



ANNO UNDECIMO

**GEORGII VI REGIS.**

A.D. 1947.

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**No. 27 of 1947.**

An Act relating to the distribution and consumption of coal, the consumption of electricity and gas, and other matters.

[Assented to 4th December, 1947.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short title.** 1. This Act may be cited as the "Coal Act, 1947".
- Interpretation.** 2. In this Act, unless the context otherwise requires—  
 "the Committee" means The South Australian Coal Committee established under this Act :  
 "the Minister" means the Minister for the time being holding the office of, or acting as, Minister of Industry :  
 "member" includes the chairman :  
 "order" means order made under this Act by the Governor or the Minister.
- Act to bind Crown.** 3. This Act shall bind the Crown.  
*The South Australian Coal Committee.*
- Establishment of Committee.** 4. (1) For the purposes of this Act there shall be a Committee to be called "The South Australian Coal Committee".  
 (2) The Committee shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and sue and be sued in its corporate name.

**5. (1)** The Committee shall consist of five members appointed by the Governor. Members of Committee.

(2) The Governor shall appoint one member of the Committee to be its chairman.

**6. (1)** Subject to this Act, every member of the Committee shall hold office for one year but may be re-appointed. Term of office.

(2) A member appointed to a casual vacancy shall hold office for the balance only of the term of the member in whose place he was appointed.

**7.** The Governor may dismiss a member of the Committee for neglect of his duties as a member, mental or physical incapacity to perform those duties, or if he has been guilty of any conduct which, in the Governor's opinion, shows him to be unfit to be a member of the Committee. Dismissal of member.

**8. (1)** Meetings of the Committee shall be held at such times and places and shall be called in such manner as the Committee determines: Provided that on the written request of any two members, the secretary shall call a meeting of the Committee to be held within seven days after the request is received. Meetings of Committee.

(2) Three members of the Committee shall form a quorum thereof for the transaction of business.

(3) The decision of a majority of the members present at a meeting shall be regarded as the decision of the Committee.

(4) The chairman shall have a deliberative vote and if the voting on a matter is equal, a casting vote also.

(5) Subject to this Act, the Committee shall regulate its own proceedings.

**9. (1)** The Committee may, by resolution, delegate to the chairman or acting chairman any of its powers, authorities, duties and functions, except this power of delegation. Delegation.

(2) A delegation under this section—

(a) may be subject to terms, conditions, and limitations, imposed by the Committee ;

(b) may be revoked by the Committee at any time ;

(c) shall not prevent the exercise of any power, authority, duty or function by the Committee itself.

(3) A resolution under this section shall be put in writing and signed on behalf of the Committee by a member or officer of the Committee.

Staff of  
Committee.

**10.** (1) The Governor may appoint any officers and employees to assist the Committee in the administration of this Act.

(2) With the consent of the Minister administering any department of the Public Service, the Committee may use the services of any officers of that department on terms agreed upon between the Committee and the Minister.

(3) The officers and employees of the Committee shall, unless it is otherwise directed by the Governor, be subject to the Public Service Act, 1936-1946.

*Control of Coal.*

Distribution  
and use of coal

**11.** (1) The Minister after consultation with the Committee, or with a delegate of the Committee, may, by order, make provision for—

(a) requiring any person to sell, lend, deliver, or transport coal to any other person :

(b) regulating, restricting, controlling or prohibiting the sale, purchase, distribution, transport, consumption or use of coal.

(2) Every order made by the Minister shall—

(a) be advertised in a newspaper, or published in the *Gazette*, or both ; or

(b) be notified to every person required to comply with it by serving on him a written copy of the order ;

(c) take effect as from the day on which it is first advertised in a newspaper, or published in the *Gazette* or, in the case of an order which has not been so advertised or published, as from the day on which it is served personally on the person required to comply with it, or, in either case, as from any later day specified in the order.

*Control of Gas and Electricity.*

Control of gas  
and electricity.

**12.** (1) Subject to this section, the Governor may, by order, make provision for regulating, restricting, prohibiting, or controlling the consumption of gas or electricity or both of them.

(2) An order shall not be made under this section unless the Minister has first consulted with the chairman or manager of the appropriate authority, as to the terms of the order. The

appropriate authority for the purposes of this subsection shall be—

- (a) in the case of an order relating to gas—The South Australian Gas Company ;
  - (b) in the case of an order relating to electricity—The Electricity Trust of South Australia.
- (3) Every order made under this section shall—
- (a) be advertised in a daily newspaper ; and
  - (b) be published in the *Gazette* ;
  - (c) take effect as from the day on which it is so advertised in a newspaper, or as from any later day specified in the order.

*General Provisions.*

**13.** An order—

Provisions as to orders.

- (a) may be of general application or may apply only to the person or persons named therein, or only within the area or areas named therein, or may be otherwise restricted by reference to times, places, circumstances or conditions :
- (b) may provide for the exemption from the order or any part thereof of any specified persons or classes of persons :
- (c) may provide for any incidental or supplementary acts, matters or things which it is necessary or convenient to provide for for the purpose of securing compliance with any provisions of the order :
- (d) shall not be subject to section 38 of the Acts Interpretation Act, 1915-1945.

**14.** (1) A person who contravenes an order, whether by act or omission, shall be guilty of an offence.

Contravention of orders.

(2) If a contravention of an order as to the consumption of gas or electricity occurs the occupier of the premises in which the contravention occurred shall be guilty of an offence unless he shows that he took all reasonable precautions to prevent that breach.

This subsection shall not affect the liability of any person other than an occupier of premises for a contravention of any order

**Inspection.**

**15.** (1) A person authorised in writing by the Committee may at any reasonable time enter any premises and make any inspection of a gas or electricity meter which it is necessary or convenient to make for the purpose of ascertaining whether this Act has been complied with. Any such authority may be general or limited to the buildings specified in the authority and before entering any buildings pursuant to this section the authorised person shall display his authority to the person affording him entry to the buildings.

(2) A person who prevents any person from entering premises, or from making an inspection, pursuant to this section, or hinders any person while he is making any such entry or inspection shall be guilty of an offence.

**Information.**

**16.** (1) A person authorised by the Committee may by writing require any person to furnish the Committee with information as to coal, coke, oil, or other fuel, or gas or electricity.

(2) A person who on being so required refuses or neglects without reasonable excuse to furnish the Committee with the information asked for shall be guilty of an offence.

(3) In proceedings for an offence against this section the onus of proving the existence of reasonable excuse shall lie on the defendant.

**Offences and penalty.**

**17.** (1) Proceedings for offences against this Act may be taken and disposed of summarily.

(2) The penalty for an offence against this Act shall be a fine not exceeding fifty pounds.

**Financial provision.**

**18.** The money required for the administration of this Act shall be paid out of money provided by Parliament for that purpose.

**Duration of Act.**

**19.** This Act shall continue in operation until the thirty-first day of December nineteen hundred and forty-eight, and no longer.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.