

MINING.

12^o and 13^o GEO. VI., No. LXXXIV.

No. 84 of 1948.

AN ACT to amend the Mining Act, 1904-1945.

[Assented to 26th January, 1949.]

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

1. This Act may be cited as the *Mining Act Amendment Act, 1948*, and shall be read as one with the Mining Act, 1904-1945 (Act No. 15 of 1904, as reprinted with all amendments up to and including the Act No. 56 of 1937, pursuant to the Amendments Incorporation Act, 1938, and as further amended by Act No. 48 of 1945), hereinafter referred to as the principal Act.

Short title.
Of Act No.
48 of 1945,
s. 3.

Citation of principal Act as amended.

2. The principal Act, as amended by this Act, may be cited as the Mining Act, 1904-1948.

Amendment of s. 1.

3. Section one of the principal Act is amended as follows:—

(a) by inserting after the heading—

PART II.—ADMINISTRATION, ss. 5-9,
the heading—

PART IIA.—THE COAL MINES ADVISORY BOARD, ss. 9A-9H;

(b) by inserting at the end of the section a new heading as follows:—

PART XIII.—REGULATION OF THE COAL INDUSTRY AND THE DISTRIBUTION OF COAL.

Division 1—Regulation of the Coal Industry, ss. 313-327.

Division 2—Regulation of the Distribution of Coal, ss. 328-340.

New Part IIA, inserted in the principal Act.

4. A new Part is inserted in the principal Act after Part II., to stand as Part IIA., as follows:—

PART IIA.—THE COAL MINES ADVISORY BOARD.

Definitions.

9A. In this Part, unless the contrary intention appears—

“the Board” means the Coal Mines Advisory Board established by this Part;

“the Chief Coal Mining Engineer” means the person for the time being appointed by the Governor to the office of Chief Coal Mining Engineer and, until a person is so appointed, or during the sickness, absence, or other incapacity of the person so appointed, or during a vacancy in the office, includes any mining engineer employed in the Department of Mines and for the time being appointed by the Minister to act temporarily as the Chief Coal Mining Engineer. A person shall not be eligible for appoint-

ment to the office of the Chief Coal Mining Engineer unless he is the holder of a first class colliery manager's certificate of a standard equal to that of New South Wales or the United Kingdom, and has had practical experience in the administration, organisation, development, mechanisation and superintending of a colliery.

9B. (1) For the purposes of this Act, a Board to be known as the Coal Mines Advisory Board is hereby established.

Establishment
of Board.

* (2) The Board shall consist of three members, as follows:—

- (a) The Chief Coal Mining Engineer, who shall be the Chairman of the Board.
- (b) A person to act as the representative of the persons holding and operating coal mining leases in the State; and
- (c) a person to act as the representative of the union or unions to which the majority of the employees for the time being in the coal mining industry owe membership.

9C. Each member of the Board shall be appointed by the Governor and shall hold office during the pleasure of the Governor.

Appointment
of members
and duration
of office.

9D. (1) The members of the Board shall respectively be entitled to such remuneration in respect of their services as members as shall be prescribed, and such expenses as shall be allowed by the Minister.

Remuneration
of members.

(2) Such remuneration and allowances shall be charged upon and paid out of the Consolidated Revenue Fund.

9E. (1) The Board shall meet at such times and at such places as may be prescribed.

Meetings of
Board.

(2) Every member of the Board shall be present at each meeting of the Board, and the Chief Coal Mining Engineer shall preside thereat.

(3) Subject to the regulations, the Board may regulate its own procedure.

Protection of
members.

9F. A member of the Board shall not be personally liable for any act done in good faith by the Board or by the member as such.

Functions of
the Board.

9G. It shall be the duty of the Board from time to time to tender advice to the Minister as to any matter upon which the Minister desires advice from the Board, or upon which the Board thinks it proper to advise the Minister, and—

(a) which affect or may affect the efficient and economical development or working of all or any of the coal mines in the State, or the safety and health of the persons employed therein, but

(b) which is not an industrial matter as defined in Division 1 of Part XIII. of this Act, or a matter concerning the distribution of coal as provided for in Division 2 of Part XIII. of this Act.

Powers of the
Board.

9H. For the purposes of this Act, the Board shall make such inquiries as it shall think fit, or as the Minister may direct, and, when making any such inquiries, the Board and the Chief Coal Mining Engineer, respectively, may enter upon any coal mining lease or any part thereof, and shall have full and free access to inspect the development and working thereof and the provisions made for the safety and health of employees therein.

Amendment
of s. 308.

5. Section three hundred and eight of the principal Act is amended by repealing paragraph (7) and inserting in lieu thereof the paragraph following:—

(7) For prescribing the labour, development, working and other conditions not hereinbefore provided for, subject to which any mining tenement or class of mining tenements shall be held, and the

condition on which exemption from the performance thereof may be applied for, granted, and obtained, and generally for prescribing the manner in which, the method by which, and with what incidents, rights and obligations any mining tenements or class of mining tenements shall be taken possession of, held, occupied, used, developed, worked, or enjoyed.

6. A new Part, the respective Divisions of which shall come into operation on a date or dates to be proclaimed, is inserted in the principal Act after section three hundred and twelve, to stand as Part XIII., as follows:—

New Part
XIII.

PART XIII.—REGULATION OF THE COAL INDUSTRY AND THE DISTRIBUTION OF COAL.

Division 1—Regulation of the Coal Industry.

313. In this Division, unless the contrary intention appears—

Definitions.

“industrial dispute” means—

- (a) any dispute as to an industrial matter; or
- (b) any threatened or impending or probable dispute as to any industrial matter;

“industrial matter” means any industrial matter likely to affect the amicable relations of employers and employees in the coal industry;

“Court” means the Court of Arbitration constituted under the Industrial Arbitration Act, 1912-1941;

“Tribunal” means the Western Australian Coal Industry Tribunal constituted in pursuance of this Division of this Act;

“union” means the union to which the majority of the workers concerned in an industrial dispute or industrial matter owe membership.

Western
Australian
Coal Industry
Tribunal.

314. (1) The Governor may constitute a tribunal which shall be called the Western Australian Coal Industry Tribunal, and the members of which shall be appointed by the Governor.

Five mem-
bers.

(2) The Tribunal shall consist of five members, of whom—

(a) one shall be chairman;

Two
employees'
representa-
tives.

(b) two, who shall be referred to as the employees' representatives, shall represent employees;

Two
employers'
representa-
tives.

(c) two, who shall be referred to as employers' representatives, shall represent employ-ers.

Deputy
Chairman.

(3) At any time the Governor may appoint a Deputy Chairman to act in performing the duties of the Chairman when the Chairman is unable through illness or absence to perform his duties, and the Deputy Chairman, while acting in performing the duties of the Chairman, shall be regarded as the Chairman for the purposes of this Act.

Substitutes
for represen-
tative
members.

(4) Each of the employees' representatives and employers' representatives may appoint a person as substitute to act in performing his duties in his stead, and while so acting, that person shall be regarded as the representative for the purposes of this Act.

Term of office.

(5) The term of office of each of the five members shall be two years.

Eligibility
for re-
appointment.

(6) Each member shall be eligible for re-appoint-ment at the expiration of the term of his office.

Vacancies.

(7) The Governor may appoint a person to fill any vacancy occurring in membership.

Removal.

(8) The Governor may remove any member for misbehaviour or incapacity.

Remuneration
and expenses.

(9) There shall be payable to the Chairman, Deputy Chairman, and other members of the

Tribunal such remuneration as shall be fixed by the Governor, and such expenses as shall be allowed by the Minister.

(10) The Chairman and half of the other members of the Tribunal shall constitute a quorum, and when a quorum is constituted the Tribunal may validly function notwithstanding that both employees' representatives or both employers' representatives shall fail to attend. Quorum.

(11) If on any question before the Tribunal at any meeting, the other members are evenly divided, the opinion of the Chairman shall prevail. Chairman's opinion to prevail when members not unanimous.

315. Subject to the Commonwealth of Australia Constitution Act, the powers and functions vested in the Tribunal by this Division of this Act are so vested to the extent to which they are not in excess of the legislative powers of the State, and the exercise of any such powers by the Tribunal shall have effect to the extent to which such legislative powers are not exceeded. Limitation of authority of Tribunal.

316. (1) Subject to this section, if, at any time after the commencement of the Mining Act Amendment Act, 1948, the National Security (Coal Mining Industry Employment) Regulations of the Commonwealth shall be repealed, shall expire or shall otherwise cease to have effect within the State, every award, order or decision which—

- (a) shall have been made or given under the said Regulations of the Commonwealth by the Central Coal Authority, the Central Reference Board, the Conciliation Commissioner or a Local Reference Board;
- (b) shall have related to the coal mining industry in the State; and
- (c) shall have been in force immediately prior to such repeal, expiry or cessation of effect as aforesaid, as the case may be,

shall, for the purposes of this Act be deemed to have been made under the authority of this Act and to continue in force and to take effect according to its tenor as if expressly authorised by this Act.

(2) Subject to subsection (4) of this section, all parties and persons shall, as from such repeal, expiry or cessation of effect as aforesaid, abide by any such award, order or decision as aforesaid unless and until it is altered by the tribunal, and if it be altered, shall then abide by it as so altered.

(3) When an award, order or decision as aforesaid is inconsistent with an award, order or decision of the tribunal, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

(4) Any award, order or decision referred to in this section shall be subject to review and determination by the Court under the provisions of section three hundred and twenty-two of this Act.

(5) (a) This section shall have effect notwithstanding any lapse of time, not exceeding one month, between the date of the repeal, expiry or cessation of effect referred to in subsection (1) of this section, and the date whereon this section shall be brought into operation by proclamation under section six of the Mining Act Amendment Act, 1948, and this section shall have such retrospective operation as may be necessary to give effect to the provisions hereof.

(b) If the lapse of time referred to in the last preceding paragraph shall exceed one month, this section shall have effect notwithstanding: Provided that no person shall be liable to prosecution or punishment for any contravention of the award, order or decision referred to in subsection (1) of this section which occurred during such time.

any award or industrial agreement made or registered thereunder, the Tribunal is to have cognisance of—

- (a) any industrial dispute (as defined in this Division) not extending beyond the limits of the State, between the union on the one hand and employers or association of employers on the other hand referred to it by the union, or the employers or associations, parties thereto, or by the Minister;
- (b) any industrial matter arising under any award of the Court, or of the Tribunal relating to the coal mining industry in the State referred to it by the union or the employers or associations affected by the matter, or by the Minister;
- (c) any other matter affecting industrial relations in that industry which the Minister declares is in the public interest proper to be dealt with under this Act.

318. The Tribunal shall consider and determine any industrial dispute, industrial matter or other matter of which it has cognisance, and for any such purpose shall have and may exercise the powers hereinafter in this Act provided.

Powers of
Tribunal.

319. (1) The Chairman may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

Cf. s. 171 of
No. 57 of
1912.
Reprinted in
Vol. 2, 1943.

(2) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the Chairman.

Penalty—One hundred pounds.

(3) The conference may be held partly or wholly in public or in private, at the discretion of the Chairman.

(4) Whenever a conference has been held under this section, and an agreement has been reached as to the whole or some portion of the matters in dispute, the Chairman shall sign and cause to be filed with the Clerk of the Court a memorandum of the matters upon which an agreement has been reached, and the terms and conditions agreed upon; and unless otherwise ordered, and subject to any direction by the Chairman, such memorandum shall thereupon have the force and effect of an award of the Court, and shall be enforceable accordingly:

Provided that before any such memorandum is signed all industrial unions and employers that in the opinion of the Chairman may be affected thereby shall be notified, and shall be afforded the opportunity of being heard.

(5) Whenever a conference has been held under this section, and an agreement has been reached as to some of the matters in dispute, but not as to the whole of the matters in dispute, the Chairman may refer to the Tribunal the matters in dispute as to which no agreement has been reached, and the Tribunal shall have jurisdiction to hear and determine such matters so referred to it, and may incorporate in its award all matters as to which an agreement was reached at the conference, and the award shall be enforceable accordingly.

(6) Whenever a conference has been held under this section and no agreement has been reached, the Chairman may refer to the Tribunal all or any of the matters in dispute, and the Tribunal shall have jurisdiction to hear and determine the same.

Tribunal to act according to equity, etc.

320. (1) The Tribunal shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may inform its mind on any matter in such manner as it thinks just.

(2) The Tribunal may make its own rules of procedure.

Representation of parties at hearing.

(3) On the hearing, determination or decision of any industrial dispute, industrial matter, or other

matter by the Tribunal or a board of reference, hereinafter referred to, as the case may be, under this Act, an organisation may be represented by a member or officer of the organisation, and any party not being an organisation may be represented by an employee of that party, but no party shall (except by leave of the Tribunal or a board of reference, as the case may be) be represented by counsel or solicitor or paid agent.

(4) Pending a determination or decision of any industrial dispute or industrial matter by the Tribunal or a board of reference, the Chairman of the Tribunal, on the application of any party interested in such dispute or matter may by order direct that the conditions or situation out of which such industrial dispute or industrial matter arose shall not be altered pending such decision or determination.

321. (1) The Tribunal may at any time—

- (a) remit to a board of reference for inquiry and report, with or without directions, any industrial dispute, industrial matter or other matter of which it has cognisance and which the Tribunal considers is desirable to have included in any reference for investigation and upon which the Tribunal desires information for the purpose of making an award; and the Tribunal may, but shall not be obliged to accept, any conclusion arrived at or any recommendation made by the board of reference, and all persons concerned in those conclusions and recommendations shall be entitled to be heard before the Tribunal;
- (b) remit to a board of reference, with or without directions for determination and award, any industrial dispute, industrial matter, or other matter of which it has cognisance, whereupon the board of reference shall have power to determine the industrial dispute, industrial matter or other matter and make an award therein.

Boards of
Reference.
Ch. s. 63 of
No. 57 of
1912.
Reprinted in
Vol. 2, 1943.

- (c) Any remission made under the preceding paragraphs of this subsection may be withdrawn by the Tribunal at any time, whether the board of reference has concluded its work or otherwise.

(2) The Tribunal may at any time itself conduct any investigation, inquiry, or proceeding which has been remitted to a board of reference under this Act and upon intimation of its intention to do so being given to the chairman of the board of reference the chairman of the board of reference shall forward to the Chairman of the Tribunal a copy of the evidence taken before the board of reference and the exhibits therein referred to, and upon that intimation being given, the jurisdiction of the board of reference to continue the investigation, inquiry, or proceeding shall cease:

Provided that the Tribunal may at any time again remit to the board of reference any matter arising in the investigation or inquiry for report and upon that remission the jurisdiction of the board of reference to inquire into and report upon the matter shall revive.

**Boards of
Reference.**

322. (1) For the purposes of this Division of this Act, the Tribunal may appoint boards of reference.

(2) Each board of reference shall consist of a chairman, who shall be nominated by the Minister, and two representative members or their deputies, nominated by the employer concerned as to one, and by the union as to one, and notice of the nomination of any deputy shall be given to the Tribunal and to the employer concerned by the union or by the employer concerned to the union, as the case may be.

(3) The board of reference shall hold its meetings in private unless the two representative members or the chairman decide otherwise.

(4) A majority of the members of a board of reference, one of which majority shall be the chairman, shall constitute a quorum, and when a quorum is present the board may validly function, notwithstanding that one representative member is absent.

(5) A board of reference shall meet at such times and places and may adjourn a meeting from time to time and place to place as shall be agreed upon by the chairman and representative members, but failing agreement, as the chairman may determine.

(6) If, on any question before the board of reference, the chairman and representative members are not unanimous, the opinion of the chairman shall prevail. The decision shall be signed and dated by the chairman and a copy thereof shall be sent to all parties concerned and to the Tribunal.

(7) The decision of a board of reference may be reviewed and altered by the Tribunal on the application of the union or the employer concerned, as the case may be, if—

(a) notice of the application is given by the union or the employer concerned, as the case may be, to the chairman of the board of reference and to the other party concerned within seven days of the date of the decision, or such further period of time as the Tribunal may allow; and

(b) the application is lodged with the Tribunal within fourteen days of the date of the decision, or such further period as the Tribunal may allow.

(8) All parties and persons shall abide by the decision of a board of reference, unless and until it is altered by the Tribunal, and if it be altered, shall then abide by it as so altered.

(9) Subject to the provisions of this section, when in regard to any industrial dispute or industrial matter, or other matter of which the Tribunal has cognisance—

(a) an award or order is made by the Tribunal or a board of reference; or

(b) an agreement as to the whole or part thereof is entered into by the parties concerned,

the award, order, or agreement shall be binding on the parties concerned and shall be filed in the Court and shall be enforceable as an award or order of the Court.

Review by
Court.

323. (1) The President, on the application of any party to the reference within one calendar month of any decision, may permit any decision or settlement given or effected by the Tribunal to be reviewed by the Court, and, pending such review, may by order stay the operation of the decision or settlement.

(2) On any such review, the Court may rehear the whole or any part of the industrial dispute or matter in respect of which the decision or settlement was given or effected, and determine the same.

Awards, etc.,
not to be
challenged or
questioned.

324. Except as provided by the next preceding section of this Act, an award, order, or determination of the Tribunal under this Act shall not be challenged, appealed against, quashed, or called into question, or be subject to prohibition, mandamus or injunction in any Court on any account whatever.

Awards of
Tribunal
inconsistent
with award
of industrial
authority.

325. During the currency of an award or order made by the Tribunal under this Act, no award or order made by the Court or by any Tribunal having jurisdiction in industrial matters in the coal mining industry dealing with the same subject-matter and inconsistent with the award or order made by the Tribunal (except an award, order, or decision made under this Division of this Act), shall be effective.

Witnesses.

326. (1) Allowances payable to persons attending under this Act as witnesses before the Tribunal and the fees and travelling expenses payable to the chairman and representative members of boards of reference shall be as prescribed by regulations.

(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.

327. The Governor may make regulations not inconsistent with this Division of this Act prescribing all matters which by this Division 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 Division in the Minister or in the Tribunal, and generally for regulating and carrying into effect any action taken by the Minister or the Tribunal in the exercise of any such power or function.

Regulations.

Division 2—Regulation of the Distribution of Coal.

328. In this Division, unless the contrary intention appears—

Interpreta-
tion.
Of. Cmth.
No. 1 of 1944,
s. 5.

“coal” includes coke;

“distribution” in relation to coal includes sale, gift, delivery and disposal;

“Minister” means the Minister for Mines or other Minister of the Crown for the time being charged with the administration of this Act;

“owner,” in relation to a coal mine, includes every person who has or is entitled to any estate or interest in possession in the coal mine, or who is in actual possession or occupation or control of the coal mine, or of any part thereof, or who is working the coal mine as a licensee or contractor, but does not include a person by reason only of the fact that he is in receipt of a royalty, fine, or rent arising from the coal mine, or from the winning of coal therefrom, or that he is entitled to an estate or interest in the land whereon the mine is situated, which is subject to a reservation or exception of the coal therein, or of minerals including coal, or which for some other reason carries no interest in or right to win that coal or those minerals;

“the Committee” means the Coal Committee constituted under this Act.

Constitution
of Coal Com-
mittee.
Cf. Cmth.
No. 1 of 1944,
s. 15.

329. (1) For the purposes of this Division of this Act, the Minister may constitute a Coal Committee consisting of such number of persons as the Minister determines, and may appoint persons to be members of the Committee.

(2) The Minister may appoint one of the members to be the Chairman of the Committee.

(3) The Committee shall meet at such times and at such places within the State as the Committee or its Chairman shall from time to time determine.

(4) At any meeting of the Committee, a majority of the members thereof shall form a quorum.

(5) The Committee may regulate its own procedure.

Function and
powers of the
Committee.
Cf. Cmth.
No. 1 of 1944,
s. 17.

330. (1) Subject to the Minister, the Committee is charged with the regulation and control of the distribution of coal within the State.

(2) Subject to this Division of this Act, the Committee is empowered to take such action as it considers necessary or desirable to ensure that coal produced in or imported into the State is distributed in such manner, quantities and qualities as are calculated best to serve the public interest and to secure the economical use of coal and the maintenance of essential services and industrial activities.

(3) Without limiting the generality of the foregoing, the Committee, for the purposes of this Division of this Act, and subject to the Minister, is empowered—

- (a) to make and give any order, direction or requirement regulating or controlling the distribution of coal within the State;
- (b) to require any person to receive coal, and to hold it at the disposition and subject to the direction of the Committee;
- (c) to direct any owner of coal or other person to carry, convey, deliver or discharge coal from, to, or at any place or ship, or from or to any person;

- (d) to direct the time within which and the manner in which any such order, requirement or direction shall be complied with;
- (e) to specify the coal, or the quantity or quality of the coal the subject of any such order, requirement, or direction;
- (f) to provide as far as practicable that the distribution of coal shall enable Governmental, industrial and other consumers to meet their requirements by the use of Western Australian coal;
- (g) to require the keeping and production of accounts, books and records, and the compilation and furnishing of returns and other information in such form and relating to such matters as may be specified in the requirement;
- (h) to avoid, vary, suspend, or renew any contract relating to or affecting the distribution of coal;
- (i) to revoke or vary any order, direction, or requirement under this Division of this Act.

Cf. ibid.,
s. 58.

331. Subject to the Commonwealth of Australia Constitution Act, the powers and functions vested in the Committee by this Division of this Act are so vested to the extent to which they are not in excess of the legislative powers of the State, and the exercise of any such powers by the Committee shall have effect to the extent to which such legislative powers are not exceeded.

*Limitation of
authority of
the commit-
tee.*

332. (1) The Committee may require any owner of a coal mine, or any person owning or having in his possession or under his control any coal, to supply to such person as is named in the requirement, such quantity of coal, of such quality, and within such period of time, as is specified in the requirement.

*Order to
supply coal.
Ibid., s. 48.*

(2) Upon service or notification of a requirement under the last preceding subsection, the owner of a coal mine affected by the requirement or the

person owning or having in his possession or under his control any coal shall take proper measures to ensure that the supply of the coal specified in the requirement is given priority to any other order.

(3) The period of time specified in the requirement shall be a period of time within which, in the opinion of the Committee, it is possible for the coal to be delivered, having regard to all the relevant circumstances, and the requirement may provide that the obligation to comply therewith, within the period specified, shall be conditional upon the happening or continuance of circumstances specified in the requirement.

Order to accept delivery of coal.
Ibid., s. 49.

333. The Committee may, or its Chairman, with the approval of a majority of the members of the Committee, may, by order, require any consumer of coal to accept delivery of coal of such a quality or nature as is specified in the requirement.

Returns to be furnished.
Ibid., s. 51.

334. The Committee may, or its Chairman, with the approval of a majority of the members of the Committee, may, by order, require any person being an owner, consumer, distributor, or transporter of coal, to furnish as and when required to the Committee at the address specified in the requirement, particulars in relation to—

- (a) the quantity and nature of coal in his possession and the name and address of the person from whom, and the manner in which, it was obtained;
- (b) the place at which the coal is stored;
- (c) the quantity of coal consumed by him during a period specified in the order;
- (d) the quantity of coal likely to be required by him—
 - (i) weekly for consumption; and
 - (ii) to establish three months' stocks; and
- (e) such other particulars as are specified in the requirement.

335. Any person thereto authorised in writing by the Minister shall, for the purposes of this Division of this Act, at all times have full and free access to all coal mines and to all buildings, places, books, documents, and other papers in connection with any coal mine, and for those purposes may make extracts from or copies of any such books, documents and papers.

Access to premises, books, etc., *Ibid.*, s. 52.

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

Manner of serving order. *Ibid.*, s. 53.

(2) Any order, direction, or requirement under this Division of this Act may be made 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.

337. A person who is affected by any order, direction, or requirement made or given, or deemed to be made or given under this Act by the Committee or by its Chairman, 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, etc., *Ibid.*, s. 54.

338. (1) Where any person fails, wholly or in part, to comply with any order, direction, or requirement, the Committee may, by its officers, employees, or agents, do all things which that person by his failure has omitted to do.

Power of Commissioner to perform work. *Ibid.*, s. 55.

(2) Anything done by the Committee 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 Committee may in the name of its Chairman, recover, in any Court of competent jurisdiction, as a debt due to the Committee, 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.

Offences.
Ibid., s. 56.

339. (1) Any person who contravenes, or fails to comply with any provision of this Act, shall be guilty of an offence against this Division of this Act.

(2) Subject to the regulations, the punishment for an offence against this Division of this Act shall be a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both.

Regulations.
Ibid., s. 57.

340. The Governor may make regulations not inconsistent with this Division of this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Division of this Act, and in particular for prescribing matters providing for or in relation to—

- (a) the payment of fees or allowances to the members of the committee established under this Act; and
- (b) penalties, not exceeding the penalties specified in section three hundred and thirty-eight of this Act, for offences against this Division of this Act, or the regulations and for the recovery of those penalties.

Duration of
Act.
Ibid., s. 62.

341. This Division of this Act shall continue in operation until a date to be fixed by proclamation, and shall be deemed to be repealed on that date.