

STATE COAL MINES (AMENDMENT) ACT.

Act No. 41, 1948.

An Act to amend the State Coal Mines Act, 1912-1942, in certain respects; and for purposes connected therewith. [Assented to, 16th December, 1948.]

George VI.
No. 41, 1948.

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, 1948."

Short title
and
citation.

(2) The State Coal Mines Act, 1912-1942, 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, 1912-1948.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day"), the State Coal Mines Control Board shall be reconstituted and shall consist of not more than seven members

Reconstitu-
tion and
renaming of
State Coal
Mines
Control
Board.

No. 41, 1948. members who shall be appointed in accordance with section thirteen of the Principal Act as amended by this section.

As from the appointed day the name of the State Coal Mines Control Board shall be altered and the said Board shall be known as the State Mines Control Authority. Any reference in any Act, proclamation, rule, regulation, by-law or instrument to the State Coal Mines Control Board shall, as from the appointed day, be deemed to be a reference to the State Mines Control Authority.

(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.

(c) (i) The term of office of the members of the State Coal Mines Control Board in office on the fifteenth day of December, one thousand nine hundred and forty-eight, is hereby extended for a period expiring on the appointed day.

(ii) Subparagraph (i) of this paragraph shall be deemed to have commenced upon the fifteenth day of December, one thousand nine hundred and forty-eight.

(3) (a) For the purposes only of the appointment of persons to be members of the State Mines Control Authority, and of any matters necessary for or incidental to such appointment, 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 Mines Control Authority upon the appointed day, and on that day the provisions of subsection four of this section shall come into force for all purposes.

(4).

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(4) The Principal Act is amended—

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(a) by omitting from subsection two of section one the definition of “Board” and by inserting in lieu thereof the following definition:—

**Amendment
of Act No.
70, 1912.
Sec. 1.
(Short
title.)**

“Authority” means the State Mines Control Authority.

(b) by inserting at the end of section twelve the following new subsection:—

**Sec. 12.
(Powers of
Minister.)**

(2) The Minister may, upon such terms and conditions as he deems desirable, make advances of money to any employee of a State coal mine for the purpose of enabling such employee to erect or purchase a dwelling-house for himself.

Such terms and conditions shall include provisions as to the repayment of and the security to be given for any moneys so advanced.

(c) (i) by omitting from subsection one of section thirteen the words “a board” and by inserting in lieu thereof the words “an authority”;

**Sec. 13.
(Constitu-
tion of
Authority.)**

(ii) by omitting from the same subsection the words “The State Coal Mines Control Board” and by inserting in lieu thereof the words “The State Mines Control Authority”;

(iii) by omitting from subsection two of the same section the word “board” and by inserting in lieu thereof the word “authority”;

(iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) The authority shall consist of not more than seven members who shall be appointed by the Governor on the recommendation of the Minister. Of the members so appointed—

(a) one shall be the Director of State Coal Mines appointed under section 14A of this Act;

(b)

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- (b) one shall be an officer of the Department of Mines;
- (c) one shall be a representative of the Department of Railways; and
- (d) one shall be a representative of the employees of the State coal mines.

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

- (v) by omitting from subsection four of the same section the word "board" wherever occurring and by inserting in lieu thereof the word "authority";
- (vi) by omitting from subsection five of the same section the word "board" and by inserting in lieu thereof the words "authority other than the member referred to in paragraph (a) of subsection three of this section";
- (vii) by omitting from the same subsection the words "any member" and by inserting in lieu thereof the words "any such member";
- (viii) by omitting from the same subsection the words "the members" and by inserting in lieu thereof the words "such members";
- (ix) by omitting from subsections six and seven the word "board" wherever occurring and by inserting in lieu thereof the word "authority";

Sec. 14.
(Term of
office.)

- (d) (i) by omitting from subsections one, two, three, five, six and seven of section fourteen the word "board" wherever occurring and by inserting in lieu thereof the word "authority";
- (ii) by omitting from subsection three of the same section the words "any two members" and by inserting in lieu thereof the words "any three members";
- (iii) by omitting subsection four of the same section;

(e)

(e) by inserting next after section fourteen the following new sections:—

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New secs.
14A, 14B.
Director of
State Coal
Mines.

14A. (1) The Governor may, on the recommendation of the Minister, appoint a Director of State Coal Mines. The Director of State Coal Mines shall hold office for a term not exceeding seven years and shall be eligible for re-appointment.

The Director of State Coal Mines shall be paid such salary, fees and travelling expenses as may be determined by the Governor.

Such salary, fees and travelling expenses shall be deemed to be part of the general cost of administration and execution of this Act.

(2) The Director of State Coal Mines shall be the chief administrative officer of the authority and shall exercise and discharge the powers, authorities, duties and functions conferred or imposed upon him by or under this Act.

(3) The Minister and the authority may delegate to the Director of State Coal Mines any of his or its powers or functions but such delegation shall not interfere with his or its own execution or performance of these powers and functions. Any such delegation may be revoked or varied by the Minister or the authority.

14B. (1) There shall be constituted at each State coal mine a committee which shall consist of three members appointed by the Minister.

Committees.

One of such members, who shall be the chairman of the committee, shall be a representative of the State Mines Control Authority, one of such members shall be the manager of the mine in respect of which the committee is constituted and the other shall be a representative of the employees elected by the employees of such mine.

Such members (other than the manager of the mine) shall be appointed for a term of three years, shall be eligible for re-appointment and

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and shall be paid such remuneration, fees and travelling expenses as may be determined by the Minister.

Such remuneration, fees and travelling expenses shall be deemed to be part of the general cost of the administration and execution of this Act.

A member (other than the manager of the mine) may be removed from office by the Minister for any cause which appears to him to be sufficient.

At any meeting of a committee two members shall form a quorum.

(2) It shall be the duty of a committee constituted under this section—

- (a) to meet at least once in every two weeks;
- (b) to encourage and assist the promotion of harmonious relations between the management and the employees of the mine in respect of which it is constituted;
- (c) to investigate and report to the authority upon matters relating to the safety, health and welfare of the employees of such mine;
- (d) to investigate and report to the authority upon matters relating to the efficient working or operation of such mine.

Sec. 15.
(Mine
vested in
authority.)

- (f) (i) by omitting from subsections one, two and four of section fifteen the word "board" wherever occurring and by inserting in lieu thereof the word "authority";
- (ii) by omitting subsection three of section fifteen and by inserting in lieu thereof the following subsection:—

(3) The authority may appoint a superintendent of State coal mines and such managers and under-managers, engineers, surveyors,

surveyors, agents, workmen and servants as may be necessary for the purposes of this Act. No. 41, 1943.

Any appointment of a superintendent, manager, or under-manager shall be subject to the approval of the Minister.

(g) by omitting from sections 15A, sixteen and twenty-one the word "board" wherever occurring and by inserting in lieu thereof the word "authority"; Secs. 15A, 16 and 21. (Consequential.)

(h) by omitting section seventeen and by inserting in lieu thereof the following section:— Subst. sec. 17.

17. The Department of Railways and any other body, corporate or unincorporate, having a representative on the authority shall purchase from the authority all coal required to be used for the purposes of their undertakings or activities and all works connected therewith under the control of the said bodies so far as the State coal mines can supply such requirements: Provided that the bodies requiring the coal are satisfied that such coal is, as to quality, price and situation equal to any other coal that is available for purchase by them. Coal for certain bodies to be purchased from authority.
