

STATE COAL MINES (AMENDMENT) ACT.

Act No. 27, 1942.

An Act to reconstitute the State Coal Mines Control Board; for this and certain other purposes to amend the State Coal Mines Act, 1912-1935; and for purposes connected therewith. [Assented to, 14th December, 1942.]

George VI.
No. 27, 1942.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "State Coal Mines (Amendment) Act, 1942." Short title and citation.

(2) The State Coal Mines Act, 1912-1935, is in this Act referred to as the Principal Act.

(3) The State Coal Mines Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the State Coal Mines Act, 1912-1942.

2. (1) Upon the sixteenth day of December one thousand nine hundred and forty-two (which day is in this section referred to as "the appointed day") the State Coal Mines Control Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section thirteen of the Principal Act as amended by this section. Reconstitu-
tion of
Board.

(2) (a) Nothing contained in this section shall prejudice or affect the continuity of the body corporate constituted under section thirteen of the Principal Act, but the same shall continue notwithstanding the provisions of this section.

(b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

(3)

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(3) (a) For the purposes only of the appointment of persons to be members of the State Coal Mines Control Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution, the provisions of subsection four of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b) The persons so appointed shall assume their offices as members of the State Coal Mines Control Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

Amendment
of Act No. 70,
1912.

Sec. 13.
(Constitu-
tion of
board.)

(4) The Principal Act is amended:—

(a) (i) by omitting subsection three of section thirteen and by inserting in lieu thereof the following subsection:—

(3) The members of the board shall be appointed by the Governor on the recommendation of the Minister. Of the members so appointed—

(a) one shall be appointed as the representative of the Department of Railways;

(b) one other shall be appointed as the representative of the employees at the State Coal Mine, Lithgow; and

(c) one other shall be an officer of the Department of Mines holding a first-class certificate as manager registered under the provisions of the Coal Mines Regulation Act, 1912-1941.

The member referred to in paragraph (c) of this subsection shall be the chairman.

(ii) by inserting at the end of the same section the following new subsections:—

(6) The Governor may for any cause which seems to him sufficient remove a member of the board from office.

(7)

(7) A member of the board shall be No. 27, 1942.
deemed to have vacated his office if he—

- (a) absents himself from three consecutive meetings of the board except on leave granted by the board or the chairman; or
- (b) resigns his office by writing under his hand addressed to the Governor.
- (b) (i) by omitting from subsection one of section Sec. 14.
fourteen the word “appointed”; (Term of
office.)
- (ii) by omitting from the same subsection the word “five” and by inserting in lieu thereof the word “seven”;
- (iii) by omitting from subsection three of the same section the words “nominated by the Minister for Mines” and by inserting in lieu thereof the words “referred to in paragraph (b) of subsection three of section thirteen of this Act.

3. The Principal Act is further amended—

- (a) (i) by inserting at the end of paragraph (a) of subsection two of section fifteen the following proviso:—

Provided that in the exercise of such powers the board shall be subject in all respects to the control and direction of the Minister;

- (ii) by inserting at the end of paragraph (b) of the same subsection the following proviso:—

Provided that the Governor may, upon the recommendation of the Colonial Treasurer, by notice in the Gazette declare that the amount of the capital indebtedness of the board in connection with the State Coal Mine at Lithgow as so certified by the Auditor-General shall be reduced by such sum as may be specified in the notice; and upon

Further
amendment
of Act No. 70,
1912.

Sec. 15.
(Mine
vested in
board.)

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upon publication in the Gazette of such notice, the amount of the capital indebtedness as so reduced shall be deemed to be the capital indebtedness of the board to the State in connection with such mine.

Sec. 20.
(Correc-
tion.)

(b) by omitting from section twenty the figures "1912-1931" and by inserting in lieu thereof the figures "1912-1941".
