

STATE COAL MINES (AMENDMENT) ACT.

Act No. 14, 1959.

An Act to make further provisions with respect to certain permissive occupancies to be granted under the State Coal Mines Act, 1912, as amended by subsequent Acts; for this and other purposes to amend the said Act, as so amended; to validate certain matters; and for purposes connected therewith. [Assented to, 1st October, 1959.] Elizabeth II,
No. 14, 1959.

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:—

1. (1) This Act may be cited as the "State Coal Mines (Amendment) Act, 1959". Short title
and
citation.

(2) The State Coal Mines Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the State Coal Mines Act, 1912-1959.

2. (1) The State Coal Mines Act, 1912, as amended by subsequent Acts, is amended— Amendment
of Act No.
70, 1912.

(a) (i) by omitting from subsection one of section 12A the words "and developing the Oakdale State Coal Mine"; Sec. 12A.
(Permissive
occupancies
of Oakdale
State Coal
Mine.)

(ii) by omitting from the same subsection the words "Any such permissive occupancy granted to Coal Rights Proprietary Limited shall be granted subject to conditions substantially in accordance with and conforming generally to the conditions contained in the Second Schedule to this Act."

Any

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Any permissive occupancy granted to any person other than Coal Rights Proprietary Limited shall be granted subject to such conditions as the Governor may deem expedient. Such conditions shall so far as is practicable and the circumstances permit be substantially in accordance with the relevant conditions contained in the Second Schedule to this Act.” and by inserting in lieu thereof the following paragraph :—

Any such permissive occupancy shall be granted subject to—

- (a) such of the conditions contained in the Second Schedule to this Act as the Governor deems expedient, or such of the conditions so contained, as varied or modified in such manner, as the Governor deems expedient; and
- (b) such additional conditions as the Governor deems expedient.

Sec. 14.
(Term of office.)

- (b) by inserting in subsection three of section fourteen after the word “occasions” the words “and in the event of an equality of votes, the right to a second or casting vote”;

Sec. 15.
(Mine to be vested in authority.)

- (c) (i) by inserting in subsection three of section fifteen after the word “agents,” the words “colliery clerks.”;
- (ii) by inserting at the end of the same section the following new subsection :—

(5) Where a notification has been published pursuant to subsection one of this section and the authority is of opinion that in order to provide for the proper working and development of the mine to which such notification relates it is desirable for the authority to prospect or mine for coal on any Crown lands or private lands any part of which is contiguous to any part of the land on which such mine is established, or to use any Crown lands or private lands for mining purposes

purposes within the meaning of the Mining Act, No. 14, 1959, 1906, as amended by subsequent Acts, the authority may, with the approval of the Minister, apply for any right or title under that Act, as so amended, entitling it to prospect or mine for coal, or use any Crown lands or private lands, as aforesaid and any such right or title may, subject to the provisions of that Act, as so amended, be granted to the authority.

Upon the grant of such right or title as aforesaid, the authority shall have and may exercise all the powers, authorities, duties and functions conferred or imposed on it by such right or title so far as they relate to the proper working and development of such mine.

- (d) by omitting from section 15A the words "State Coal Mine Working Account" and by inserting in lieu thereof the words "State Coal Mines Working Account"; Sec. 15A. (State Coal Mine Working Account.)
- (e) (i) by omitting subsection two of section sixteen and by inserting in lieu thereof the following subsection :— Sec. 16. (Accounts to be kept and balance-sheet prepared.)
- (2) The authority shall cause to be prepared in respect of all mines under its control a balance-sheet and profit and loss account for each financial year and in respect of each mine under its control, a separate profit and loss account for each financial year.
- (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—
- (3) The balance-sheet and profit and loss account prepared in respect of all mines under the control of the authority shall be so prepared as to show fully and faithfully the financial position of those mines and the financial result of the operations of those mines for the year concerned, and the separate profit and loss account prepared in respect of each mine under the

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the control of the authority shall be so prepared as to show fully and faithfully the financial result of the operations of that mine for the year concerned;

(iii) by omitting from subsection five of the same section the words "The balance-sheet and statement of accounts duly audited, together with" and by inserting in lieu thereof the words "The balance-sheet and profit and loss account prepared in respect of all mines under the control of the authority, and duly audited, together with the separate profit and loss accounts prepared in respect of each mine under the control of the authority, and duly audited, and";

(iv) by inserting in the same subsection after the word "manager" the words "of each State coal mine";

New
sec. 21A.

(f) by inserting next after section twenty-one the following new section :—

Authority
may
prospect
for coal.

21A. The authority shall, if requested so to do by the Minister, apply for a right or title under the Mining Act, 1906, as amended by subsequent Acts, entitling it to prospect for coal on any Crown lands or private lands specified in the application, and any such right or title may, subject to the provisions of that Act, as so amended, be granted to the authority.

Upon the grant of any such right or title, the authority shall, in accordance with any directions in that behalf given by the Minister, prospect for coal on the lands subject to such right or title.

(2) Any permissive occupancy granted under subsection one of section 12A of the State Coal Mines Act, 1912, as amended by subsequent Acts, after the commencement of this Act to Coal Rights Proprietary Limited or The Nattai-Bulli Coal Co. Pty. Limited pursuant to any arrangement made before such permissive occupancy is granted,

granted, or any condition in any such permissive occupancy, ^{No. 14, 1959.} may be expressed to have commenced on a day which is before the day on which such permissive occupancy is granted and after the first day of January, one thousand nine hundred and fifty-six, and if expressed so to have commenced shall be deemed to have commenced accordingly.

The conditions which, from time to time before the grant of a permissive occupancy expressed so to have commenced, attached or purported to attach to the arrangement pursuant to which such permissive occupancy was granted shall, notwithstanding the provisions of this subsection or the conditions contained in such permissive occupancy, be deemed to have been the conditions which from time to time attached to such permissive occupancy during the period commencing on the day on which such permissive occupancy is expressed so to have commenced and ending on the day on which such permissive occupancy was granted.

(3) All moneys which immediately before the commencement of this Act were standing to the credit of the State Coal Mine Working Account shall upon that commencement become and be moneys standing to the credit of the State Coal Mines Working Account.