

Serial Number 1940/135.

**THE COAL-MINES COUNCIL EMERGENCY REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

1 : 1. These regulations may be cited as the Coal-mines Council Emergency Regulations 1940.

1 : 2. In these regulations, unless inconsistent with the context,—
“Coal-mine” means a coal-mine within the meaning of the Coal-mines Act, 1925 :

“Council” means the Coal-mines Council established by these regulations :

“Mining Controller” means the Mining Controller appointed under the Mining Emergency Regulations 1939* :

“Minister” means the Minister of Mines :

“Owner”, when used in relation to a coal-mine, has the meaning assigned to it by the Coal-mines Act, 1925.

REGULATION 2.—THE COAL-MINES COUNCIL.

2 : 1. The Minister may from time to time appoint any persons to be the Coal-mines Council for the purposes of these regulations.

2 : 2. Every member of the Council shall hold office during the pleasure of the Minister.

2 : 3. In making appointments to the Council the Minister shall have regard to the desirability of having a member especially conversant with matters affecting owners of coal-mines and a member especially conversant with matters affecting workers in coal-mines.

2 : 4. Any officer of the Public Service may be appointed a member of the Council.

2 : 5. Subject to the appropriation by Parliament of funds necessary for the purpose, there shall be paid to every member of the Council, not being an officer of the Public Service, such fees and travelling-allowances as the Minister may from time to time authorize, together with all locomotion expenses actually and reasonably incurred in travelling on the business of the Council.

2 : 6. There may be appointed as officers of the Public Service a secretary and such other officers as may be necessary or convenient to enable the Council to carry out its powers.

* Statutory Regulations 1939, Serial number 1939/147, page 667.

REGULATION 3.—FUNCTION AND POWERS OF THE COUNCIL.

3:1. The function of the Council shall be to ensure the steady and uninterrupted output of coal in quantities sufficient for the needs of New Zealand.

3:2. In furtherance of its function the Council shall have power to deal with the following matters, namely:—

- (1) The plant, machinery, and equipment of coal-mines :
- (2) The methods of working and layout of underground workings of coal-mines :
- (3) The methods of transporting coal in any coal-mine underground or on the surface :
- (4) The housing of persons engaged in or about coal-mines :
- (5) The means of transport of persons engaged in or about coal-mines between their homes and their places of work :
- (6) The training and supply of coal-mine workers :
- (7) The methods under which persons are engaged in or about coal-mines, whether as employees or otherwise :
- (8) The terms under which coal-mines held under coal-mining leases granted by the Crown are worked by any person other than the person in whom the lease is for the time being vested :
- (9) The causes and prevention of accidents to persons engaged in or about coal-mines :
- (10) The settlement of industrial disputes :
- (11) All matters incidental to or arising out of the matters aforesaid.

3:3. In dealing with the matters aforesaid the Council shall have power by notice to require any owner—

- (a) To modify the plant, machinery, or equipment of any coal-mine, or to acquire and install additional or substituted plant, machinery, or equipment :
- (b) To modify the methods of mining in use in any coal-mine in respect of working and layout of underground workings, and to alter such layout and to introduce any fresh layout :
- (c) To modify the methods in use in any coal-mine of transporting coal underground or on the surface, and to alter such methods and to introduce any fresh methods :
- (d) To provide suitable housing-accommodation to the satisfaction of the Council for persons employed in or about any coal-mine or for any such persons and for their families, and to make the accommodation available on such terms and conditions as the Council from time to time requires or approves :
- (e) To contribute in respect of the persons or any of the persons employed in or about any coal-mine such portion of the cost of their conveyance to and from the coal-mine as the Council from time to time requires :
- (f) To provide equipment and instruction to guard against the occurrence of accidents.

3:4. The Council shall have power to require any person in whom for the time being any coal-mining lease granted by the Crown is vested of the one part, and any person other than the lessee by whom any coal-mine comprised in the lease is worked of the other part, to modify or alter any contract in force between them relating to the working of the coal-mine.

3 : 5. In the settlement of any industrial dispute relating to coal-mines or any branch thereof, if in the Council's opinion there has been a failure to settle the dispute by means of any local machinery available the Council shall inform itself of the matters and merits of the dispute and shall invite persons affected, or their representatives, to appear and be heard before the Council, and shall give such decisions relating thereto as it considers to be fair and equitable in the circumstances.

3 : 6. The decisions of the Council upon any dispute shall be final and binding on all persons directly affected thereby, and shall not be affected by reason of any omission to notify or hear any person claiming to be concerned or interested therein or by reason of any matter of form or procedure.

3 : 7. No decision of the Council given for the settlement of an industrial dispute shall be invalid by reason of conflict with the provisions of any award of the Court of Arbitration or interpretation thereof or industrial agreement, including an industrial agreement under the Industrial Conciliation and Arbitration Act, 1925, an agreement under the Labour Disputes Investigation Act, 1913, or voluntary agreement; but in the event of such conflict the decision of the Council shall prevail.

3 : 8. The Council may for the purpose of its decisions give by notice all such directions as are reasonably proper for carrying its decisions into effect, and every person to whom such notice is given or, in the case of directions given by public notice, every person affected thereby shall forthwith comply with and carry out such directions.

3 : 9. The Council shall act in an advisory capacity to the Mining Controller in all matters within his powers and shall tender advice to him upon request by him in that behalf, and may of its own motion make recommendations to the Mining Controller upon any matter in furtherance of the function and powers of the Council.

3 : 10. For the better exercise of its powers the Council may from time to time elect to hold an inquiry into any of the matters enumerated in Regulation 3 : 2 hereof, and for the purposes of any such inquiry the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, apply as if the Council were a Commission of inquiry appointed under that Act.

REGULATION 4.—FAILURE TO COMPLY WITH NOTICES.

4 : 1. Any owner who, without reasonable excuse, fails to comply with any notice of the Council given under Regulation 3 : 3 hereof commits an offence against these regulations.

4 : 2. Without prejudice to the liability hereinbefore created, if any owner, without reasonable excuse, fails to comply with any notice of the Council given under Regulation 3 : 3 hereof, the Council may report the matter to the Minister, and the Governor-General may by Proclamation resume and acquire as the property of the Crown the coal-mine and all the plant, machinery, and equipment thereof, subject, however, to the mortgages, charges, and other encumbrances for the time being affecting the same, and upon the coming into force of the Proclamation the Crown shall be entitled to possession thereof.

4 : 3. It shall be lawful for the Minister, on behalf of His Majesty, to work any coal-mine resumed under these regulations as a State coal-mine under the provisions of Part III of the Coal-mines Act, 1925.

4 : 4. The owner shall in respect of the property and interests in property so acquired be entitled to compensation based on the current sale value thereof without taking into account any enhancement of value due to war conditions, and subject to proper allowances for obsolescence, obsolescence, or depreciation of plant, machinery, or equipment.

4 : 5. Such compensation shall be assessed by the arbitration of two indifferent persons, one to be appointed by the owner and the other by the Minister, and their umpire, subject and according to the provisions of the Arbitration Act, 1908.

4 : 6. Any person who without reasonable excuse fails to comply with any notice of the Council given under Regulation 3 : 7 hereof commits an offence against these regulations.

REGULATION 5.—NOTICES AND OTHER INSTRUMENTS.

5 : 1. Any instrument of the Council under these regulations shall be sufficiently authenticated if it is signed on behalf of the Council by the Chairman thereof for the time being.

5 : 2. Every instrument purporting to be signed by any person as Chairman on behalf of the Council shall, in the absence of proof to the contrary, be deemed to have been duly signed by the Chairman of the Council for the time being and to be the instrument of the Council.

5 : 3. Any notice of the Council may be given by public notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of notices arises or to which it relates, and every public notice shall take effect when it is published or at such later time as may be specified in that behalf in the notice.

5 : 4. A notice given to any person for the purposes of these regulations and not given by public notice may be given by causing it to be delivered to that person or to be left at his usual or last known place of abode or business or at the address specified by him in any document received from him by the Council, or (in the case of a company registered under the Companies Act, 1933) at the registered office of the company, or to be posted in a letter addressed to such person at that place of abode or business or at that address or registered office.

5 : 5. If any such notice is sent to any person by registered letter it shall be deemed to have been delivered when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

5 : 6. Any notice given under these regulations may at any time be varied or revoked by a subsequent notice.

C. A. JEFFERY,
Clerk of the Executive Council.