy and it is to be the duty of the Board to observe and carry out any direction so given.

(3.) Where, under this Act, the exercise of any power or function by the Board is dependent upon the opinion or belief of the Board in relation to any matter and the Prime Minister, in accordance with the last preceding sub-section, issues to the Board a direction in relation to that matter, the Board is to have the power to exercise that power or function in accordance with that direction.

No industrial
conscription.

15. Nothing in this Act authorizes any form of industrial conscription.

PART IV.—FINANCE.

Accounts.

16.—(1.) The Board shall open and maintain an account or accounts at the Commonwealth Bank of Australia, into which it shall pay all moneys received by it.

(2.) The Board shall, as soon as possible after the close of each financial year, submit to the Prime Minister and to the Premier of the State an annual report, including a statement of its financial accounts in a form approved by the Treasurer.

(3.) A copy of each annual report shall be laid before each House of the Parliament.

(4.) The Board shall keep accounts in such form as the Treasurer approves.

Coal Industry
funds.

17.—(1.) For the purposes of this Act there shall be kept in the books of the Board—

- (a) a Welfare Fund ;
- (b) a Coal Industry Fund ; and
- (c) such other funds as the Treasurer specifies.

(2.) There shall be credited to the Welfare Fund such moneys as are received by the Board as contributions by the Commonwealth and the State and such moneys as are allocated to the Fund by the Board or are otherwise payable to the Fund under this Act.

(3.) There shall be credited to any fund established under paragraph (c) of sub-section (1.) of this section such moneys becoming payable to the Board as the Treasurer specifies.

(4.) The moneys standing to the credit of the Welfare Fund shall be applied, in such manner as the Board determines, so as to promote the welfare of employees in the coal mining industry in the State, their dependants and communities of persons in coal mining areas.

(5.) There shall be credited to the Coal Industry Fund all moneys becoming payable to the Board other than moneys payable to the funds specified in sub-sections (2.) and (3.) of this section.

(6.) The moneys standing to the credit of any fund established under paragraph (c) of sub-section (1.) of this section shall be applied in meeting such expenditure under this Act and under the State Act (including any allocations to the Welfare Fund) as the Treasurer specifies.

(7.) The moneys standing to the credit of the Coal Industry Fund shall be applied in meeting expenditure incurred under this Act and under the State Act (including allocations to the Welfare Fund) other than expenditure specified in sub-section (4.) of this section and expenditure specified under the last preceding sub-section.

18.—(1.) There shall be payable to the Board from time to time, subject to such conditions (if any) as are imposed by the Treasurer, such amounts as are appropriated by the Parliament to enable any authority constituted under this Act to exercise the powers and functions vested in it by this Act.

Payments by
Commonwealth.

(2.) There shall be payable to the State, on such terms and conditions as the Parliament thinks fit, by way of financial assistance, such amounts as are from time to time appropriated by the Parliament, to be applied by the State towards enabling any authority constituted under this Act to exercise the powers and functions vested in it by the State Act.

19.—(1.) The Board is to have power to borrow money on overdraft from the Commonwealth Bank of Australia upon the guarantee of the Treasurer.

Power of Board
to borrow
money.

(2.) The Treasurer may, for and on behalf of the Commonwealth, guarantee the repayment to the Commonwealth Bank of Australia of any loan (including interest thereon) made by that bank under this section.

(3.) The Treasurer may, out of moneys appropriated by the Parliament for the purposes of this Act, make advances to the Board of such amounts and upon such terms as he thinks fit.

(4.) Except with the consent of the Treasurer, the Board shall not have power to borrow money otherwise than in accordance with this section.

20. Subject to the approval of the Treasurer, the Board is to have power to invest any moneys standing to the credit of any fund kept in the accounts of the Board.

Investment
of moneys.

Disposal of
profits.

21. The Board is to have power to allocate as it sees fit, to the Welfare Fund, to the establishment of reserve funds or to other purposes of the Board, the net profits (if any), after provision for interest and sinking fund charges, arising from the exercise of any of its powers and functions.

Audit.

22.—(1.) The accounts of the Board shall be subject to inspection and audit at least once yearly by the Auditor-General for the Commonwealth.

(2.) The Auditor-General shall furnish his report on the accounts of the Board to the Prime Minister and to the Premier of the State.

(3.) A copy of each report by the Auditor-General shall be laid before each House of the Parliament.

Taxation.

23. The property, income and operations of the Board shall not be liable to income tax, pay-roll tax or land tax under any law of the Commonwealth or to taxation under any law of the State to which the Commonwealth is not subject.

PART V.—INDUSTRIAL MATTERS.

Jurisdiction
and powers of
Coal Industry
Tribunal.

24. In addition to its jurisdiction and powers under any other law of the Commonwealth or of a State, the Tribunal is to have such jurisdiction and powers in respect of industrial disputes (being industrial disputes arising in the State and not extending beyond the limits of the State) as are conferred upon it by the State Act.

Establishment
of Local Coal
Authorities.

25.—(1.) Subject to the approval of the Prime Minister and of the Premier of the State, the Tribunal is to have power to appoint persons to be Local Coal Authorities in the State.

(2.) The terms and conditions of employment (other than as to tenure of office) of a Local Coal Authority are to be such as the Tribunal, with the concurrence of the Board, determines.

(3.) A Local Coal Authority is to exercise its power within such limits as to locality or otherwise as are specified by the Tribunal.

(4.) The term of office of a Local Coal Authority is to be for a period specified in the instrument of appointment not exceeding three years from the date of appointment.

(5.) The Tribunal is to have power to remove a person holding office as a Local Coal Authority from office for misbehaviour or incapacity.

Jurisdiction
and powers of
Local Coal
Authorities.

26.—(1.) A Local Coal Authority is to have such jurisdiction and powers in respect of local industrial disputes and matters as are conferred upon it by the State Act.

(2.) A Local Coal Authority is also to have power to investigate and report upon any industrial dispute or part thereof referred to it by the Tribunal and for that purpose is to have such powers of the Tribunal under the *Coal Industry Act* 1946 and the *Coal Industry Act*, 1946 of the State of New South Wales as the Tribunal specifies.

27. The Board shall provide such assistance as is required by the Tribunal or by a Local Coal Authority to enable it to carry out any of its powers and functions under this Act or the State Act.

Board to provide assistance.

28.—(1.) Where, in the opinion of the Board, any decision or settlement given or effected by a Local Coal Authority is likely to lead to industrial unrest in a locality other than that in respect of which the decision was given or the settlement effected, it is to have power within one month after the date on which the decision was given or the settlement effected, to order that the decision or settlement be reviewed by the Tribunal.

Review of decision, &c., of Local Coal Authority.

(2.) The Board is to have power to direct the stay of the operation of the decision or settlement and, upon the issue of any such direction, the operation of the decision or settlement is to be stayed accordingly.

(3.) If on that review, the Tribunal is of opinion that the decision or settlement is likely to lead to any such industrial unrest, the Tribunal is to have power to re-hear the whole or any part of the industrial dispute or matter in respect of which the decision or settlement was given or effected, but, if not of that opinion, the Tribunal is to have power to certify to the Board to that effect and any stay of the operation of the decision or settlement is thereupon to cease and the decision or settlement is to operate as from the time at which it was given or effected or according to its tenor.

29.—(1.) The Board is to have power to appoint, and when requested by the Tribunal, is to appoint, at any coal mine in the State a Mine Conciliation Committee consisting of an equal number of members representing the persons engaged in the management and conduct of the coal mine, and of members representing the persons engaged in the working of the coal mine.

Mine Conciliation Committee.

(2.) Where a member of a Mine Conciliation Committee suffers loss of wages by reason of his services on the Committee, the Board shall compensate him for that loss.

30. A Mine Conciliation Committee is to have such duties and powers in respect of the coal mine at which it is appointed, as are conferred upon it by the State Act.

Duties and powers of Mine Conciliation Committee.

31.—(1.) Allowances payable to persons attending under this Act as witnesses before the Tribunal or a Local Coal Authority shall be as prescribed by regulations.

Witnesses.

(2.) In the making of regulations for the purposes of this section, provision shall be made for compensation for loss of wages incurred by witnesses by reason of their attendance as such.

PART VI.—GENERAL.

32. If any person claims that he has sustained any loss or damage by reason of an exercise by the Board of the power referred to in paragraph (i) of sub-section (3.) of section eleven of this Act, he may, within three months after the exercise of the power, lodge with the

Compensation for loss resulting from suspension of contract.

Board a claim in writing setting out full particulars of the loss or damage and the question whether any and, if any, what amount of compensation should in all the circumstances of the case be paid to that person, shall be settled by agreement between him and the Board, or failing any such agreement, by an action by the owner against the Board in any court of competent jurisdiction.

Manner of
serving order.

33.—(1.) Where any order, direction or requirement by or under this Act is published in the *Gazette* or in the *Tasmanian Government Gazette*, it shall be deemed to have been sufficiently served upon, or brought to the notice of all persons concerned or affected thereby.

(2.) Any order, direction or requirement made or given under this Act may be made or given so as to apply to any particular person and may be served upon that person by delivering a copy thereof to him by hand or by sending it to him by registered post, or in the case of a direction or requirement may be given orally or by telegram.

Access to
premises,
books, &c.

34. Any person thereto authorized in writing by the Board shall, for the purposes of this Act, at all times have full and free access to all coal mines in the State and to all buildings, places, books, documents and other papers in the State relating to the production, distribution or use of coal and for those purposes may make extracts from or copies of any such books, documents and papers and may interview any person employed in or in connexion with such production, distribution or use.

Persons to
comply with
orders.

35. Any person who is affected by any order, direction or requirement made or given or deemed to be made or given by the Board in the exercise of any power or function vested in it by this Act or who falls within the intended application or operation of any such order, direction or requirement shall observe and comply with the order, direction or requirement or shall cause it to be observed and complied with.

Power of
Board to
perform work.

36.—(1.) Where any person fails, wholly or in part, to comply with any order, direction or requirement made or given by the Board in the exercise of any power or function vested in it by this Act, the Board is to have power, by its officers, employees or agents, to do all things which that person by his failure has omitted to do.

(2.) Anything done by the Board in pursuance of this section shall, so far as necessary, be deemed to have been duly authorized by the person who failed to comply with the order, direction or requirement.

(3.) The Board may recover, in any court of competent jurisdiction, as a debt due to it, from the person who so failed to comply with the order, direction or requirement, the cost incurred by it in doing anything in pursuance of this section.

37. A person shall not refuse or fail to comply with an order, direction or requirement made or given by an authority in exercise of any power or function vested in it by this Act. Offences.

Penalty : In the case of a company, One thousand pounds and, in addition, One hundred pounds for each day during which the offence continues ; or, in the case of an individual, One hundred pounds or imprisonment for six months or both.

38. Orders made under this Act shall not be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903-1939 and sections forty-eight and forty-nine of the *Acts Interpretation Act* 1901-1948 shall not apply to any orders so made. Orders not
Statutory
Rules.

39. The Governor-General may, upon the recommendation of the Prime Minister in agreement with the Premier of the State, make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, in relation to any matter within the powers and functions vested by this Act in the Board or in any other authority, and generally for regulating and carrying into effect any action taken by the Board or any other authority in the exercise of any such power or function. Regulations.

NATIONAL HEALTH SERVICE.

No. 85 of 1949.

An Act to amend the *National Health Service Act* 1948.

[Assented to 29th October, 1949.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *National Health Service Act* 1949. Short title
and citation.

(2.) The *National Health Service Act* 1948* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Health Service Act* 1948-1949.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

* Act No. 81, 1948.