

New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 53, 1976.**

An Act to amend the Mines Rescue Act, 1925, for the purposes of vesting certain land in the Mines Rescue Board free from certain trusts and empowering the Governor to resume or appropriate land on behalf of that Board. [Assented to, 27th October, 1976.]

BE

*Mines Rescue (Amendment).*

**B**E 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:—

**1.** This Act may be cited as the "Mines Rescue Short title. (Amendment) Act, 1976".

**2.** (1) This section and sections 1 and 3 shall commence **Commencement.** on the date of assent to this Act.

(2) Section 4 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**3.** This Act contains the following **Schedules** :— **Schedules.**

**SCHEDULE 1.—AMENDMENTS TO THE MINES RESCUE ACT, 1925.**

**SCHEDULE 2.—AMENDMENTS TO THE MINES RESCUE ACT, 1925, BY WAY OF STATUTE LAW REVISION.**

**4.** The Mines Rescue Act, 1925, is amended in the **Amendment of Act No. 3, 1925.** manner set forth in Schedules 1 and 2.

**SCHEDULE**

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*Mines Rescue (Amendment).*

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## Sec. 4.

## SCHEDULE 1.

## AMENDMENTS TO THE MINES RESCUE ACT, 1925.

## (1) Section 5 (4)—

After “shall”, insert “, while the land on which that central rescue station or that subsidiary rescue station, as the case may be, is vested in the Board,”.

## (2) Sections 19–19C—

Omit section 19, insert instead :—

Vesting of  
certain  
land in  
Board.

19. Land purporting to be vested in the Board as trustee immediately before the commencement of this section shall, on that commencement, vest in the Board for an estate in fee simple free from the trusts pursuant to which it purported to be vested in the Board but otherwise subject to the interests, if any, that existed in that land immediately before that commencement.

Acquisition  
of land.

19A. (1) For the purposes of this Act, the Governor may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912.

(2) The Minister shall not make a recommendation for the purposes of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment by the Board of compensation for the resumption or appropriation and of all necessary charges and expenses incidental to the resumption or appropriation.

## SCHEDULE

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*Mines Rescue (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MINES RESCUE ACT,  
1925—*continued.*

(3) A resumption or an appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or an appropriation under this section.

19B. (1) Where land is vested in the Minister as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or an appropriation effected pursuant to section 19A (1), the Minister may convey or transfer that land to the Board for such estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

(2) A conveyance, transfer or other instrument executed for the purposes of subsection (1)—

- (a) is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and
- (b) may be registered under any Act without fee.

19C. The Board may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land

SCHEDULE

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*Mines Rescue (Amendment).*

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**SCHEDULE 1—continued.****AMENDMENTS TO THE MINES RESCUE ACT,  
1925—continued.**

that has been acquired by the Board under this or any other Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights of way over any such land or any part thereof.

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**Sec. 4.****SCHEDULE 2.****AMENDMENTS TO THE MINES RESCUE ACT, 1925, BY  
WAY OF STATUTE LAW REVISION.**

(1) (a) Section 2, definition of “Chief inspector”—  
Omit “, as amended by subsequent Acts”.

(b) Section 2, definition of “Inspector”—  
Omit “, as amended by subsequent Acts”.

(c) Section 2, definition of “Manager”—  
Omit “, as amended by subsequent Acts”.

(d) Section 2, definition of “Mine”—  
(i) Omit “as amended by subsequent Acts,”.  
(ii) Omit “, as so amended”.

**SCHEDULE**

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*Mines Rescue (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE MINES RESCUE ACT, 1925, BY  
WAY OF STATUTE LAW REVISION—*continued.*

(2) Section 4C (4) (b)—

Omit the paragraph, insert instead :—

- (b) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(3) Section 12 (2)—

Omit “as amended by subsequent Acts.”.

(4) Section 20—

Omit “as amended by subsequent Acts.”.

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