

12 GEO. VI. No. 18, 1948. *Coal Industry (Control) Act.*

An Act to Provide Means for Securing and Maintaining Adequate Supplies of Coal throughout Queensland and for Export and for Providing for the Regulation and Improvement of the Coal Industry in the State of Queensland, and for Purposes connected therewith.

12 GEO. VI.
No. 18.
COAL
INDUSTRY
(CONTROL)
ACT OF 1948.

[ASSENTED TO 6TH APRIL, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.
Short title.

1. (1.) This Act may be cited as “*The Coal Industry (Control) Act of 1948.*”

(2.) Except as herein otherwise provided this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Commence-
ment.

2. This Act is divided into Parts, as follow:—

Parts of Act.

PART I.—PRELIMINARY ;

PART II.—ADMINISTRATION ;

PART III.—POWERS OF THE QUEENSLAND COAL BOARD ;

PART IV.—CONTROL OF COAL MINES ;

PART V.—ACQUISITION OF LAND, COAL, AND EQUIPMENT—

Division 1—The Board may operate Coal Mines,

Division 2—Acquisition and Requisition of Coal and Equipment ;

PART VI.—FINANCE ;

PART VII.—GENERAL.

PART I.—
PRELIMINARY.

This Act
not to affect
certain other
Acts.

3. This Act shall be read and construed and shall have operation and effect so as not to prejudice or limit—

- (i.) Save in so far as is expressly provided in this Act, the operation and effect of **“The Coal Mining Acts, 1925 to 1947,”* or of any regulation, rule or special rule thereunder ; or
- (ii.) The operation and effect of †*“The Industrial Conciliation and Arbitration Acts, 1932 to 1947,”* or any award within the meaning of those Acts ;
- (iii.) The operation and effect of ‡*“The Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1947 ”* ; or
- (iv.) The operation and effect of §*“The Workers’ Compensation Acts, 1916 to 1947 ”* ; or
- (v.) Save in so far as is expressly provided in this Act, the operation and effect of ||*“The Electric Supply Corporation (Overseas) Limited Agreement Act of 1947,”* or the agreement authorised under that Act.

Construction
of Act.

4. (1.) This Act and every Proclamation, Order in Council, regulation, consent, approval, authority, permit, order, direction, determination, prohibition or other act or measure of executive or administrative authority made, issued, granted, given, taken or done under or pursuant to this Act by the Governor in Council, the Minister, the Board, any delegate of the Board, or any other person or authority shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment contained in this Act, or any provision contained in any such Proclamation, Order in Council or regulation, or any, or any term, provision, condition or limitation of any, such consent, approval, authority or permit, or any such order, direction, determination, prohibition, or other act or measure of executive or administrative authority would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment,

* 16 G. 5 No. 30 and amending Acts.

† 23 G. 5 No. 36 and amending Acts.

‡ 5 G. 6 No. 24 and amending Acts.

§ 6 G. 5 No. 35 and amending Acts.

|| 11 G. 6 No. 39.

1948.

*Coal Industry (Control) Act.*PART I.—
PRELIMINARY.

provision, consent, approval, authority, permit, order, direction, determination, prohibition or, as the case may be, act or measure of executive or administrative authority to the extent to which it is not in excess of that power.

(2.) It is hereby declared to be and to have always been the intention of the Legislative Assembly—

(i.) That if any enactment of this Act is inconsistent with the **Commonwealth of Australia Constitution Act*, or if any executive or administrative act or measure taken or done under or pursuant to this Act is in part so inconsistent, that enactment and all the other enactments in this Act, or, as the case may be, that part and all the other parts of the executive or administrative act or measure in question shall nevertheless operate to the full extent to which they can operate consistently with the **Commonwealth of Australia Constitution Act*; and

(ii.) That the provisions of paragraph (i.) of this subsection shall be in addition to, and not in substitution for, the provisions of subsection one of this section.

5. Subject to the provisions hereinafter in this section contained †“*The Coal Production Regulation Acts, 1933 to 1938*,” are hereby repealed. Repeals.

Such Acts are hereinafter in this section referred to as the “repealed Acts”:

Provided that, without prejudice to ‡“*The Acts Savings. Shortening Acts*”—

(i.) The Central Coal Board and every District Coal Board constituted under the repealed Acts and in existence immediately prior to the date upon which this Act comes into operation shall be and be deemed to be dissolved and the respective members of every such Board shall go out of office on and from that date;.

* 63 and 64 V. c. 12.

† 24 G. 5 No. 18 and amending Acts.

‡ 31 V. No. 6 and amending Acts.

- (ii.) The Central Coal Scheme and every District Coal Scheme in force under the repealed Acts immediately prior to the date upon which this Act comes into operation shall be and be deemed to be abolished as from that date ;
- (iii.) Upon the coming into operation of this Act, all property and liabilities of the Central Coal Board or of any District Coal Board shall, on and from the date upon which this Act comes into operation, be divested from such Board and shall devolve upon and be vested in or imposed upon the Queensland Coal Board which thereafter shall be legally liable for the due discharge of every such liability ;
- (iv.) All penalties and forfeitures imposed under the repealed Acts and incurred at the coming into operation of this Act shall and may be enforced as if this Act had not come into operation.
- (v.) All actions and proceedings pending at the coming into operation of this Act by or against the Central Coal Board or any District Coal Board abolished by this Act may be carried on and prosecuted by or against the Queensland Coal Board, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained ;
- (vi.) All moneys due, or payable to, or recoverable by the Central Coal Board or any District Coal Board at the date of the coming into operation of this Act shall be deemed to be due, or payable to, or, as the case may be, recoverable by the Queensland Coal Board and shall be paid and may be recovered accordingly ;
- (vii.) All regulations made under the repealed Acts in force at the date of the coming into operation of this Act shall be and are hereby repealed on and from that date.

1948.

Coal Industry (Control) Act.

PART I.—
PRELIMINARY.

6. (1.) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

- “ Coal ”—Includes coke and such other by-products and derivatives of coal as are prescribed by the Governor in Council by Order in Council ; Coal.
- “ Coal mine ”—Any mine or opening in the earth which is a coal mine within the meaning of that term as defined in **“ The Coal Mining Acts, 1925 to 1947 ”* ; Coal mine.
- “ Industrial Court ”—The Industrial Court as defined in †*“ The Industrial Conciliation and Arbitration Acts, 1932 to 1947 ”* ; Industrial Court.
- “ Minister ”—The Secretary for Mines or other Minister of the Crown for the time being charged with the administration of this Act ; Minister.
- “ Owner ”—In relation to any coal mine means the owner of that mine within the meaning of the term as defined in **“ The Coal Mining Acts, 1925 to 1947 ”* ; Owner.
- “ Person ”—Includes any body corporate ; Person.
- “ Prescribed ”—Prescribed by this Act ; Prescribed.
- “ Regulations ”—Regulations made under the authority of this Act ; Regulations.
- “ The Board ”—The Queensland Coal Board ; The Board.
- “ This Act ”—This Act and all Proclamations, Orders in Council, and regulations hereunder. This Act.

(2.) Any reference in this Act to another Act shall be read and construed as referring also to any Act passed after the passing of this Act in amendment of or substitution for that other Act.

PART II.—ADMINISTRATION.

PART II.—
ADMINISTRATION.

7. This Act shall be administered by the Minister and, subject to the Minister, by the Queensland Coal Board. Administration of Act.

8. (1.) For the purposes of this Act there shall be constituted a Board to be called “ The Queensland Coal Board ” (herein referred to as “ the Board ”). Constitution of Board.

* 16 G. 5 No. 30 and amending Acts.

† 23 G. 5 No. 36 and amending Acts.

(2.) The Board shall consist of a Chairman and two other members each of whom shall be appointed by the Governor in Council.

(3.) Subject to this Act, the Chairman and each other member of the Board shall hold office during good behaviour for the respective term for which he is appointed or reappointed, but no such appointment or reappointment shall be for a term exceeding seven years.

(4.) There shall be payable to the Chairman and to each of the other members of the Board respectively such salary and/or allowances as are fixed by the Governor in Council.

(5.) The Chairman or any other member of the Board shall, if thereunto required by the Governor in Council, devote the whole of his time and attention to the duties of his office as Chairman or, as the case may be, such member :

Provided that the Chairman or a member appointed by the Governor in Council to any other office by virtue of his position as Chairman or such member may devote to such other office so much of his time and attention as is necessary for the proper performance of such other office.

Board to be
body
corporate.

9. (1.) The Board shall be a body corporate under the name and style of "The Queensland Coal Board," and by that name shall have perpetual succession and an official seal, and subject to and for the purposes of this Act, shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, and disposing of property, real and personal, moveable and immoveable.

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

Delegation
of its powers
by the
Board.

10. (1.) The Board may, with the consent of the Minister (and shall if thereunto directed by the Minister), in relation to any matters or class of matters or in relation to any specified area, by writing under its seal, delegate such of its powers, functions, and authorities under this Act (other than this power of delegation) as it thinks fit,

1948.

*Coal Industry (Control) Act.*PART II.—
ADMINISTRATION.

so that the delegated powers, functions, and authorities may, subject to this Act, be exercised by a delegate with respect to the matters or class of matters or area specified in the instrument of delegation.

(2.) The Board may make any such delegation subject to such terms, conditions, and limitations as it shall specify in the instrument of delegation and, if thereunto required by the Minister, shall make any such delegation subject to such terms, conditions, and limitations as the Minister shall specify.

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

(4.) Every delegation shall be revocable by the Board at will, and shall be revoked by it if the Minister so directs, and no delegation shall prevent the exercise of the delegated power, function, or authority by the Board.

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

(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.

12. (1.) A member of the Board shall not exercise, and shall forthwith relinquish, any power or authority vested in him (otherwise than by or under this 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. A member of the Board shall not, otherwise than by this Act, exercise any power, &c., with regard to any coal mine, &c.

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

(3.) If a member of the Board 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.

13. The Chairman or any other member of the Board shall be deemed to have vacated his office if—

- (a) He engages in any paid employment outside the duties of his office or of any office to which he is appointed by the Governor in Council by virtue of his position as Chairman or such member unless he is not required by the Governor in Council to devote the whole of his time and attention to the duties of his office ; or
- (b) 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 any assignment of his remuneration for their benefit ; or
- (c) Except on leave granted by the Governor in Council (power to grant such leave being hereby authorised), he absents himself from duty for fourteen consecutive days or for twenty-eight days in all in any twelve calendar months or, if he is not required to devote the whole of his time and attention to the duties of his office, he absents himself from three consecutive meetings of the Board ; or
- (d) 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 ; or
- (e) He resigns his office by writing under his hand addressed to the Minister and the resignation is accepted by the Governor in Council ; or
- (f) He becomes permanently incapable of performing his duties ; or
- (g) His appointment is terminated by the Governor in Council for misbehaviour or incapacity ; or
- (h) He is convicted of a criminal offence for which he is liable to be punished by imprisonment for twelve months or more.

1948.

*Coal Industry (Control) Act.*PART II.—
ADMINISTRATION.

14. (1.) If any member, including the Chairman, of the Board is absent for any reason whatsoever, the Governor in Council may appoint a person to act as his deputy during such absence, and every deputy shall while so acting have the powers and perform the duties of the Chairman or other member for whom he is such deputy. Deputy members.

(2.) If a member of the Board is so appointed to act as deputy for the Chairman, the Governor in Council may appoint some other person to act as deputy for such member while he is acting as deputy for the Chairman.

(3.) The person presiding at any meeting of the Board (and whether the Chairman or his deputy appointed as hereinbefore in this section provided) shall have a deliberate vote, and, in the event of an equality of votes, a casting vote as well.

15. (1.) The Governor in Council shall appoint a secretary to the Board and may appoint all such other officers of the Board as he shall deem necessary for the due and proper administration of this Act. Secretary and officers.

(2.) Officers, including the secretary, appointed in pursuance of this Act shall not be subject to **The Public Service Acts, 1922 to 1945*,” and their remuneration and conditions of employment shall be such as subject to any award of the Industrial Court are determined by the Governor in Council.

(3.) Where a person who is appointed the chairman, a member, or the secretary or an officer of the Board was immediately before his appointment an officer within the meaning of **The Public Service Acts, 1922 to 1945*,” or an employee within the meaning of †*The Public Service Superannuation Acts, 1912 to 1947*”—

- (a) He shall retain any rights accrued or accruing under either of those Acts ;
- (b) He shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension, or gratuity as if he were an officer or employee within the meaning of **The Public Service Acts, 1922 to 1945*,” or †*The Public Service Superannuation Acts, 1912 to 1947*,” as the case may be,

* 13 G. 5 No. 31 and amending Acts.

† 3 G. 5 No. 28 and amending Acts.

and for such purpose his service as chairman, a member, the secretary, or an officer of the Board shall be deemed to be service for the purposes of such Acts; and

- (c) He shall, in the event of his office as the chairman, a member, the secretary or an officer of the Board being discontinued or abolished before he has attained the age of sixty-five years, be eligible for and be appointed to an office in the Public Service not lower in classification and salary than that which he held at the date of his appointment under this Act.

Appoint-
ments may
be made on
the passing
of Act.

16. The Governor in Council may, at any time after the passing of this Act, constitute the Board by appointing the Chairman and members thereof, and may also appoint the secretary to the Board and such and so many other officers as he shall consider necessary to administer this Act when it comes into operation, and moreover the Minister may, at any time after the Board is constituted, authorise it to do such acts and things as the Minister shall deem necessary to establish the organisation required for the administration of this Act.

PART III.—
POWERS OF
THE
QUEENSLAND
COAL BOARD.

PART III.—POWERS OF THE QUEENSLAND COAL BOARD.

Vesting of
powers in
Board.

17. It is hereby declared that the Board is to have all the powers and functions specified in this Act in relation to the Board.

General
powers and
functions of
Board.

18. (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—

- (a) To ensure that coal is produced in the State in such quantities and with such regularity as will meet requirements throughout Queensland and in trade with other States and Territories of the Commonwealth and 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;

1948.

*Coal Industry (Control) Act.*PART III.—
POWERS OF
THE
QUEENSLAND
COAL BOARD.

- (c) To ensure that coal produced in 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 ;
- (d) To promote the welfare of workers engaged in the coal industry in the State; and
- (e) To encourage the highest degree of co-operation between management and workers so as to ensure maximum efficiency and production.

(2.) In particular, without limiting the generality of the provisions of subsection one of this section, 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 connection with the production and distribution of coal, and the manufacture, procurement, improvement, and standardisation of such machinery, plant, and equipment ;
- (d) The classification, grading, washing and cleaning 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 resale of coal, the values at which coal is recorded in the accounts of any business, and of profits in the coal industry ;
- (h) The health and, subject to this Act, the 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 and co-operation with the Commonwealth Government and 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 control of the manning of mines and 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, 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 ;

1948.

*Coal Industry (Control) Act.*PART III.—
POWERS OF
THE
QUEENSLAND
COAL BOARD.

- (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 assume control of the management and operation of any coal mine ;
- (g) To acquire any coal mine and to operate any mine acquired by or vested in it ;
- (h) 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 or of the Commissioner for Railways) ;
- (i) To establish and operate, or assist others to establish and operate, coal mines and other undertakings or enterprises ;
- (j) 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
- (k) To suspend or exclude from employment in the coal industry, subject to appeal to the Industrial Court in manner prescribed by rules of that court, any superintendent, manager, or other 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.

Safety in
coal mines.

19. (1.) Where any question arises at a coal mine in the State as to whether the safety of employees at the mine is endangered, or is likely to be endangered, by any methods of working then in operation or proposed to be put in operation in the mine, the Board is to have power to refer the question to an Inspector of Coal Mines approved by the Chief Inspector of Coal Mines and to an officer of the Board with a request that the question be at once considered and reported upon, so far as possible in co-operation with the manager of the coal mine and with a miners' check inspector.

(2.) Where any such question has been so referred to an Inspector of Coal Mines and to an officer of the Board, that Inspector and officer are forthwith to make or cause to be made such inspections, investigations, and inquiries as they deem necessary and to furnish to the Board a report setting out their opinion on the question referred to them and as to the relation of that question to the relevant provisions of any Act relating to safety in coal mines.

(3.) If the Board after receipt of the report is of opinion that the safety of employees at the coal mine is, or is not, or is or is not likely to be, endangered by all or any of the matters referred to in subsection one of this section, it is to have power, by order, to direct the owner of the coal mine and any other person to do or refrain from doing all such matters or things in relation to the operation of coal mines as are specified in the order :

Provided that no such order shall derogate from any provisions of the law of the State prescribing requirements to be observed for securing the safety of persons engaged in or about coal mines.

(4.) The owner of the coal mine and any such other person shall forthwith comply with the directions contained in the order.

(5.) All persons having any duties, powers, or functions under the laws of the State relating to the regulation of coal mines shall act in aid of the Board for the purpose of giving effect to any order made by the Board.

1948.

*Coal Industry (Control) Act.*PART III.—
POWERS OF
THE
QUEENSLAND
COAL BOARD.

(6.) In this section, the terms "Chief Inspector of Coal Mines," "Inspector of Coal Mines" and "miners' check inspector" respectively mean the Chief Inspector of Coal Mines, an inspector, and a miners' check inspector as defined in or appointed under **"The Coal Mining Acts, 1925 to 1947."*

20. (1.) The Board may from time to time employ Employees. such and so many employees as it thinks necessary for the purposes of the execution of its powers and functions under this Act.

The wages and other conditions of employment of every employee of the Board shall be such as may be fixed or determined by the applicable award or determination of the Industrial Court, tribunal, or authority having jurisdiction in that behalf or, if there is no such award or determination as respects an employee, as are fixed by the Board.

21. (1.) The Board shall, as and when required by the Minister, furnish reports to the Minister with regard 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 reorganisation, acquisition, or development involving substantial outlay of capital, and with respect to proposals affected by and affecting matters of policy including full employment and price stabilisation. Questions on matter of policy.

(2.) The Minister may 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 of the Board is dependent upon the opinion or belief of the Board in relation to any matter and the Minister, in accordance with the last preceding subsection, 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.

22. Nothing in this Act shall be deemed to authorise No industrial conscription. any form of industrial conscription.

* 16 G. 5 No. 30 and amending Acts.

PART IV.—CONTROL OF COAL MINES.

Control of
coal mines.

23. (1.) Where, in the opinion of the Board, it is desirable, with a view to maintaining or increasing the production of coal from any coal mine in the State, that the coal mine should be operated under the control of the Board, the Board may, by written order, authorise any person (in this Act referred to as an "authorised controller") to exercise such functions of control and to do such things, on behalf of the Board, but subject to any directions of the Board, with respect to that coal mine, as the authorised controller thinks necessary for the purpose of maintaining or increasing the production of coal at that coal mine, and the authorised controller may exercise those functions and do those things accordingly.

(2.) So long as there is in force an order under subsection one of this section with respect to the coal mine, the coal mine shall be operated in accordance with the provisions of the order, and the owner and every person concerned with the management or conduct of the coal mine shall comply with any directions given by the authorised controller.

(3.) Upon making any order under subsection one of this section the Board shall cause notice of the effect of the order to be given as soon as practicable in such manner as it thinks necessary for bringing it to the notice of the owner of the controlled mine, and to the notice of such other persons, if any, as should, in the opinion of the Board, have notice of the order.

Responsi-
bilities of
employees
at controlled
mine.

24. (1.) The manager of every controlled mine and all persons employed or usually employed in an administrative, executive or clerical capacity, and all persons otherwise employed or usually employed, in or about the mine shall be officers and employees of the Board.

(2.) For the purposes of **"The Workers' Compensation Acts, 1916 to 1947,"* and of †*"The Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1947,"* applying to persons employed by the Board in or about the controlled mine, those persons shall be deemed to be employed by the owner of the mine.

* 6 G. 5 No. 35 and amending Acts.

† 5 G. 6 No. 24 and amending Acts.

1948.

*Coal Industry (Control) Act.*PART IV.—
CONTROL OF
COAL MINES.

25. The terms and conditions of service of persons who are officers or employees of the Board in pursuance of this Part shall, subject to this Act and subject to any variation in accordance with the provisions of this Act, be—

Conditions
of employ-
ment at
controlled
mine.

- (a) In the case of those persons who were prior to the coal mine becoming a controlled mine employed or usually employed in or about the mine by the owner of the mine—the terms and conditions on which they were employed immediately prior to the mine becoming a controlled mine ; and
- (b) In the case of those persons who are otherwise employed by or on behalf of the Board—the same terms and conditions which would in accordance with any law, or any award, order or determination, of any industrial tribunal, apply to them if they were employed by the owner of the mine, or, if the terms and conditions of employment are not prescribed by any such law, award, order or determination, such terms and conditions as the Board determines.

26. It shall be the responsibility of the owner of a controlled mine to pay the remuneration of all persons employed in or about the mine as officers and employees of the Board and the expenses incurred by the authorised controller of the mine with respect to the operation of the mine.

Owner of
controlled
mine to
remunerate
employees.

27. The owner of a controlled mine who suffers loss (including loss of profits) or damage, by reason of anything done in pursuance of an order under subsection one of section twenty-three of this Act in respect of the mine, shall be entitled to such compensation as is determined by agreement between the Board and the owner of the coal mine, or, in the absence of agreement, as is determined by an action by the owner against the Board in any court of competent jurisdiction.

Owner of
controlled
mine to be
compensated
for loss.

PART V.—ACQUISITION OF LAND, COAL AND
EQUIPMENT.

Division 1.—Board may operate Coal Mines.

PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.

Division 1—
Board
may operate
Coal Mines.

28. In this Division the term “land” includes (but without limiting its ordinary meaning or the meaning assigned to it by **The Public Works Land* term “land.”

Meaning of
term
“land.”

* 6 E. 7 No. 14 and amending Acts.

Coal Industry (Control) Act.

12 GEO. VI. No. 18,

PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.

Division 1—
Board
may operate
Coal Mines.

Resumption Acts, 1906 to 1940”) not only an estate in fee-simple in land, but also any other estate or interest in land (legal or equitable) and any easement, hereditament, right or privilege in, over, or affecting land.

Board may
operate
coal mines.

29. The Board may establish, maintain, manage, conduct and operate a coal mine or coal mines, and for those purposes may open a new coal mine, or may reopen a coal mine which has been closed or abandoned, or may acquire an existing coal mine.

Acquisition
of land.

30. (1.) The Board may, with the prior approval of the Governor in Council, acquire land for any of the purposes of this Act.

(2.) The power to acquire land conferred by this Part of this Act shall include power to acquire any particular estate or interest in land (legal or equitable) or any easement, hereditament, right or privilege in, over, or affecting land.

(3.) The Board shall make provision to the satisfaction of the Governor in Council for the payment of compensation for the land, together with interest and all necessary charges and expenses incidental to the acquisition of the land.

Power of
Board to
take land.

31. For the purposes of this Act the Board shall be and be deemed to be a constructing authority within the meaning of **“The Public Works Land Resumption Acts, 1906 to 1940,”* and shall in addition to any further powers and authorities under this Act have and may exercise all the powers and authorities of a constructing authority under such lastmentioned Acts accordingly :

Provided that, in lieu of the procedure as to the taking of land and the time limited for making a claim for compensation in respect thereof, as provided by **“The Public Works Land Resumption Acts, 1906 to 1940,”* the procedure to be observed in and with respect to the taking by the Board of any land and the time limited for making a claim for compensation in respect thereof shall be as hereinafter in this Act provided ; and the provisions of **“The Public Works Land Resumption Acts, 1906 to 1940,”* shall, in and with respect to the taking of any land by the Board, be read and construed accordingly.

* 6 E. 7 No. 14 and amending Acts.

1948.

*Coal Industry (Control) Act.*PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.Division 1—
Board
may operate
Coal Mines.Procedure
as to taking
of land
modified.

32. (1.) Neither section six nor paragraph (i.) of section seven of **The Public Works Land Resumption Acts, 1906 to 1940,*” shall apply or extend to or with respect to land proposed to be taken by the Board for any purpose of this Act but, in lieu of the said section six, the following provisions shall apply, namely :—

When the Board proposes to take any land for such purpose it shall, not less than thirty clear days before the Proclamation in respect of such land prescribed by paragraph (ii.) of section seven of **The Public Works Land Resumption Acts, 1906 to 1940,*” is made, serve upon each person who to its knowledge is entitled pursuant to section fifteen of such lastmentioned Acts to make a claim for compensation a notice stating that it proposes to take such land for the purposes of this Act and containing the particulars hereinafter prescribed.

Such notice shall—

- (i.) Contain a description of the land to be taken sufficient to identify same ; and
- (ii.) State that the Board is willing to treat as to the compensation to be paid in respect of the land taken and all consequential matters.

It shall not be necessary to state in such notice the specific purpose for which the land is proposed to be taken but every such notice shall, as respects such statement, be sufficient if it states that the land is proposed to be taken for the purposes of this Act.

(2.) (a) The Board, with the prior approval of the Governor in Council, may at any time within six months after the service of any notice or notices pursuant to subsection one of this section, but before the making of the Proclamation in respect of the land concerned prescribed by paragraph (ii.) of section seven of **The Public Works Land Resumption Acts, 1906 to 1940,*” serve upon every person who has been served with such firstmentioned notice a further notice stating that the Board is discontinuing the resumption of the land concerned. Service of the further notice or notices prescribed by this subsection shall discontinue the resumption concerned, and no person shall have any claim for compensation, or any other right or remedy whatsoever against the Crown or the Board or any other

* 6 E. 7 No. 14 and amending Acts.

PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.
Division 1—
Board
may operate
Coal Mines.

Coal Industry (Control) Act.

12 GEO. VI. No. 18,

person whomsoever for any loss or damage alleged to have been occasioned (directly or indirectly) by the service of a notice, or further notice, as aforesaid except a claim for the amount of any actual damage done to the land concerned by the Board or by a person acting under the authority of the Board.

(b) Any such notice or further notice may be served personally or by post, and for the purpose of service by post any such notice shall be properly addressed if it is addressed to the place of abode or business address of the person to be served therewith last known to the Board.

(3.) The omission by the Board to serve upon any person entitled thereto a notice as prescribed by subsection one of this section shall not prejudice any Proclamation made under paragraph (ii.) of section seven of **“The Public Works Land Resumption Acts, 1906 to 1940,”* with respect to any land, and any land included in any such Proclamation shall be deemed to be taken in terms of the Proclamation concerned notwithstanding any such omission, and the omission by the Board to serve upon any person entitled thereto a further notice as prescribed by subsection two of this section shall not prejudice the discontinuance of any resumption by the Board.

(4.) Subsection three of section eight of **“The Public Works Land Resumption Acts, 1906 to 1940,”* shall, with all necessary modifications, apply and extend to and with respect to any notice or further notice referred to in this section as well as to any Proclamation taking land.

33. Subsection one of section eighteen of **“The Public Works Land Resumption Acts, 1906 to 1940,”* shall not apply or extend to or with respect to land taken by the Board for any purpose of this Act, but the time limited for making a claim for compensation under such lastmentioned Acts shall be six months from the date of the Proclamation taking the land, except in the case of a claimant not notified by the Board of its intention to take the land concerned who may claim compensation within six months after the making of such Proclamation came to his knowledge.

Limit of
time for
making
claim for
compen-
sation.

1948.

Coal Industry (Control) Act.

PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.

Division 1—
Board
may operate
Coal Mines.

Amount of
compensation
payable to
trustees.

34. The claim for compensation of the trustee or trustees of any land in respect of the taking of same by the Board for any purpose of this Act shall be limited to the amount of actual damage caused to the trust by reason of the taking, and no such trustee shall have any other right, remedy, or claim whatsoever in respect of such taking against the Crown or the Board, or any other person whomsoever, and this Act, **“The Public Works Land Resumption Acts, 1906 to 1940,”* and every other relevant Act or law or rule, practice, or process of law, or judgment of any court of competent jurisdiction, shall be read, construed and applied subject to this section.

35. Notwithstanding anything contained or implied in this Act or in any other Act or law or rule or process of law to the contrary, in the assessment and fixation of compensation to be paid to any person for or in respect of the resumption of any land for any purpose of this Act, whether such compensation is determined by agreement or by the court under **“The Public Works Land Resumption Acts, 1906 to 1940,”* the enhancement or prospective enhancement of the value of any such land resultant or likely to be resultant on the carrying-out or prospective carrying-out of the purpose for which the land is resumed shall be entirely disregarded and compensation shall be assessed and fixed accordingly.

Taking not
to enhance
value of
land.

36. Notwithstanding anything contained in any Act or law or rule or process of law to the contrary, costs in respect of proceedings to determine the value of resumptions for any purpose of this Act may be awarded at the discretion of the court :

Costs.

Provided that if the amount of compensation as finally fixed by the court is the amount claimed by the claimant or is nearer to such amount than to the amount offered by the Board costs (if any) shall be awarded to the claimant ; otherwise costs (if any) shall be awarded to the Board.

37. To the extent necessary to give effect hereto this Act shall be read and construed with and as modifying **“The Public Works Land Resumption Acts, 1906 to 1940,”* and, in so reading, construing, and modifying such last-mentioned Acts, the term “ land ” shall mean and include

Construction
of Act.

* 6 E. 7 No. 14 and amending Acts.

land as defined by this Act, and the term “ Registrar of Titles ” shall include the authority charged with registering instruments of title to the tenure of the land :

Provided that no provision of such lastmentioned Acts shall entitle, or be deemed to entitle, any person to claim compensation in excess of the value of his estate or interest in any land taken by the Board for any purpose of this Act.

Taking by
agreement.

38. The Board may, with the prior approval of the Governor in Council, acquire by agreement any estate or interest of any person in any land required for any purpose of this Act, and in any such case the compensation to be made may be either agreed upon or left to be determined under **“ The Public Works Land Resumption Acts, 1906 to 1940,”* as modified by this Act.

The Board may execute all instruments and do and perform all acts necessary for the completion of the acquisition of any land acquired by agreement under this section.

When
coal, &c.,
deemed to
be acquired
with land.

39. Where any land upon or in which a coal mine is situated, or upon or in which any works used or capable of being used for or in connection with the operation of a coal mine are situated, is resumed by the Board under **“ The Public Works Land Resumption Acts, 1906 to 1940,”* as modified by this Act, any plant, equipment, machinery, vehicles and other fixed or movable appliances or works of any description in or upon such land at the date of such resumption used or capable of being used for or in connection with the operation of a coal mine shall vest in the Board.

The compensation payable in respect of any such resumption shall include the value, as at the date of resumption, of plant, equipment, machinery, vehicles, appliances and works vested in the Board pursuant to this subsection. Such value shall be the value agreed upon between the Board and the owner and in default of agreement the value determined by the Land Court in terms of **“ The Public Works Land Resumption Acts, 1906 to 1940,”* as modified by this Act.

* 6 E. 7 No. 14 and amending Acts.

1948.

*Coal Industry (Control) Act.*PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.*Division 2—
Acquisition
and
Requisition of
Coal and
Equipment.*Acquisition
and
requisition
of coal and
equipment.*Division 2—Acquisition and Requisition of Coal and Equipment.*

40. (1.) For all or any of the purposes specified in paragraphs (a), (b), and (c) of subsection one of section eighteen of this Act the Board may—

- (a) Issue a direction declaring that any coal specified or described in the direction is acquired by the Board ; or
- (b) Issue a direction declaring that any equipment of whatever kind (not being a fixture or part of the soil) used or capable of being used in the production, treatment, handling or distribution of coal and specified in the declaration is acquired by the Board ; or
- (c) Require any person who is the owner of any equipment of whatever kind (whether as a fixture or part of the soil or not) which is specified or described in the requirement and is used or is capable of being used in the production, treatment, handling or distribution of coal, including any trucks or vehicles (not being the property of the Crown or of the Commissioner for Railways) to make the equipment available to the Board,

and for any coal or equipment so acquired or required to be made available, or for the use of any equipment so made available, compensation shall be payable by the Board as provided in this section to the owner of the coal or equipment.

(2.) Any direction or requirement issued or made under subsection one of this section shall be served in the manner prescribed by subsection two of section fifty-six of this Act upon the owner of the coal or equipment specified or described in the direction or requirement, or where the owner is unknown and cannot with reasonable diligence be ascertained, shall be served upon the person for the time being in possession of the coal or equipment or upon the occupier of the land upon which the same is situated.

(3.) Any person on whom a requirement under paragraph (c) of subsection one of this section is served shall, within such time as is specified in the requirement, make the equipment available accordingly.

(4.) Where any coal or equipment is acquired or any equipment is made available under this section, the general or special property therein shall pass to the Board freed from all mortgages, charges, liens, pledges, interests and trusts affecting the coal or equipment and the rights and interests of any person in the coal or equipment shall, by virtue of this section, be converted into a claim for compensation to be satisfied out of the compensation payable to the owner of the coal or equipment.

(5.) The compensation payable by the Board for any coal acquired under this section shall be a sum equivalent to the price payable for the coal as at the date of acquisition in accordance with the current price determination as made by the person or authority legally authorised to make such determination and applicable to the coal.

(6.) The compensation payable by the Board for any equipment acquired or required to be made available, or for the use of any equipment made available, under this section shall include compensation for loss of profits and other consequential losses and shall be determined by agreement between the Board and the owner of the equipment, and in default of agreement shall be determined by the Land Court.

The Land Court shall have jurisdiction to hear and determine all matters of compensation arising under this section, and the Land Appeal Court shall have jurisdiction to hear and determine all such matters upon appeal and for such purposes all the provisions of Divisions III. and IV. of Part II. of **"The Land Acts, 1910 to 1946,"* so far as the same are applicable shall extend to the hearing and determination of such matters in the first instance and upon appeal.

(7.) The decision shall be final as regards the compensation awarded but shall not be deemed to be final as regards the right or title of the claimant or any other person to receive the compensation or any part thereof.

Subject to the foregoing provisions of this subsection, sections twenty-three and twenty-six of †*"The Public Works Land Resumption Acts, 1906 to 1940,"* shall apply and extend to and in respect of compensation under this section to the same extent as such sections apply to and with respect to compensation for land.

* 1 G. 5 No. 15 and amending Acts.

† 6 E. 7 No. 14 and amending Acts.

1948.

*Coal Industry (Control) Act.*PART V.—
ACQUISITION
OF LAND,
COAL AND
EQUIPMENT.Division 2—
Acquisition
and
Requisition of
Coal and
Equipment.

The power to make rules of Court under **“The Land Acts, 1910 to 1946,”* shall include power to make all such rules of Court as may be deemed to be necessary or expedient for the purposes of this section.

PART VI.—FINANCE.

PART VI.—
FINANCE.

41. (1.) The Board shall open and maintain an account or accounts at the Commonwealth Bank of Australia or such other bank as the Minister shall approve into which it shall pay all moneys received by it. Accounts.

(2.) The Board shall, as soon as possible after the close of each financial year, submit to the Minister an annual report in the prescribed form of its financial accounts in respect of that year including a balance-sheet, in the prescribed form, in respect of each Fund kept in the books of the Board.

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

(4.) The Board shall keep accounts in such form as is prescribed.

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

- (a) A Welfare Fund ;
- (b) A Coal Industry Fund ; and
- (c) Such other funds as are prescribed.

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

Moreover such other moneys as may from time to time be made available by the Commonwealth or otherwise for the promotion of the welfare of employees in the coal mining industry in the State, their dependants, and communities of persons in coal mining areas, shall, upon receipt by the Board, be credited to the Welfare Fund.

(3.) There shall be credited to any Fund established under paragraph (c) of subsection one of this section such moneys becoming payable to the Board as are prescribed.

* 1 G. 5 No. 15 and amending Acts.

(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 subsections two and three of this section.

(6.) The moneys standing to the credit of any Fund established under paragraph (c) of subsection one of this section shall be applied in meeting such expenditure under this Act (including any allocations to the Welfare Fund) as is prescribed.

(7.) The moneys standing to the credit of the Coal Industry Fund shall be applied in meeting any expenditure incurred under this Act (including any allocations to the Welfare Fund) other than expenditure specified in subsection four of this section and expenditure prescribed under subsection six of this section.

Subsidy or
loan to Local
Authority
by Board.

43. Where in the opinion of the Board the establishment or carrying out by any Local Authority of any water supply, electricity, sewerage or other undertaking of, or any function of, Local Government or any extension of or addition to any such undertaking or function is necessary for, or incidental to, the effective exercise by the Board of any of its powers and functions, or would enable the Board to exercise any of its powers and functions effectively, the Board may make to such Local Authority such loan or grant by way of a subsidy for the purpose of assisting the Local Authority to establish, carry out, extend or add to such undertaking or function as the Minister shall approve.

The amount of any such grant or loan shall, according to the nature of undertaking or function in respect of which it is made, be made from the appropriate Fund of the Board.

Parlia-
mentary
appropri-
ations.

44. There shall be payable to the Board from time to time such amounts as are appropriated by Parliament.

Any money so appropriated to a particular purpose of this Act shall be applied by the Board to that purpose and not otherwise.

1948.

*Coal Industry (Control) Act.*PART VI.—
FINANCE.

45. (1.) The Governor in Council may authorise the Board to borrow money—

Power of Board to borrow moneys.

- (a) Subject to appropriation by Parliament, from the Treasurer ;
- (b) On overdraft from any bank ;
- (c) By the sale of debentures, in which case the authority shall be given by Order in Council.

The Order in Council shall declare the amount that may be so borrowed, the purposes for which the same shall be borrowed, the currency of the loan, the amount of interest payable thereon, the terms and conditions for the redemption of the loan whether by yearly or half-yearly payments or payments into a Sinking fund, and such other conditions as the Governor in Council thinks proper to impose.

(2.) Before entering upon negotiations to borrow money under and in pursuance of this section the Board shall first obtain the sanction of the Treasurer authorising it to enter upon such negotiations and for this purpose shall submit to the Treasurer such information as the Treasurer shall require.

(3.) The Board shall be and be deemed to be a "local body" under and within the meaning of **"The Local Bodies' Loans Guarantee Acts, 1923 to 1936,"* and the provisions of that Act shall, subject to such modifications thereof as the Governor in Council may by Order in Council prescribe either generally or in any particular case, apply and extend accordingly.

(4.) Any money borrowed by the Board shall be expended for the purposes for which the Board was authorised to borrow same and not otherwise.

If any amount of a loan remains unexpended upon the completion of the purpose for which such loan was borrowed such amount shall be applied as directed by the Treasurer.

46. Every loan advanced by the Treasurer under the provisions of this Act shall be liquidated by the payment to the Treasurer by the Board on the first days of January and July, respectively, in every year of such

Repayment of Treasury loans.

* 14 G. 5 No. 8 and amending Acts.

instalments of principal and interest at the prescribed rate as will permit the said loan to be wholly redeemed within the prescribed period of the said loan, and such sums shall continue to be payable until all the moneys advanced from time to time by the Treasurer, together with the interest accruing thereupon, have been so paid.

The Treasurer may at any time make any adjustment which he considers necessary to be made with respect to the period of any loan or the calculation of interest thereupon or with respect to any other matter requiring adjustment.

Debentures.

47. (1.) Subject to this Act, all debentures shall be issued in such series, at such time, and in such a manner as the Board thinks fit, and shall be a charge upon all the assets and revenues of the Board howsoever arising, subject to any prior debentures issued according to law.

Such debentures shall bear interest at the rate and shall be repayable on the date respectively prescribed in the Order in Council.

(2.) Every debenture shall specify the time when and the place where the principal and interest are payable, and shall have annexed thereto for every payment (whether of principal or interest, or principal and interest) to grow due thereon a coupon, and every such debenture and coupon, unless otherwise authorised by the Governor in Council, shall be transferable by delivery.

(3.) Every such debenture shall be under the seal of the Board, and shall be signed by the Chairman, and when so sealed and signed shall be deemed to have been duly issued, and the holder thereof shall not be bound to inquire whether such issue was in fact duly authorised.

(4.) The Board may authorise the sale or disposal of any such debentures in Queensland or in places beyond Queensland, and may appoint an agent or agents to negotiate such sale.

(5.) The holder of any such debenture shall be entitled to receive payment from the Board of such debenture, on or after the due date thereof, at the place where the same is expressed to be made payable.

1948.

*Coal Industry (Control) Act.*PART VI.—
FINANCE.

The holder of any coupon originally annexed to a debenture, and whether separated therefrom or not, shall be entitled to receive payment in like manner of the sum mentioned in such coupon upon presentation of the same at the place where, and on or after the date when, such sum is payable.

48. (1.) In the months of February and August respectively in every year, the Treasurer shall cause to be published in the *Gazette* with respect to loans made by the Treasurer to the Board the amount of money which is then overdue and in arrear and also the total of the principal sum then remaining unpaid. Defaults in repayment.

If thereafter on the thirtieth day of April or the thirty-first day of October, respectively, any part of such money so overdue and in arrear remains unpaid, the Treasurer may, by notification in the *Gazette*, appoint a receiver to collect on his behalf and to pay to the Treasury all or any moneys from time to time due and owing to the Board to the amount stated in such notification; and the Treasurer may from time to time make all such orders and give all such directions with respect to the powers and duties of such receiver and the management by him of the business of the Board as the Treasurer thinks proper, and judicial notice shall be taken of all such orders and directions.

Thereupon such receiver shall from the date stated in such notification be the only person legally entitled to receive the revenues of the Board, and shall be deemed to that extent and for that purpose to be a "public accountant" within the meaning of **The Audit Acts, 1874 to 1945*" (or any Act amending or in substitution for such Acts).

(2.) If default is made by the Board in making any payment, whether of principal or interest, to the holder of any debenture or coupon, the holder of such debenture or coupon shall be entitled to make application to and procure all necessary orders and directions from the Supreme Court for the appointment of a receiver, and such court shall have power to make all such orders for the appointment of a receiver, or for his removal and the appointment of another in his place as may be necessary, and to make any orders and give any directions which such court may think proper, and such receiver shall be deemed to be an officer of such court.

* 38 V. No. 12 and amending Acts.

(3.) Subject to this Act, the receiver shall have power to make and collect all charges authorised to be made and collected by the Board and be entitled to receive all charges and revenues whatsoever payable to the Board for or in respect of which he has been appointed receiver, and for such purpose such receiver shall be deemed to be the Board and may exercise all the powers thereof.

The receiver shall be entitled to such commission payable out of the revenue as remuneration for his services as the Treasurer or court may appoint.

The receiver, if appointed by the Treasurer, shall pay over all moneys received by him to the Treasurer and the receiver, if appointed by the court, shall subject to any order of the court pay over all moneys received by him to such holder, or to and among the holders of debentures or coupons of the same series as such holder, or to the holders of debentures or coupons generally in such order of priority or otherwise as the court may think fit and if there is any balance in hand over and above the amount due and payable to him under this Act the receiver shall pay such balance to the Board.

Brokerage.

49. Subject as is hereinafter provided, the Board may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating, or obtaining the loan of any money which the Governor in Council has by Order in Council permitted to the Board to borrow :

Provided that no moneys shall be paid by the Board by way of brokerage for or in respect of the loan of any moneys borrowed by it unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as to him shall seem fit :

Provided further that section fourteen of **"The Money Lenders Acts, 1916 to 1934,"* shall not apply or extend to brokerage which the Board is authorised to pay under and in accordance with this subsection, and which brokerage has been approved by the Treasurer and is agreed to be paid by the Board subject to the terms and conditions, if any, imposed by the Treasurer.

* 7 G. 5 No. 13 and amending Acts.

1948.

*Coal Industry (Control) Act.*PART VI.—
FINANCE.

50. (1.) The owners of coal mines shall in each year pay to the Board such sum as may be fixed by the Board and approved by the Governor in Council by Order in Council. Annual contributions by mine owners.

(2.) The moneys payable by owners of coal mines under this section shall be paid in such manner and at such times as may be prescribed.

Without prejudice to the generality of the foregoing provisions of this subsection the regulations may prescribe the basis or bases upon which the contributions of individual owners may be assessed.

Provided that the provisions of subsection one of this section and of the said regulations shall apply so as not to require an owner of a coal mine to make any annual payment to the Board in respect of any coal mined by him which is supplied or sold for export (whether in ships' holds or bunkers) from the Commonwealth.

(3.) The regulations made under this section may make all such provision as is necessary or expedient to give effect to the proviso to subsection two of this section.

51. 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. Board may invest its funds.

52. 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. Board may allocate moneys.

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

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

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

54. The property, income and operations of the Board shall not be liable to taxation under any law of the State. Exemption from taxes and duties.

Moreover no instrument to which the Board is a party or receipt issued by the Board shall be liable to stamp duty under any law of the State, but the provisions of this paragraph shall not exempt from stamp duty any receipt issued by any other person to the Board.

PART VII.—GENERAL.

Compensation for loss resulting from suspension of contract, &c.

55. (1.) 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 (j) of subsection three of section eighteen of this Act, he may, within three months after the exercise of the power, lodge with the 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 him against the Board in any court of competent jurisdiction.

(2.) Any person who shall suffer loss or damage by reason of the wrongful act, neglect, or default of the Board or of any person acting or purporting to act under this Act or in pursuance thereof, or by reason of any invalid or unauthorised order, provision, direction or determination made or given by the Board, or anything done in pursuance of any such order, provision, direction or determination shall be entitled to such compensation as is determined by agreement between such person and the Board or in the absence of agreement as is determined by an action by such person against the Board in any court of competent jurisdiction.

(3.) Nothing in this section shall entitle any person to compensation by reason of the performance of any obligation imposed by or under any other Act.

Service of orders, &c.

56. (1.) Where any order, direction or requirement made or given under this Act is published in the *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

1948.

*Coal Industry (Control) Act.*PART VII.—
GENERAL.

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.

57. Any person thereto authorised 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 connection with such production, distribution or use.

Access to
premises,
books, &c.

58. 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.

Persons to
comply with
orders.

59. (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.

Power of
Board to
perform
work.

(2.) Anything done by the Board in pursuance of this section shall, so far as necessary, be deemed to have been duly authorised 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.

60. Any person who refuses or fails to comply with any order, direction or requirement made or given by any authority in exercise of any power or function vested in it by this Act shall be guilty of an offence against this Act, and shall, in the case of a company, be liable to a penalty not exceeding one thousand pounds and, in addition, to a penalty not exceeding one hundred pounds for each day during which the offence continues,

Offences.

and, in the case of an individual, be liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months or both.

Any offence against this Act may be prosecuted in a summary way under **"The Justices Acts, 1886 to 1946."*

Regulations.

61. (1.) The Governor in Council may, from time to time, make all such regulations as he deems necessary or convenient for the purpose of carrying this Act into execution, and, in particular but without limiting the generality of his power to make regulations, may make regulations prescribing all matters which by this Act are required or permitted to be prescribed (excepting any such matter required by this Act to be prescribed otherwise than by regulation) 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, and generally for regulating and carrying into effect any action taken by the Board in the exercise of any such power or function.

(2.) Every such regulation shall—

- (a) Be published in the *Gazette* ;
- (b) Upon its publication in the *Gazette*, be judicially noticed ;
- (c) Take effect from the date of such publication or from a later date to be specified in the regulations ; and
- (d) Be laid before Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before Parliament disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purposes of this paragraph the term " sitting days " shall mean days on which Parliament actually sits for the despatch of business.

(3.) Regulations hereunder may be made on the passing of this Act.

* 50 V. No. 17 and amending Acts.