

MINES RESCUE (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 102, 1975.

An Act to amend the Mines Rescue Act, 1925, to make further provisions with respect to payments to the Mines Rescue Board by proprietors of colliery holdings, to provide for the establishment and administration of staff superannuation schemes by district committees, and for certain other purposes; and to validate certain matters. [Assented to, 18th December, 1975.]

BE

Mines Rescue (Amendment).

No. 102, 1975

BE it enacted by the Queen'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:—

Short title. 1. This Act may be cited as the "Mines Rescue (Amendment) Act, 1975".

Commence-
ment. 2. (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 (3) (a) shall be deemed to have commenced on 1st July, 1972.

(4) Schedule 1 (6) (a) shall be deemed to have commenced on 7th June, 1963.

Amendment
of Act No.
3, 1925. 3. The Mines Rescue Act, 1925, is amended in the manner set forth in Schedule 1.

Validation. 4. Any act, matter or thing done or commenced or omitted to be done before the date of assent to this Act which would, if that act, matter or thing were done or commenced or omitted to be done after that date, be authorised by the Mines Rescue Act, 1925, as amended by Schedule 1 (2) (b) and (c), shall be valid and shall have the same force and effect as if that act, matter or thing were done or commenced or omitted to be done after that date.

SCHEDULE

Mines Rescue (Amendment).

SCHEDULE 1.

No. 102, 1975

AMENDMENTS TO THE MINES RESCUE ACT, 1925.

Sec. 3.

(1) Section 4H (1)—

Omit “thirtieth day of June”, insert instead
“thirty-first day of December”.

(2) (a) Section 6 (1), definition of “unimproved capital value”—

Omit “Valuation of Land Act, 1916, or the Local Government Act, 1919”, insert instead
“Local Government Act, 1919, or, where no such value is so determined, the unimproved value of the colliery holding as determined under the Valuation of Land Act, 1916”.

(b) Section 6 (3), (4)—

Omit the subsections, insert instead :—

(3) The sum payable under subsection (2) by a proprietor of a colliery holding in respect of any year—

(a) shall be based—

- (i) on the unimproved capital value of that colliery holding as in force on the thirtieth day of June in the preceding year; or
- (ii) if no unimproved capital value has been determined for that colliery holding by the thirtieth day of June in the preceding year—on the first unimproved capital value of that colliery holding that is determined after that day; or

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continued.

- (b) where some other basis is prescribed—shall be based on that other basis.
- (4) Any sum payable under subsection (2) in respect of any year shall be due and payable—
 - (a) on the twenty-eighth day of January in that year or on the expiration of the period of 28 days after a notice under subsection (5) has been served in accordance with subsection (6) in respect of that sum, whichever is the later; or
 - (b) where any such notice has been served in respect of that sum in the place of a previous notice that did not specify the correct amount of the sum payable—on the expiration of the period of 28 days after any such replacement notice has been served in accordance with subsection (6).
- (c) Section 6 (7)—
Omit the subsection, insert instead :—
 - (7) Interest, at such rate, not exceeding 15 per centum per annum, as may be determined by the Board from time to time for the purpose of this subsection, shall be paid by the proprietor of a colliery holding on a sum payable under subsection (2) that has not been paid on the date it becomes due and payable in respect of the period from that date until the date of payment of that sum.

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continued.

(3) (a) Section 7 (1)—

Omit “(5)”, insert instead “(6)”.

(b) Section 7 (5A)—

After section 7 (5), insert :—

(5A) The committee may apply the fund towards the costs of staff superannuation schemes established pursuant to, or deemed to be authorised by, section 13B.

(4) Section 11 (2)—

At the end of section 11, insert :—

(2) No matter or thing done, and no contract entered into, by—

- (a) a committee;
- (b) any member of a committee;
- (c) any person appointed under this Act by a committee;
- (d) any person selected pursuant to section 14 (2) for the purpose of acting with a permanent rescue corps; or

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(e) any other person acting under the direction of a committee,

shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject a member of the committee or any person referred to in paragraph (c), (d) or (e) personally to any action, liability, claim or demand.

(5) Section 13B—

After section 13A, insert :—

Staff
super-
annuation
schemes.

13B. (1) A committee may, with the approval of the Board, establish and administer, in a manner approved by the Board, a staff superannuation scheme or staff superannuation schemes for persons who are superintendents, assistant superintendents or instructors appointed by that committee.

(2) Where, before the date of assent to the Mines Rescue (Amendment) Act, 1975, a committee established, or established and administered, a staff superannuation scheme or staff superannuation schemes for superintendents, assistant superintendents or instructors appointed by that committee—

(a) that establishment or administration or any application of the fund towards the costs of that scheme or those schemes shall be deemed to have been authorised by this Act; and

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continued.

- (b) that committee shall, at the first available meeting of the Board after the date of assent to the Mines Rescue (Amendment) Act, 1975, seek the approval of the Board to the continuation of that scheme or those schemes.

(3) On approval being sought in pursuance of subsection (2) (b) in respect of a staff superannuation scheme, the Board may—

- (a) approve of that scheme being continued;
- (b) direct that that scheme be discontinued; or
- (c) direct that that scheme be continued subject to such variations or alterations as the Board may determine.

(4) Where the Board has given a direction in pursuance of subsection (3) (b) or (c) and that direction is not complied with within such time as may be allowed by the Board, the staff superannuation scheme in respect of which that direction is given shall be deemed, as from the expiration of that time, not to be authorised by this Act.

(5) In this section, “staff superannuation scheme” includes any scheme, plan, fund or arrangement of a kind determined by the Board to be a staff superannuation scheme or to be incidental to or necessary for the establishment or administration of a staff superannuation scheme.

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continued.

(6) (a) Section 26 (1) (f)—

Omit “to prohibit”, insert instead “prohibiting”.

(b) Section 26 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(c) Section 26 (3), (4)—

Omit the subsections.

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