

- (g) The provision of additional land, premises, and equipment for reserves and recreation grounds, and for the improvement thereof 50,000
- (h) The extension, improvement, furnishing, heating, and ventilating of public halls 10,000

18—(1) The amendment contained in paragraph I. of section seventeen shall be deemed to have come into force at the commencement of the Principal Act. Operation of amendments.

(2) The amounts set forth in paragraph II. of section seventeen shall be inclusive of and not in addition to the moneys authorised to be raised under the *Hobart Corporation (Loans) Act 1947** hereby repealed.

* 11 Geo. VI. No. 33. See s. 16, *supra*.

COAL MINING INDUSTRY LONG SERVICE LEAVE.

No. 85 of 1950.

AN ACT to Constitute a Coal Mining Industry Long Service Leave Trust Fund; to provide for the Payment therefrom to Employers in the coal mining Industry of Amounts paid by them to Employees in respect of long service Leave accrued to such Employees under certain Awards; to amend the *State Employees (Long Service Leave) Act 1950*; to validate certain Matters; and for Purposes connected therewith. [21 December, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Coal Mining Industry Long Service Leave Act 1950*. Short title and commencement.

(2) This Act shall commence upon a day to be proclaimed.

Interpre-
tation.

No. 23, 1950
(N.S.W.),
s. 2.

2—(1) In this Act unless the contrary intention appears—

“Administrator” means the Administrator appointed under this Act;

“award” means any award made by the Coal Industry Tribunal relating to long service leave benefits to employees to whom any such award applies which the Governor declares by proclamation to be an award for the purposes of this Act; and includes any order made pursuant to any provision in any such award which the Governor so declares to be a provision for this purpose;

“employer” means any employer bound by an award;

“fund” means the Coal Mining Industry Long Service Leave Trust Fund constituted under section three of this Act.

(2) A reference in this Act to any Commonwealth Act shall include a reference to that Act as amended from time to time.

Coal Mining
Industry
Long Service
Trust
Fund.

Ibid., s. 3.

3—(1) There shall be constituted an account in the Treasury to be called the Coal Mining Industry Long Service Leave Trust Fund.

(2) The Fund shall consist of—

(a) such amounts as are from time to time advanced to the Fund by the Treasurer; and

(b) all amounts received by the State from the Commonwealth under the *States Grants (Coal Mining Industry Long Service Leave) Act 1949** of the Parliament of the Commonwealth.

(3) The Fund shall be applied—

(a) to the reimbursement of any employer of the amounts paid by him under and in accordance with the provisions of any award and with the prior approval of the Administrator to any employee or the personal representative of any deceased employee in respect of long service leave due to or shifts of entitlement accumulated by such employee or deceased employee under and in accordance with the provisions of any award; and

(b) in meeting the costs incurred in the administration of this Act.

Payments to
employers.

Ibid., s. 4.

4—(1) An employer shall be entitled to be reimbursed the amount paid by him under and in accordance with the provisions of any award to any employee or the personal representative of any deceased employee in respect of long service

leave due to or shifts of entitlement accumulated by such employee or deceased employee under and in accordance with the provisions of any award if he has obtained the approval of the Administrator prior to making such payment.

(2) The Administrator shall not approve of any payment referred to in subsection one of this section unless he is satisfied that the employee or the personal representative of a deceased employee is entitled to such payment.

5—(1) The Transport Commission shall in respect of coal produced at a State coal mine which is not subject to duties of excise under the *Excise Tariff* 1921-1949* of the Parliament of the Commonwealth, pay to the Commonwealth for the purposes of the *States Grants (Coal Mining Industry Long Service Leave) Act* 1949† of the said Parliament such amounts as would have been payable as duties of excise under the said Excise Tariff had such coal been subject to such duties of excise.

Payments to Commonwealth.

Ibid., s. 5.

In this subsection "State coal mine" means any coal mine operated by the Transport Commission under the powers contained in section nine of the *Transport Act* 1938‡.

(2) This section shall be deemed to have commenced upon the first day of November, one thousand nine hundred and forty-nine.

6 There shall be an Administrator of the Fund, who shall be appointed by the Governor, and shall exercise and discharge the powers, authorities, duties, and functions conferred and imposed upon him by or under this Act.

Administrator.

Ibid., s. 6.

7 The Administrator shall—

- (a) be responsible for the prudent and efficient administration of the Fund;
- (b) determine all questions of fact arising in connection with payments out of the Fund;
- (c) maintain such records and accounts as may be necessary for the administration of this Act;
- (d) as soon as practicable after the thirtieth day of June in each year prepare and transmit a report to the Minister exhibiting a true and correct view of the financial position of the Fund and of the transactions of the Administrator; and
- (e) at such times and in respect of such matters as the Minister may require prepare and transmit to the Minister a true and accurate report.

Duties of Administrator.

Ibid., s. 7.

* No. 26 of 1921, as amended by No. 28 of 1924, No. 4 of 1928, Nos. 20 and 21 of 1933, Nos. 24 and 70 of 1938, Nos. 29, 54, and 65 of 1939, Nos. 3, 4, 14, and 93 of 1948, and Nos. 77 and 82 of 1949.

† No. 80 of 1949.

‡ 2 & 3 Geo. VI. No. 70. For this Act, as amended to 1949, see annual volume for 1949, Appendix D.

Power of Administrator to summon witnesses.

Ibid., s. 8.

8—(1) The Administrator may, for any purpose in connection with the administration of this Act—

- (a) summon witnesses;
- (b) receive evidence on oath; and
- (c) require the production of documents or records.

(2) A person who has been lawfully summoned to appear before the Administrator shall not fail to appear and a person who appears, whether summoned or not, shall not—

- (a) refuse to be sworn as a witness;
- (b) fail to answer any question he is lawfully required to answer; or
- (c) fail to produce any document or records he is lawfully required to produce.

(3) Any person who neglects or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a penalty of fifty pounds.

Records to be kept by employers.

Ibid., s. 9.

9—(1) For the purposes of this Act every employer shall maintain such records and in such form as the Administrator may require, and shall at all times correctly record the particulars required by the Administrator and shall when called upon so to do by the Administrator or any person authorised by him in that behalf produce such records for investigation by the Administrator or person so authorised.

(2) Any person who neglects or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a penalty of fifty pounds.

False or misleading statements.

Ibid., s. 10.

10—(1) Any person who for the purpose of obtaining any payment under this Act for himself or for any other person makes any false statement to or misleads or attempts to mislead the Administrator, or any officer concerned in the administration of this Act, or any other person whomsoever or otherwise commits any fraudulent act or omission shall be guilty of an offence and shall be liable on summary conviction to a penalty of one hundred pounds or to imprisonment for twelve months.

(2) Where a person is convicted of an offence under subsection (1) of this section and it is made to appear that, in consequence of such offence, he was wrongly paid any amount in respect of or purporting to be in respect of long service leave accrued under any award the court may, in addition to the penalty or punishment referred to in that subsection, impose a penalty or additional penalty not exceeding twice the amount so wrongly paid.

Validation of awards.

Ibid., s. 12.

11—(1) Each award, insofar as it operates or purports to operate, in relation to employers or employees, or the personal representatives of deceased employees, resident or carrying on business in this State, shall have the force of law, and shall be deemed always to have had the force of law, in accordance with its tenor.

(2) Insofar as any award which has the force of law by virtue of this section confers, or purports to confer, power on an authority, other than the Coal Industry Tribunal, to bring the award into operation, that power may be exercised by the Coal Industry Tribunal.

12—(1) The Governor may make regulations for the purposes of this Act. Regulations.
Ibid., s. 13.

(2) In particular and without prejudice to the generality of subsection (1) of this section the regulations may—

- (a) prescribe the times within which and the manner and form in which applications for payments under this Act may be made;
- (b) prescribe the particulars to be furnished in support of such applications;
- (c) require any person claiming a payment under this Act to make full and complete disclosure to the Administrator in relation to any such claim.

(3) The regulations may impose a penalty not exceeding twenty pounds for any breach of the regulations.

13 Section two of the *State Employees' (Long Service Leave) Act 1950* is amended by inserting at the end of the definition of "employee" the words "but does not include any employee within the meaning of the *Coal Mining Industry Long Service Leave Act 1950*". Amendment of
No. 81 of
1950.

ARCHITECTS.

No. 86 of 1950.

AN ACT to amend the *Architects Act 1929*.
[21 December, 1950.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Architects Act 1950*. Short title
and citation

(2) The *Architects Act 1929**, as subsequently amended, is in this Act referred to as the Principal Act.

* 20 Geo. V. No. 42. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 173. Subsequently amended by 7 Geo. VI. No. 68.