

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 10 April, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to transfer certain property to the Electricity Commission of New South Wales; for this and other purposes to amend the Electricity Commission Act, 1950, and the State Coal Mines Act, 1912; and for purposes connected therewith.

BE

Electricity Commission (State Coal Mines).

5 **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 "Electricity Commission Short title. (State Coal Mines) Act, 1973".

2. (1) This section and sections 1, 3, 4 and 6 Commence-
commence on the date of assent to this Act. ment.

10 (2) Sections 5, 7, 8 and 9 commence on 1st July,
1973.

3. (1) At midnight on 30th June, 1973—

- 15 (a) the control of the mines and of the manager and
other persons employed in the mines which were
vested in the State Mines Control Authority by vir-
tue of the notifications published in the Gazettes of
23rd June, 1950, 16th February, 1951, 11th May,
1962 and 11th February, 1966, pursuant to section
20 15 of the State Coal Mines Act, 1912, ceases to be
vested in the State Mines Control Authority;
- (b) the members who constitute the State Mines Control
Authority pursuant to section 13 (3) of the State
Coal Mines Act, 1912, shall cease to hold office
as members of the State Mines Control Authority;
25 and
- (c) the appointment pursuant to section 14A of the State
Coal Mines Act, 1912, of the Director of State
Coal Mines, terminates.

(2)

Electricity Commission (State Coal Mines).

5 (2) As soon as practicable after 1st July, 1973, such part of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, as represents the opening head office cash balance on 1st July, 1973, after allowing for balance sheet or other adjustments as determined by the Treasurer shall be disbursed as directed by the Treasurer.

10 4. A member of the State Mines Control Authority who ceases to hold office as such a member by reason of section 3 (1) (b) shall not be entitled to claim for any compensation for loss arising out of the termination by that section of his appointment as such a member. Members of State Mines Control Authority.

15 5. (1) The person who immediately before 1st July, 1973, held office as the Director of State Coal Mines pursuant to section 14A of the State Coal Mines Act, 1912, shall, on and from 1st July, 1973, be entitled to be employed by The Electricity Commission of New South Wales on terms and conditions not less favourable than the terms and conditions he would have enjoyed as the Director of State Coal Mines had this Act not been enacted. Director of State Coal Mines.

25 (2) The entitlement conferred by subsection (1) shall be deemed to be given in full satisfaction of any claim to compensation that, by reason of section 3 (1) (c), may arise at the suit of the person who held the office referred to in subsection (1).

6. Nothing in this Act shall prejudice or affect the continuity of the body corporate incorporated under section 13 of the State Coal Mines Act, 1912, and it shall continue notwithstanding any of the provisions of this Act. Savings.

7.

Electricity Commission (State Coal Mines).

7. The State Coal Mines Act, 1912 is amended—

Amendment
of
Act No. 70,
1912.

- 5 (a) (i) by omitting from the definition of "Crown Lands Acts" in section 1 (2) the words ", as amended by subsequent Acts or any Act replaced by such Act";
- (ii) by omitting from the definition of "Private lands" in section 1 (2) the words "section forty-five of";
- 10 (b) (i) by omitting from section 8 (1) (c) the words "as amended by subsequent Acts,";
- (ii) by omitting from section 8 (3) the words "as amended by subsequent Acts, and any Act amending it,";
- 15 (c) (i) by omitting from section 12A (6) (a) the matter "— 1947";
- (ii) by omitting from section 12A (6) (a) the words "— 1950, or any Act amending any such Acts";
- 20 (iii) by omitting from section 12A (6) (b) the words "as amended by subsequent Acts,";
- (d) (i) by omitting section 13 (3) and by inserting instead the following subsections :—
- (3) On and from 1st July, 1973, until such day as the Governor may appoint and as may be notified by proclamation published in the Gazette, the authority shall consist of—
- 25 (a) the person for the time being holding office as, or acting in the office of, the Under Secretary for Mines who shall be the chairman of the authority; and
- 30

Sec 1.
(Defini-
tions.)Sec. 8.
(Provisions
of
Public
Works
Act
to apply.)Sec. 12A.
(Permissive
occupancies
of Oakdale
State
Coal Mine.)Sec. 13.
(Incorporation
of
authority.)

(b)

Electricity Commission (State Coal Mines).

(b) a person appointed as a member of the authority, on the nomination of the Minister, by the Governor by order published in the Gazette.

5 (3A) Upon the day appointed by the Governor and notified by proclamation published in the Gazette pursuant to subsection (3), the persons referred to in paragraphs (a) and (b) of that subsection shall be
10 deemed to have vacated their offices as members of the authority as constituted under that subsection and the authority shall be reconstituted to consist of at least three but not more than seven members of whom—

15 (a) one shall be the person for the time being holding office as the Director of State Coal Mines pursuant to section 14A who shall be the chairman of the authority;

20 (b) one shall be an officer of the Department of Mines appointed by the Governor on the recommendation of the Minister;

25 (c) one shall be an employee at a State coal mine worked under this Act appointed by the Governor on the recommendation of the Minister; and

30 (d) not more than four shall be persons, having such qualifications and experience as the Minister thinks fit, appointed by the Governor on the recommendation of the Minister.

(ii) by inserting in section 13 (5) after the word
35 “authority” where firstly occurring the words “as constituted under subsection (3A)”;

(iii)

Electricity Commission (State Coal Mines).

- (iii) by omitting from section 13 (5) the words "subsection three of this section" and by inserting instead the words "that subsection";
- 5 (iv) by inserting in section 13 (7) after the word "authority" where firstly occurring the words "as constituted under subsection (3A)";
- (v) by omitting from section 13 (7) (a) the word "or" where secondly occurring;
- 10 (vi) by omitting from section 13 (7) (b) the word "Governor." and by inserting instead the following words and new paragraph :—
- Governor; or
- 15 (c) being a member referred to in paragraph (a) of subsection (3A) or subparagraph (i) or (ii) of paragraph (b) of that subsection ceases to hold the office or qualification by virtue of which he was, or was appointed as, a member of the authority.
- 20 (e) (i) by inserting in section 14 (1) after the word "authority" the words "(other than the chairman) as constituted under subsection (3A) of section 13"; Sec. 14. (Term of office.)
- 25 (ii) by inserting in section 14 (2) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (iii) by omitting from section 14 (3) the word "three" and by inserting instead the matter "(3A)";
- 30 (iv) by inserting in section 14 (3) after the word "chairman." where thirdly occurring the following new paragraph :—
- 35 All or any of the powers of the authority as constituted under subsection (3) of section 13 may be exercised by the members of the
- authority

Electricity Commission (State Coal Mines).

authority as so constituted or, in the absence of the member referred to in paragraph (b) of that subsection, by the member referred to in paragraph (a) of that subsection.

- 5 (v) by inserting in section 14 (3) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- 10 (f) (i) by omitting from section 15 (5) the words "as amended by subsequent Acts,"; Sec. 15.
(Mine to be vested in authority.)
- (ii) by omitting from section 15 (5) the words "as so amended," wherever occurring;
- 15 (g) (i) by omitting from section 15A the words "An account" and by inserting instead the words "On and from the day appointed by the Governor and notified pursuant to subsection (3) of section 13, an account"; Sec. 15A.
(State Coal Mines Working Account.)
- (ii) by inserting in section 15A after the word "Act" where firstly occurring the words "on and from that day";
- 20 (iii) by inserting in section 15A after the word "authority" where secondly occurring the words "on and from that day";
- (iv) by inserting at the end of section 15A the following new subsection :—
- 25 (2) Any moneys payable to the authority on and from 1st July, 1973, until the day appointed by the Governor and notified pursuant to subsection (3) of section 13 shall be collected and received by the authority for or on account of the Consolidated Revenue Fund.
- 30 (h) by omitting from section 16 (4) (a) the words "and Acts amending the same,"; Sec. 16.
(Accounts to be kept.)
- (i)

Electricity Commission (State Coal Mines).

- (i) by omitting from section 17 the words "The Department of Railways and any other body," and by inserting instead the words "Any body, whether"; Sec. 17.
(Coal for certain bodies to be purchased from authority.)
- 5 (j) by omitting from section 20 the words "1912-1941, and any Acts amending the same," and by inserting instead the matter "1912,"; Sec. 20.
(Mines to be worked subject to Coal Mines Regulation Act.)
- (k) (i) by omitting from section 21A the words "as amended by subsequent Acts,"; Sec. 21A.
(Authority may prospect for coal.)
- 10 (ii) by omitting from section 21A the words " , as so amended,";
- (l) by omitting section 22 (2) and by inserting instead the following subsection :— Sec. 22.
(Regulations.)
- 15 (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.
8. The Electricity Commission Act, 1950, is amended— Amendment of Act No. 22, 1950.
- 20 (a) by inserting in section 2 next after the matter relating to Part IV the following new matter :— Sec. 2.
(Division into Parts.)
- PART IVA.—ACQUISITION OF COAL MINING UNDERTAKINGS.**
- 25 (b) (i) by omitting from section 9 (1) (c) the words "business; and" and by inserting instead the word "business,"; Sec. 9.
(Powers of Commission.)
- (ii)

Electricity Commission (State Coal Mines).

(ii) by omitting from section 9 (1) (d) the word "State." and by inserting instead the following words and new paragraph :—

State; and

5 (e) apply for an authority or lease under and in accordance with the Mining Act, 1906, for the purpose of prospecting or mining for coal or shale or for mining purposes, and carry on
10 mining operations in pursuance of any such lease.

(c) by inserting next after Part IV the following new ^{New Part} Part:— _{IVA.}

PART IVA.

15 **ACQUISITION OF COAL MINING UNDERTAKINGS.**

34A. In this Part, except in so far as the context ^{Interpre-} or subject matter otherwise indicates or requires— _{tation.}

"appointed day" means 1st July, 1973;

20 "authority" means The State Mines Control Authority constituted under the State Coal Mines Act, 1912;

"prescribed moneys" means any moneys payable to or received by the authority in respect of—

25 (a) any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912; and

30 (b) any sale or any lease or other agreement in respect of any prescribed property;

"prescribed property" means—

35 (a) the lands contained in Certificate of Title Register Volume 3425 Folio 98 kept by the Registrar-General pursuant to the Real Property Act, 1900; and

(b)

Electricity Commission (State Coal Mines).

(b) the lands described as Lot 1 in Deposited Plan No. 242977 deposited in the office of the Registrar-General, Sydney.

- 5 34B. (1) On and from the appointed day— Transfer of
State coal
mines.
- (a) the control of the lands described in Schedules 2, 3, 4 and 5 shall be vested in the Commission subject to this Act;
- 10 (b) all real property and all right and interest therein that, immediately before that day, belonged to the authority (other than prescribed property) shall vest in and belong to the Commission;
- 15 (c) all personal property, other than money, and all right and interest therein that, immediately before that day, belonged to or was under the control of the authority shall be the absolute property of the Commission;
- 20 (d) all moneys (other than prescribed moneys) and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the authority (including any moneys to the credit, immediately before that day, of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, other than moneys referred to in subsection (2) of section 3 of the Electricity Commission (State Coal Mines) Act, 1973) shall be moneys and liquidated claims payable to or recoverable by the Commission;
- 25
- 30
- 35 (e) all proceedings (other than those relating to prescribed moneys or prescribed property) commenced before that day by the
- authority

Electricity Commission (State Coal Mines).

- 5 authority and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the authority and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission;
- 10 (f) all contracts, agreements, arrangements and undertakings (other than those relating to prescribed property or in respect of any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912) entered into with the authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with the Commission;
- 15
- 20 (g) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection (other than prescribed moneys, claims relating to prescribed property or claims in respect of any permissive occupancy referred to in paragraph (f)) and for the prosecution of proceedings referred to in paragraph (e) as the authority might have done but for the enactment of this Act;
- 25
- 30
- 35 (h) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the authority (other than securities and charges relating to prescribed property) and may exercise any powers thereby conferred on the authority as if the security or charge were a security or charge in favour of the Commission;
- 40 (i)

Electricity Commission (State Coal Mines).

5 (i) all debts, moneys and claims, liquidated and unliquidated (other than those relating to prescribed moneys or prescribed property) that, immediately before that day, were due or payable by, or recoverable against, the authority shall be debts due by, moneys payable by and claims recoverable against, the Commission; and

10 (j) all liquidated and unliquidated claims (other than those relating to prescribed moneys or prescribed property) for which the authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for
15 which the Commission shall be liable.

(2) Where before the appointed day the authority has made application for a lease under the Mining Act, 1906, or such a lease has been granted and is in force immediately before that day, or any consent relating to an application for such a lease has been granted to the authority under subsection (1) of section 28, subsection (5) of section 57 or subsection (5) of section 60 of that Act and is in force immediately before that day, that application, that lease or that consent shall be deemed to have been made by or granted to the Commission, as the case may be.

(3) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the authority shall, to the extent that but for the enactment of this section that act, matter or thing would on or after that day have had any force or effect or been in operation but not in so far as the act, matter or thing related to prescribed moneys or prescribed property, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

(4)

Electricity Commission (State Coal Mines).

5 (4) Upon the appointed day any person who, immediately before that day, is a person appointed by the authority pursuant to subsection (3) of section 15 of the State Coal Mines Act, 1912, and whose appointment has not been terminated by the authority, shall be transferred to and become an employee of the corporation with which the Commission has made an arrangement under section 34C upon terms and conditions not less favourable than the terms and conditions on which he was employed immediately before that day.

15 (5) The period of service with the authority of any person who, under subsection (4), is transferred to a corporation shall be deemed to be service with that corporation for the purposes of any law relating to annual leave, sick leave or long service leave and any award made under or industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

20 (6) A person is not entitled to claim benefits under subsection (5) in respect of any period of service for which he has received corresponding benefits in respect of his service with the authority.

25 (7) No attornment to the Commission by a lessee from the authority shall be required.

30 34c. (1) The Commission shall, before 1st July, 1973, enter into an arrangement with a corporation within the meaning of the Companies Act, 1961, in respect of which the Commission has a controlling interest by virtue of its shareholding in the capital of that corporation, with respect to the management and operation of any lands or other property of which the Commission has control or owns by virtue of this Part. Management of Commission's coal mines.

(2)

Electricity Commission (State Coal Mines).

(2) Any arrangement referred to in subsection (1)—

- 5 (a) may, subject to this Act, provide for the vesting absolutely or by lease, sublease or hire of any lands or other property the Commission owns by virtue of this Part; and
- 10 (b) shall make provision in the event of the arrangement being cancelled or suspended with respect to the re-employment by the Commission of the persons who are employees of the corporation by virtue of subsection (4) of section 34B on terms and conditions not less favourable than the terms and conditions on which they were employed immediately before the appointed day.
- 15

(3) The Commission may amend or vary an arrangement referred to in subsection (1) or may, for any reason it deems fit, cancel or suspend the arrangement.

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(4) Any document or instrument evidencing an arrangement under subsection (1) shall not be liable to the provisions of the Stamp Duties Act, 1920.

25 34D. (1) For the purpose of the carrying on by the Commission or by a corporation with which the Commission has made an arrangement under section 34C of mining operations on any lands referred to in subsection (1) of section 34C the Mining Act, 1906, shall be deemed to be amended to the extent necessary—

30

- 35 (a) to authorise the granting of a lease thereunder to the Commission or corporation in respect of those lands notwithstanding that the provisions of that Act relating to applications for leases have not been complied with; and

(b)

Electricity Commission (State Coal Mines).

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

5 (2) Any proclamation, notification or order made before or after the commencement of section 8 of the Electricity Commission (State Coal Mines) Act, 1973, that, but for this subsection, would preclude the granting of a lease referred to in subsection (1) shall, to the extent necessary to
10 authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.

15 (3) Until a lease referred to in subsection (1) is granted, the Governor may, upon such terms and conditions as he deems fit, authorise the Commission or a corporation with which the Commission has made an arrangement under section
20 34c to commence and continue coal and shale mining operations on any of the lands in respect of which the lease is applied for.

(d) by omitting from section 69 (5) the words "seven days" and by inserting instead the words "twenty-one days"; Sec. 69. (Appeal Board.)

25 (e) by omitting section 90 and by inserting instead the following section:— Subst. sec. 90.

30 90. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation and a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Application of s. 41 of Interpretation Act, 1897.

(f) by inserting next after Schedule 1 the following new Schedules :— New Schs. 2-5.

SCHEDULE 2.

35 All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 8350 acres or thereabouts situated in the County of Northumberland, parishes of Wallarah and Morrisset: Commencing at the south-western corner of portion 19 parish of Morrisset thence southerly by a line to the north-western
corner

Sec. 34B.

Electricity Commission (State Coal Mines).

corner of portion ML9 parish of Wallarah, thence by the western boundary of that portion to its south western corner, thence generally south easterly by the mean high water mark of Chain Valley Bay in Lake Macquarie to a point on that mean high water mark bearing 68° (magnetic) from the south-eastern corner of portion 71 parish of Wallarah, thence south easterly by a line to the north-western corner of portion ML70, thence by part of the south-western boundary of that portion to its intersection with a line from a point about 12 chains due north from the north-western corner of portion 76 to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset on a line from the north-western corner of portion 325 parish of Morrisset to the north-western corner of portion 18 parish of Munmorah, thence north-westerly by the former line to the aforesaid point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence northerly to the north-western corner of portion 325 by part of the aforesaid line from that corner to the north-western corner of portion 18 parish of Munmorah, thence northerly by a line to the south-eastern corner of portion 402 parish of Morrisset, thence easterly by a line to the point of commencement, but excluding—

- (a) land having an area of 1 rood 23½ perches appropriated by the Commonwealth of Australia for postal services by notification in the Commonwealth Gazette of 21st September, 1961; and
- (b) portion 22 (of 39 acres excluding road), portion 29A (of 8 acres 3 roods 11 perches excluding road), portion 23 (of 23 acres) and portion 38 (of 40 acres) plans catalogued N.257—1501, N.751A—1501, N.348—1501 and N.772—1501 respectively in the Department of Lands and portions 44 and 43 (of 89 acres and 63 acres respectively) plan catalogued N.472—1501 in the Department of Lands all in the parish of Morrisset County of Northumberland.

SCHEDULE 3.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 6600 acres or thereabouts situated in the County of Northumberland, parishes of Tuggerah, Wallarah, Munmorah and Morrisset: Commencing at the north-western corner of portion 76 parish of Wallarah thence by part of the western boundary of that portion to the north-eastern corner of portion 68 parish of Munmorah, thence by the south-eastern, eastern and part of the southern boundaries of the area set apart for coal mining operations by Proclamation under section 2 (1) of the State Coal Mines Act, 1912, published in the Government Gazette of 4th March, 1970, folio 729, to the mean high water mark on the generally western shore of Tuggerah Lake, thence generally northerly and easterly by the mean high water mark of that Lake to the south-western boundary of portion 16 parish of Munmorah, thence by the south-western and north-western boundaries of that portion to the aforesaid

Electricity Commission (State Coal Mines).

aforesaid mean high water mark of Tuggerah Lake, thence generally northerly by that mean high water mark and generally westerly and south westerly by the mean high water mark on the southern bank of Wallarah Creek to the point where the said mean high water mark of Wallarah Creek intersects a line from the north-western corner of portion 18 parish of Munmorah to the north-western corner of portion 325 parish of Morrisset, thence northerly by part of that line to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence south-easterly by part of a line to a point about 12 chains due north from the aforesaid north-western corner of portion 76 to the point where that line intersects the south-western boundary of portion ML70 parish of Wallarah, thence south-easterly by part of the south-western boundary of portion ML70 and the south-easterly prolongation of same to the point of commencement, and including the land which is above 50 feet below the surface of portions ML94 parish of Wallarah and 85 and 89 parish of Munmorah.

SCHEDULE 4.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 4900 acres or thereabouts situated in the County of Durham, parishes of Liddell and Ravensworth: Commencing at the north-eastern corner of portion 169 of 640 acres, parish of Ravensworth, thence by the northern boundary of that portion westerly to its north-western corner thence by a line generally north-westerly to the south-eastern corner of portion 74, thence by the eastern boundaries of portions 74, 75, a line, the eastern and northern boundaries of portion 31, a line, part of the eastern, the northern and part of the western boundaries of portion 29 to the point where that western boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation and northern boundary of portion 70 and part of the western boundary of the said portion to its intersection with the easterly prolongation of the northern boundary of portion 76, thence by that prolongation and part of the northern boundary of portion 76 to the south-eastern corner of portion 28, thence by the eastern and northern boundaries of portion 28, a line, the northern boundary of portion 78 and part of the northern boundary of portion 37 to its intersection with the southerly prolongation of the eastern boundary of portion 82, thence by that prolongation and the eastern and part of the north-eastern boundaries of portion 82 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 55, thence by the said prolongation and eastern boundary of portion 55, a line and the eastern and part of the northern boundaries of portion 38 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 58, thence by that prolongation, the eastern

275—B

boundaries

Electricity Commission (State Coal Mines).

boundaries of portions 58 and 57, parish of Ravensworth, a line, the eastern and northern boundaries of portion 20 parish of Liddell, part of the eastern boundary of portion 20 parish of Savoy and a line to the south-western corner of portion 89 of 2560 acres parish of Liddell,
 5 thence by the southern boundary of said portion 89 and part of the southern boundary of portion 1 to the north-western corner of portion 45 same parish, thence by the generally western and southern boundaries of portion 45, the southern boundary of portion 181, and a line to the north-western corner of portion 185, thence southerly by the
 10 western boundaries of portions 185, 186, 187, 188, 189, a line to the north-western corner of portion 63, the western boundaries of portions 63, 64, 65 and part of the western boundary of portion 66 to the north-eastern corner of portion 67, thence by the northern, western and southern boundaries of portion 67, the southern boundary
 15 of aforesaid portion 66 and a line to the north-western corner of portion 101 parish of Ravensworth, thence by the western boundaries of portions 101, 102, 103, 104, 105, a line, the western boundary of portion 106 and the western, southern and generally south-eastern boundaries of portion 107 parish of Ravensworth to the western
 20 boundary of portion 1 Rem. parish of Vane, thence southerly by part of the western boundary of portion 1 Rem. parish of Vane and the southerly prolongation of that boundary to the northern boundary of portion 7 parish of Ravensworth, thence by part of the northern boundary of said portion 7, to the most easterly north-eastern corner
 25 of portion 91, thence by the eastern boundary of that portion and an eastern and northern boundaries of portion 92 to the most easterly north-eastern corner of the latter portion, thence again by an eastern boundary of portion 92 and the southerly prolongation of same to the northern boundary of portion 14, thence westerly by part of the
 30 northern boundary of the latter portion and a line to the point of commencement.

SCHEDULE 5.

Sec. 34B.

All that piece or parcel of Crown land and private land containing 8300 acres or thereabouts situated in the County of Northumberland,
 35 parishes of Awaba and Coorumbung: Commencing at the most southerly south-western corner of portion 150 parish of Awaba thence by the generally south-eastern and south-western boundaries of that portion and the generally south-eastern and south-western boundaries of portions 151 and 152 to the point where a south-eastern boundary
 40 of portion 152 intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions 162, 163 and 164, the south-
 45 eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects

Electricity Commission (State Coal Mines).

intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally south-easterly by part of that line to the said north-eastern corner of portion 219, thence north-easterly by a line
5 to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western
10 boundaries of portion 101 and the generally south western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally south-westerly to the said south-western corner of portion 109, thence by the south-
15 eastern boundaries of that portion, the south-eastern boundaries of portions 108 and 107, the south-western boundary of said portion 107, a line, the south-western and south-eastern boundaries of portion 111 and a south-eastern and part of a south-western boundary of Reserve 70838 from sale for access to water notified in the Govern-
20 ment Gazette of 26th February, 1943 to the western boundary of portion ML78 (plan catalogued M17878 in the Department of Mines), thence southerly by part of the western boundary of portion ML78 to the northern boundary of an area of 48 acres 3 roods 2½ perches shown on plan catalogued Ms6015 Md. R. in the Department of Lands,
25 thence by part of the northern, the western and part of the southern boundaries of that area to the aforesaid western boundary of portion ML78, again by part of the western boundary of portion ML78 to the northern boundary of portion ML80 (plan catalogued M17893 in the Department of Mines), thence by part of the northern and by
30 the most western boundaries of the latter portion to the northern boundary of portion 74, thence by part of the northern and by the western boundaries of portion 74, the northern and western boundaries of portion 45 and the southerly prolongation of the said western boundary of portion 45 to the foreshores of Lake Macquarie, thence
35 generally north-westerly and south-westerly by the said foreshores to the northern boundary of portion 86 parish of Coorumbung, thence by part of the northern and western boundaries of portion 86 to the point where the latter boundary intersects the easterly prolongation of the northern boundary of portion 70 same parish thence by that
40 easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to
45 a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion

Electricity Commission (State Coal Mines).

1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of
5 portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern
10 corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement but excluding—

(a) portion 14 (of 42 acres excluding road), portion 15 (of 45 acres 3 roods) and portions 16, 17 and 18 (all of 32 acres 2 roods),
15 parish of Coorumbung, plan catalogued N.126-1501R in the Department of Lands and portion 175 (of 3 acres 1 rood 13 perches), portion 176 (of 2 acres 0 roods 18 perches) and portion 177 (of 1 acre 3 roods 22 perches), parish of Awaba, plan catalogued N.3314-2111 in the Department of Lands;

20 (b) the land which is above 50 feet below the surface of portion 217 (of 10 acres 2 roods 20 perches excluding road) parish of Awaba, plan catalogued N.3320-2111 in the Department of Lands other than that part of that portion resumed for railway purposes by notification in the Government Gazette of 7th May, 1971,
25 folio 1462 and being lot 5 in Deposited Plan 239629;

(c) the land which is above 50 feet below the surface of the Main Northern Railway Line from Sydney to Newcastle and of adjacent railway lands plans catalogued Ms.448 Sy.Bk., and Ms.829 Md. R. in the Department of Lands;

30 (d) the land which is above 50 feet below the surface of portion 247 (of 900 acres) parish of Awaba plan catalogued N.5368R/-2111 in the Department of Lands;

(e) the land which is above 50 feet below the surface of portion 94 (of 88 acres 3 roods) and portion 95 (of 79 acres) parish of
35 Coorumbung plan catalogued N.3260R-2111 in the Department of Lands;

(f) the land which is above 50 feet below the surface of the area bounded as follows: Commencing at the northern most corner of
40 portion 143 parish of Coorumbung thence by part of the eastern boundary of that portion, the northern and eastern boundaries of portion 18, part of the eastern boundary of portion 17, the northern, eastern and southern boundaries of portion 54, a line, the eastern boundary of portion 15, the eastern and part of the southern boundary of portion 14, the eastern boundary of portion 53 and part of the
45 southern boundary of that portion to the point where the last mentioned boundary intersects the northerly prolongation of the eastern boundary of portion 116, thence southerly by that prolongation, the eastern boundary of said portion 116 and the generally eastern boundaries of portion 97 to the point where a generally eastern boundary
of

Electricity Commission (State Coal Mines).

of portion 97 intersects the westerly prolongation of the northern boundary of portion 171, thence by that prolongation and the northern, eastern and south-eastern boundaries of portion 171 to its southern most corner, thence by a line to the most northerly north-western corner of portion 108, thence by the northern boundary of portion 108 a line, the northern boundary of portion 110 and part of the northern boundary of portion 151 and the south western boundaries of portion 170 to the north-western corner of said portion 170, thence south westerly by the south-eastern side of a road adjacent to the south-eastern boundary of portion 186 to the point where that side of that road intersects the southerly prolongation of the western boundary of said portion 186, thence by that prolongation and western boundary of portion 186, the western and northern boundaries of portion 179 and the westerly prolongation of the northern boundary of said portion 179 to the south-western boundary of portion 187, thence by that south-western boundary and a line to the north-western corner of portion 86, thence by part of the western boundary of that portion to the point where the said boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion 1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement;

(g) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the third most southerly south-eastern corner of portion 152 parish of Awaba thence north-easterly by a south-eastern boundary of portion 152 to the point where that south-eastern boundary intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions

Electricity Commission (State Coal Mines).

162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally north westerly by part of that line to the point of commencement;

(h) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the north-eastern corner of portion 219 parish of Awaba, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south-western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally north-easterly to the point of commencement.

9. Any act, matter or thing done or omitted to be done before 1st July, 1973, shall be as valid and effectual as it would have been had the amendment made by section 8 (b) of this Act, been in force when that act, matter or thing was done or omitted to be done. Validation.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[20c]

Electricity Commission (State Coal Mines) Act, 1973.

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. This Act may be cited as the Electricity Commission (State Coal Mines) Act, 1973.

2. (1) This section and sections 3, 4 and 6 commence on the date of assent to this Act, 1973.

No. 1973.

A BILL

To transfer certain property to the Electricity Commission of New South Wales; for this and other purposes to amend the Electricity Commission Act, 1950, and the State Coal Mines Act, 1912; and for purposes connected therewith.

[Mr FIFE—4 April, 1973.]

BE

Electricity Commission (State Coal Mines).

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
5 follows:—

1. This Act may be cited as the "Electricity Commission Short title.
(State Coal Mines) Act, 1973".

2. (1) This section and sections 1, 3, 4 and 6 Commence-
commence on the date of assent to this Act. ment.

10 (2) Sections 5, 7, 8 and 9 commence on 1st July,
1973.

3. (1) At midnight on 30th June, 1973—

- 15 (a) the control of the mines and of the manager and
other persons employed in the mines which were
vested in the State Mines Control Authority by vir-
tue of the notifications published in the Gazettes of
23rd June, 1950, 16th February, 1951, 11th May,
1962 and 11th February, 1966, pursuant to section
20 15 of the State Coal Mines Act, 1912, ceases to be
vested in the State Mines Control Authority;
- (b) the members who constitute the State Mines Control
Authority pursuant to section 13 (3) of the State
Coal Mines Act, 1912, shall cease to hold office
as members of the State Mines Control Authority;
25 and
- (c) the appointment pursuant to section 14A of the State
Coal Mines Act, 1912, of the Director of State
Coal Mines, terminates.

(2)

Electricity Commission (State Coal Mines).

5 (2) As soon as practicable after 1st July, 1973, such part of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, as represents the opening head office cash balance on 1st July, 1973, after allowing for balance sheet or other adjustments as determined by the Treasurer shall be disbursed as directed by the Treasurer.

10 4. A member of the State Mines Control Authority who ceases to hold office as such a member by reason of section 3 (1) (b) shall not be entitled to claim for any compensation for loss arising out of the termination by that section of his appointment as such a member. Members of State Mines Control Authority.

15 5. (1) The person who immediately before 1st July, 1973, held office as the Director of State Coal Mines pursuant to section 14A of the State Coal Mines Act, 1912, shall, on and from 1st July, 1973, be entitled to be employed by The Electricity Commission of New South Wales on terms and conditions not less favourable than the terms and conditions he would have enjoyed as the Director of State Coal Mines had this Act not been enacted. Director of State Coal Mines.

20 (2) The entitlement conferred by subsection (1) shall be deemed to be given in full satisfaction of any claim to compensation that, by reason of section 3 (1) (c), may arise at the suit of the person who held the office referred to in subsection (1).

25 6. Nothing in this Act shall prejudice or affect the continuity of the body corporate incorporated under section 13 of the State Coal Mines Act, 1912, and it shall continue notwithstanding any of the provisions of this Act. Savings.

(d)

7.

Electricity Commission (State Coal Mines).

7. The State Coal Mines Act, 1912 is amended—

Amendment
of
Act No. 70,
1912.

- 5 (a) (i) by omitting from the definition of "Crown Lands Acts" in section 1 (2) the words "as amended by subsequent Acts or any Act replaced by such Act"; Sec 1.
(Definitions.)
- (ii) by omitting from the definition of "Private lands" in section 1 (2) the words "section forty-five of";
- 10 (b) (i) by omitting from section 8 (1) (c) the words "as amended by subsequent Acts,"; Sec. 8.
(Provisions of Public Works Act to apply.)
- (ii) by omitting from section 8 (3) the words "as amended by subsequent Acts, and any Act amending it,";
- 15 (c) (i) by omitting from section 12A (6) (a) the matter "— 1947"; Sec. 12A.
(Permissive occupancies of Oakdale State Coal Mine.)
- (ii) by omitting from section 12A (6) (a) the words "— 1950, or any Act amending any such Acts";
- 20 (iii) by omitting from section 12A (6) (b) the words "as amended by subsequent Acts,";
- (d) (i) by omitting section 13 (3) and by inserting instead the following subsections :— Sec. 13.
(Incorporation of authority.)
 - 25 (3) On and from 1st July, 1973, until such day as the Governor may appoint and as may be notified by proclamation published in the Gazette, the authority shall consist of—
 - 30 (a) the person for the time being holding office as, or acting in the office of, the Under Secretary for Mines who shall be the chairman of the authority; and

(b)

Electricity Commission (State Coal Mines).

(b) a person appointed as a member of the authority, on the nomination of the Minister, by the Governor by order published in the Gazette.

5 (3A) Upon the day appointed by the Governor and notified by proclamation published in the Gazette pursuant to subsection (3), the persons referred to in paragraphs (a) and (b) of that subsection shall be
10 deemed to have vacated their offices as members of the authority as constituted under that subsection and the authority shall be reconstituted to consist of at least three but not more than seven members of whom—

15 (a) one shall be the person for the time being holding office as the Director of State Coal Mines pursuant to section 14A who shall be the chairman of the authority;

20 (b) one shall be an officer of the Department of Mines appointed by the Governor on the recommendation of the Minister;

25 (c) one shall be an employee at a State coal mine worked under this Act appointed by the Governor on the recommendation of the Minister; and

30 (d) not more than four shall be persons, having such qualifications and experience as the Minister thinks fit, appointed by the Governor on the recommendation of the Minister.

(ii) by inserting in section 13 (5) after the word
35 “authority” where firstly occurring the words “as constituted under subsection (3A)”;

(iii)

Electricity Commission (State Coal Mines).

- (iii) by omitting from section 13 (5) the words "subsection three of this section" and by inserting instead the words "that subsection";
- 5 (iv) by inserting in section 13 (7) after the word "authority" where firstly occurring the words "as constituted under subsection (3A)";
- (v) by omitting from section 13 (7) (a) the word "or" where secondly occurring;
- 10 (vi) by omitting from section 13 (7) (b) the word "Governor." and by inserting instead the following words and new paragraph :—
- Governor; or
- 15 (c) being a member referred to in paragraph (a) of subsection (3A) or subparagraph (i) or (ii) of paragraph (b) of that subsection ceases to hold the office or qualification by virtue of which he was, or was appointed as, a member of the authority.
- 20 (e) (i) by inserting in section 14 (1) after the word "authority" the words "(other than the chair-^{Sec. 14. (Term of office.)}man) as constituted under subsection (3A) of section 13";
- 25 (ii) by inserting in section 14 (2) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (iii) by omitting from section 14 (3) the word "three" and by inserting instead the matter "(3A)";
- 30 (iv) by inserting in section 14 (3) after the word "chairman." where thirdly occurring the following new paragraph :—
- 35 All or any of the powers of the authority as constituted under subsection (3) of section 13 may be exercised by the members of the
- authority

Electricity Commission (State Coal Mines).

authority as so constituted or, in the absence of the member referred to in paragraph (b) of that subsection, by the member referred to in paragraph (a) of that subsection.

- 5 (v) by inserting in section 14 (3) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- 10 (f) (i) by omitting from section 15 (5) the words "as amended by subsequent Acts,"; Sec. 15. (Mine to be vested in authority.)
- (ii) by omitting from section 15 (5) the words "as so amended," wherever occurring;
- 15 (g) (i) by omitting from section 15A the words "An account" and by inserting instead the words "On and from the day appointed by the Governor and notified pursuant to subsection (3) of section 13, an account"; Sec. 15A. (State Coal Mines Working Account.)
- (ii) by inserting in section 15A after the word "Act" where firstly occurring the words "on and from that day";
- 20 (iii) by inserting in section 15A after the word "authority" where secondly occurring the words "on and from that day";
- (iv) by inserting at the end of section 15A the following new subsection :—
- 25 (2) Any moneys payable to the authority on and from 1st July, 1973, until the day appointed by the Governor and notified pursuant to subsection (3) of section 13 shall be
- 30 collected and received by the authority for or on account of the Consolidated Revenue Fund.
- (h) by omitting from section 16 (4) (a) the words "and Acts amending the same,"; Sec. 16. (Accounts to be kept.)
- (i)

Electricity Commission (State Coal Mines).

- (i) by omitting from section 17 the words "The Department of Railways and any other body," and by inserting instead the words "Any body, whether"; Sec. 17.
(Coal for certain bodies to be purchased from authority.)
- 5 (j) by omitting from section 20 the words "1912-1941, and any Acts amending the same," and by inserting instead the matter "1912,"; Sec. 20.
(Mines to be worked subject to Coal Mines Regulation Act.)
- (k) (i) by omitting from section 21A the words "as amended by subsequent Acts,"; Sec. 21A.
(Authority may prospect for coal.)
- 10 (ii) by omitting from section 21A the words " , as so amended,";
- (l) by omitting section 22 (2) and by inserting instead the following subsection :— Sec. 22.
(Regulations.)
- 15 (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.
8. The Electricity Commission Act, 1950, is amended— Amendment of Act No. 22, 1950.
- 20 (a) by inserting in section 2 next after the matter relating to Part IV the following new matter :— Sec. 2.
(Division into Parts.)
- PART IVA.—ACQUISITION OF COAL MINING UNDERTAKINGS.**
- 25 (b) (i) by omitting from section 9 (1) (c) the words "business; and" and by inserting instead the word "business,"; Sec. 9.
(Powers of Commission.)
- (ii)

Electricity Commission (State Coal Mines).

(ii) by omitting from section 9 (1) (d) the word "State." and by inserting instead the following words and new paragraph :—

State; and

5 (e) apply for an authority or lease under and in accordance with the Mining Act, 1906, for the purpose of prospecting or mining for coal or shale or for mining purposes, and carry on
10 mining operations in pursuance of any such lease.

(c) by inserting next after Part IV the following new New Part Part:— IVA.

PART IVA.

ACQUISITION OF COAL MINING UNDERTAKINGS.

34A. In this Part, except in so far as the context Interpre- or subject matter otherwise indicates or requires— tation.

"appointed day" means 1st July, 1973;

20 "authority" means The State Mines Control Authority constituted under the State Coal Mines Act, 1912;

"prescribed moneys" means any moneys payable to or received by the authority in respect of—

25 (a) any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912; and

(b) any sale or any lease or other agreement in respect of any
30 prescribed property;

"prescribed property" means—

(a) the lands contained in Certificate of Title Register Volume 3425 Folio 98 kept by the Registrar-General pursuant to the Real Property Act, 1900; and
35

(b)

Electricity Commission (State Coal Mines).

(b) the lands described as Lot 1 in Deposited Plan No. 242977 deposited in the office of the Registrar-General, Sydney.

- 5 34B. (1) On and from the appointed day— Transfer of
State coal
mines.
- (a) the control of the lands described in Schedules 2, 3, 4 and 5 shall be vested in the Commission subject to this Act;
- 10 (b) all real property and all right and interest therein that, immediately before that day, belonged to the authority (other than prescribed property) shall vest in and belong to the Commission;
- 15 (c) all personal property, other than money, and all right and interest therein that, immediately before that day, belonged to or was under the control of the authority shall be the absolute property of the Commission;
- 20 (d) all moneys (other than prescribed moneys) and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the authority (including any moneys to the credit, immediately before that day, of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, other than moneys referred to in subsection (2) of section 3 of the Electricity Commission (State Coal Mines) Act, 1973) shall be moneys and liquidated claims payable to or recoverable by the Commission;
- 25
- 30
- 35 (e) all proceedings (other than those relating to prescribed moneys or prescribed property) commenced before that day by the
- authority

Electricity Commission (State Coal Mines).

5 authority and pending immediately before
that day shall be deemed to be proceedings
pending on that day by the Commission
and all proceedings so commenced by any
person against the authority and pending
immediately before that day shall be deemed
to be proceedings pending on that day by
that person against the Commission;

10 (f) all contracts, agreements, arrangements and
undertakings (other than those relating to
prescribed property or in respect of any per-
missive occupancy granted under section
12A of the State Coal Mines Act, 1912)
15 entered into with the authority and in force
immediately before that day shall be deemed
to be contracts, agreements, arrangements
and undertakings entered into with the
Commission;

20 (g) the Commission may, in addition to pursuing
any other remedies or exercising any other
powers that may be available to it, pursue
the same remedies for the recovery of
moneys and claims referred to in this
25 subsection (other than prescribed moneys,
claims relating to prescribed property or
claims in respect of any permissive
occupancy referred to in paragraph (f))
and for the prosecution of proceedings re-
ferred to in paragraph (e) as the authority
30 might have done but for the enactment of
this Act;

35 (h) the Commission may enforce and realise
any security or charge existing immediately
before that day in favour of the authority
(other than securities and charges relating
to prescribed property) and may exercise
any powers thereby conferred on the
authority as if the security or charge were a
security or charge in favour of the
40 Commission; (i)

Electricity Commission (State Coal Mines).

5 (i) all debts, moneys and claims, liquidated and unliquidated (other than those relating to prescribed moneys or prescribed property) that, immediately before that day, were due or payable by, or recoverable against, the authority shall be debts due by, moneys payable by and claims recoverable against, the Commission; and

10 (j) all liquidated and unliquidated claims (other than those relating to prescribed moneys or prescribed property) for which the authority would, but for the enactment of this Act, have been liable shall be
15 liquidated and unliquidated claims for which the Commission shall be liable.

20 (2) Where before the appointed day the authority has made application for a lease under the Mining Act, 1906, or such a lease has been granted and is in force immediately before that day, or any consent relating to an application for such a lease has been granted to the authority under
25 subsection (1) of section 28, subsection (5) of section 57 or subsection (5) of section 60 of that Act and is in force immediately before that day, that application, that lease or that consent shall be deemed to have been made by or granted to the Commission, as the case may be.

30 (3) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the authority shall, to the extent that but for the enactment of this section that act, matter or thing would on or after that day have had any force or effect or been in operation but not in so far as the act, matter or
35 thing related to prescribed moneys or prescribed property, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

(4)

Electricity Commission (State Coal Mines).

5 (4) Upon the appointed day any person who, immediately before that day, is a person appointed by the authority pursuant to subsection (3) of section 15 of the State Coal Mines Act, 1912, and whose appointment has not been terminated by the authority, shall be transferred to and become an employee of the corporation with which the Commission has made an arrangement under section 34C upon terms and conditions not less favourable than the terms and conditions on which he was employed immediately before that day.

15 (5) The period of service with the authority of any person who, under subsection (4), is transferred to a corporation shall be deemed to be service with that corporation for the purposes of any law relating to annual leave, sick leave or long service leave and any award made under or industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

20 (6) A person is not entitled to claim benefits under subsection (5) in respect of any period of service for which he has received corresponding benefits in respect of his service with the authority.

25 (7) No attornment to the Commission by a lessee from the authority shall be required.

30 34c. (1) The Commission shall, before 1st July, 1973, enter into an arrangement with a corporation within the meaning of the Companies Act, 1961, in respect of which the Commission has a controlling interest by virtue of its shareholding in the capital of that corporation, with respect to the management and operation of any lands or other property of which the Commission has control or owns by virtue of this Part. Management of Commission's coal mines.

Electricity Commission (State Coal Mines).

(2) Any arrangement referred to in subsection (1)—

- 5 (a) may, subject to this Act, provide for the vesting absolutely or by lease, sublease or hire of any lands or other property the Commission owns by virtue of this Part; and
- 10 (b) shall make provision in the event of the arrangement being cancelled or suspended with respect to the re-employment by the Commission of the persons who are employees of the corporation by virtue of subsection (4) of section 34B on terms and conditions not less favourable than the terms and conditions on which they were employed immediately before the appointed day.

15 (3) The Commission may amend or vary an arrangement referred to in subsection (1) or may, for any reason it deems fit, cancel or suspend the arrangement.

20

(4) Any document or instrument evidencing an arrangement under subsection (1) shall not be liable to the provisions of the Stamp Duties Act, 1920.

25 34D. (1) For the purpose of the carrying on by the Commission or by a corporation with which the Commission has made an arrangement under section 34C of mining operations on any lands referred to in subsection (1) of section 34C the Mining Act, 1906, shall be deemed to be amended to the extent necessary—

30

Grant of leases for mining and mining purposes.

- 35 (a) to authorise the granting of a lease thereunder to the Commission or corporation in respect of those lands notwithstanding that the provisions of that Act relating to applications for leases have not been complied with; and

(b)

Electricity Commission (State Coal Mines).

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

5 (2) Any proclamation, notification or order made before or after the commencement of section 8 of the Electricity Commission (State Coal Mines) Act, 1973, that, but for this subsection, would preclude the granting of a lease referred to in subsection (1) shall, to the extent necessary to
10 authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.

15 (3) Until a lease referred to in subsection (1) is granted, the Governor may, upon such terms and conditions as he deems fit, authorise the Commission or a corporation with which the Commission has made an arrangement under section 34c to commence and continue coal and shale
20 mining operations on any of the lands in respect of which the lease is applied for.

(d) by omitting from section 69 (5) the words "seven days" and by inserting instead the words "twenty-one days"; Sec. 69. (Appeal Board.)

25 (e) by omitting section 90 and by inserting instead the following section:— Subst. sec. 90.

30 90. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation and a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Application of s. 41 of Interpretation Act, 1897.

(f) by inserting next after Schedule 1 the following new Schedules :— New Schs. 2-5.

SCHEDULE 2.

Sec. 34B.

35 All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 8350 acres or thereabouts situated in the County of Northumberland, parishes of Wallarah and Morrisset: Commencing at the south-western corner of portion 19 parish of Morrisset thence southerly by a line to the north-western corner

Electricity Commission (State Coal Mines).

- corner of portion ML9 parish of Wallarah, thence by the western boundary of that portion to its south western corner, thence generally south easterly by the mean high water mark of Chain Valley Bay in Lake Macquarie to a point on that mean high water mark bearing
- 5 68° (magnetic) from the south-eastern corner of portion 71 parish of Wallarah, thence south easterly by a line to the north-western corner of portion ML70, thence by part of the south-western boundary of that portion to its intersection with a line from a point about 12 chains due north from the north-western corner of portion 76 to a
- 10 point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset on a line from the north-western corner of portion 325 parish of Morrisset to the north-western corner of portion 18 parish of Munmorah, thence north-westerly by the former line to the aforesaid point about 5 chains
- 15 south from the most westerly north-western corner of portion 322 parish of Morrisset, thence northerly to the north-western corner of portion 325 by part of the aforesaid line from that corner to the north-western corner of portion 18 parish of Munmorah, thence
- 20 northerly by a line to the south-eastern corner of portion 402 parish of Morrisset, thence easterly by a line to the point of commencement, but excluding—
- (a) land having an area of 1 rood 23¼ perches appropriated by the Commonwealth of Australia for postal services by notification in the Commonwealth Gazette of 21st September, 1961; and
- 25 (b) portion 22 (of 39 acres excluding road), portion 29A (of 8 acres 3 roods 11 perches excluding road), portion 23 (of 23 acres) and portion 38 (of 40 acres) plans catalogued N.257—1501, N.751A—1501, N.348—1501 and N.772—1501 respectively in the Department of Lands and portions 44 and 43 (of 89 acres and 63
- 30 acres respectively) plan catalogued N.472—1501 in the Department of Lands all in the parish of Morrisset County of Northumberland.

SCHEDULE 3.

Sec. 34B.

- All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 6600 acres or there-
- 35 abouts situated in the County of Northumberland, parishes of Tuggerah, Wallarah, Munmorah and Morrisset: Commencing at the north-western corner of portion 76 parish of Wallarah thence by part of the western boundary of that portion to the north-eastern corner of portion 68 parish of Munmorah, thence by the south-eastern,
- 40 eastern and part of the southern boundaries of the area set apart for coal mining operations by Proclamation under section 2 (1) of the State Coal Mines Act, 1912, published in the Government Gazette of 4th March, 1970, folio 729, to the mean high water mark on the generally western shore of Tuggerah Lake, thence generally northerly
- 45 and easterly by the mean high water mark of that Lake to the south-western boundary of portion 16 parish of Munmorah, thence by the south-western and north-western boundaries of that portion to the
- aforesaid

Electricity Commission (State Coal Mines).

aforesaid mean high water mark of Tuggerah Lake, thence generally northerly by that mean high water mark and generally westerly and south westerly by the mean high water mark on the southern bank of Wallarah Creek to the point where the said mean high water mark of Wallarah Creek intersects a line from the north-western corner of portion 18 parish of Munmorah to the north-western corner of portion 325 parish of Morrisset, thence northerly by part of that line to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence south-easterly by part of a line to a point about 12 chains due north from the aforesaid north-western corner of portion 76 to the point where that line intersects the south-western boundary of portion ML70 parish of Wallarah, thence south-easterly by part of the south-western boundary of portion ML70 and the south-easterly prolongation of same to the point of commencement, and including the land which is above 50 feet below the surface of portions ML94 parish of Wallarah and 85 and 89 parish of Munmorah.

SCHEDULE 4.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 4900 acres or thereabouts situated in the County of Durham, parishes of Liddell and Ravensworth: Commencing at the north-eastern corner of portion 169 of 640 acres, parish of Ravensworth, thence by the northern boundary of that portion westerly to its north-western corner thence by a line generally north-westerly to the south-eastern corner of portion 74, thence by the eastern boundaries of portions 74, 75, a line, the eastern and northern boundaries of portion 31, a line, part of the eastern, the northern and part of the western boundaries of portion 29 to the point where that western boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation and northern boundary of portion 70 and part of the western boundary of the said portion to its intersection with the easterly prolongation of the northern boundary of portion 76, thence by that prolongation and part of the northern boundary of portion 76 to the south-eastern corner of portion 28, thence by the eastern and northern boundaries of portion 28, a line, the northern boundary of portion 78 and part of the northern boundary of portion 37 to its intersection with the southerly prolongation of the eastern boundary of portion 82, thence by that prolongation and the eastern and part of the north-eastern boundaries of portion 82 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 55, thence by the said prolongation and eastern boundary of portion 55, a line and the eastern and part of the northern boundaries of portion 38 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 58, thence by that prolongation, the eastern

Electricity Commission (State Coal Mines).

- boundaries of portions 58 and 57, parish of Ravensworth, a line, the eastern and northern boundaries of portion 20 parish of Liddell, part of the eastern boundary of portion 20 parish of Savoy and a line to the south-western corner of portion 89 of 2560 acres parish of Liddell,
- 5 thence by the southern boundary of said portion 89 and part of the southern boundary of portion 1 to the north-western corner of portion 45 same parish, thence by the generally western and southern boundaries of portion 45, the southern boundary of portion 181, and a line to the north-western corner of portion 185, thence southerly by the
- 10 western boundaries of portions 185, 186, 187, 188, 189, a line to the north-western corner of portion 63, the western boundaries of portions 63, 64, 65 and part of the western boundary of portion 66 to the north-eastern corner of portion 67, thence by the northern,
- 15 western and southern boundaries of portion 67, the southern boundary of aforesaid portion 66 and a line to the north-western corner of portion 101 parish of Ravensworth, thence by the western boundaries of portions 101, 102, 103, 104, 105, a line, the western boundary of portion 106 and the western, southern and generally south-eastern boundaries of portion 107 parish of Ravensworth to the western
- 20 boundary of portion 1 Rem. parish of Vane, thence southerly by part of the western boundary of portion 1 Rem. parish of Vane and the southerly prolongation of that boundary to the northern boundary of portion 7 parish of Ravensworth, thence by part of the northern boundary of said portion 7, to the most easterly north-eastern corner
- 25 of portion 91, thence by the eastern boundary of that portion and an eastern and northern boundaries of portion 92 to the most easterly north-eastern corner of the latter portion, thence again by an eastern boundary of portion 92 and the southerly prolongation of same to the northern boundary of portion 14, thence westerly by part of the
- 30 northern boundary of the latter portion and a line to the point of commencement.

SCHEDULE 5.

Sec. 34B.

- All that piece or parcel of Crown land and private land containing 8300 acres or thereabouts situated in the County of Northumberland,
- 35 parishes of Awaba and Coorumbung: Commencing at the most southerly south-western corner of portion 150 parish of Awaba thence by the generally south-eastern and south-western boundaries of that portion and the generally south-eastern and south-western boundaries of portions 151 and 152 to the point where a south-eastern boundary
- 40 of portion 152 intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions 162, 163 and 164, the south-
- 45 eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects

Electricity Commission (State Coal Mines).

intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally south-easterly by part of that line to the said north-eastern corner of portion 219, thence north-easterly by a line
5 to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western
10 boundaries of portion 101 and the generally south western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally south-westerly to the said south-western corner of portion 109, thence by the south-
15 eastern boundaries of that portion, the south-eastern boundaries of portions 108 and 107, the south-western boundary of said portion 107, a line, the south-western and south-eastern boundaries of portion 111 and a south-eastern and part of a south-western boundary of Reserve 70838 from sale for access to water notified in the Govern-
20 ment Gazette of 26th February, 1943 to the western boundary of portion ML78 (plan catalogued M17878 in the Department of Mines), thence southerly by part of the western boundary of portion ML78 to the northern boundary of an area of 48 acres 3 roods 2½ perches shown on plan catalogued Ms6015 Md. R. in the Department of Lands,
25 thence by part of the northern, the western and part of the southern boundaries of that area to the aforesaid western boundary of portion ML78, again by part of the western boundary of portion ML78 to the northern boundary of portion ML80 (plan catalogued M17893 in the Department of Mines), thence by part of the northern and by
30 the most western boundaries of the latter portion to the northern boundary of portion 74, thence by part of the northern and by the western boundaries of portion 74, the northern and western boundaries of portion 45 and the southerly prolongation of the said western boundary of portion 45 to the foreshores of Lake Macquarie, thence
35 generally north-westerly and south-westerly by the said foreshores to the northern boundary of portion 86 parish of Coorumbung, thence by part of the northern and western boundaries of portion 86 to the point where the latter boundary intersects the easterly prolongation of the northern boundary of portion 70 same parish thence by that
40 easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to
45 a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion

Electricity Commission (State Coal Mines).

1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of
5 portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern
10 corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement but excluding—

(a) portion 14 (of 42 acres excluding road), portion 15 (of 45 acres 3 roods) and portions 16, 17 and 18 (all of 32 acres 2 roods),
15 parish of Coorumbung, plan catalogued N.126-1501R in the Department of Lands and portion 175 (of 3 acres 1 rood 13 perches), portion 176 (of 2 acres 0 roods 18 perches) and portion 177 (of 1 acre 3 roods 22 perches), parish of Awaba, plan catalogued N.3314-2111 in the Department of Lands;

20 (b) the land which is above 50 feet below the surface of portion 217 (of 10 acres 2 roods 20 perches excluding road) parish of Awaba, plan catalogued N.3320-2111 in the Department of Lands other than that part of that portion resumed for railway purposes by notification in the Government Gazette of 7th May, 1971,
25 folio 1462 and being lot 5 in Deposited Plan 239629;

(c) the land which is above 50 feet below the surface of the Main Northern Railway Line from Sydney to Newcastle and of adjacent railway lands plans catalogued Ms.448 Sy.Bk., and Ms.829 Md. R. in the Department of Lands;

30 (d) the land which is above 50 feet below the surface of portion 247 (of 900 acres) parish of Awaba plan catalogued N.5368R/-2111 in the Department of Lands;

(e) the land which is above 50 feet below the surface of portion 94 (of 88 acres 3 roods) and portion 95 (of 79 acres) parish of
35 Coorumbung plan catalogued N.3260R-2111 in the Department of Lands;

(f) the land which is above 50 feet below the surface of the area bounded as follows: Commencing at the northern most corner of portion 143 parish of Coorumbung thence by part of the eastern
40 boundary of that portion, the northern and eastern boundaries of portion 18, part of the eastern boundary of portion 17, the northern, eastern and southern boundaries of portion 54, a line, the eastern boundary of portion 15, the eastern and part of the southern boundary of portion 14, the eastern boundary of portion 53 and part of the
45 southern boundary of that portion to the point where the last mentioned boundary intersects the northerly prolongation of the eastern boundary of portion 116, thence southerly by that prolongation, the eastern boundary of said portion 116 and the generally eastern boundaries of portion 97 to the point where a generally eastern boundary
of

Electricity Commission (State Coal Mines).

of portion 97 intersects the westerly prolongation of the northern boundary of portion 171, thence by that prolongation and the northern, eastern and south-eastern boundaries of portion 171 to its southern most corner, thence by a line to the most northerly north-western corner of portion 108, thence by the northern boundary of portion 5
108 a line, the northern boundary of portion 110 and part of the northern boundary of portion 151 and the south western boundaries of portion 170 to the north-western corner of said portion 170, thence south westerly by the south-eastern side of a road adjacent to the
10 south-eastern boundary of portion 186 to the point where that side of that road intersects the southerly prolongation of the western boundary of said portion 186, thence by that prolongation and western boundary of portion 186, the western and northern boundaries of portion 179 and the westerly prolongation of the northern bound-
15 ary of said portion 179 to the south-western boundary of portion 187, thence by that south-western boundary and a line to the north-western corner of portion 86, thence by part of the western boundary of that portion to the point where the said boundary intersects the easterly prolongation of the northern boundary of portion 70, thence
20 by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said
25 portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary
30 of portion 1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary
35 to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally
40 northerly by that side of that road to the point of commencement;

(g) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the third most southerly south-eastern corner of portion 152 parish of Awaba thence north-easterly by a south-eastern boundary of portion 152 to the
45 point where that south-eastern boundary intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions

Electricity Commission (State Coal Mines).

- 162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the
5 point where the last mentioned boundary intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally north westerly by part of that line to the point of commencement;
- (h) the land which is below a depth of 50 feet from the surface
10 of the area bounded as follows: Commencing at the north-eastern corner of portion 219 parish of Awaba, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western
15 boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south-western boundaries of portion 103 to the point of intersection with a line from the afore-said north-eastern corner of portion 219 to the south-western corner
20 of portion 109, thence by part of that line generally north-easterly to the point of commencement.

9. Any act, matter or thing done or omitted to be done Validation.
before 1st July, 1973, shall be as valid and effectual as it
would have been had the amendment made by section 8 (b)
25 of this Act, been in force when that act, matter or thing was done or omitted to be done.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[20c]



**ELECTRICITY COMMISSION (STATE COAL MINES)
BILL, 1973**

EXPLANATORY NOTE

THE objects of the Bill are—

- (a) to provide for the transfer of—
 - (i) the control of the State coal mines and of the manager and other persons employed thereat; and
 - (ii) certain assets of the State Mines Control Authority (hereinafter referred to as the “authority”),
to the Electricity Commission of New South Wales (hereinafter referred to as the “Commission”);
- (b) to reconstitute the authority;
- (c) to make provision for the payment to the Consolidated Revenue Fund of any moneys the reconstituted authority receives;
- (d) to enable the Commission to enter into arrangements with certain corporations with respect to the management and control of its coal mines;
- (e) to clarify the powers of the Commission relating to coal mining;
- (f) to make other provisions of a minor or consequential nature.

LIBRARY OF THE UNIVERSITY OF TORONTO
130 St. George Street
Toronto, Ontario

No. 1973.

A BILL

To transfer certain property to the Electricity Commission of New South Wales; for this and other purposes to amend the Electricity Commission Act, 1950, and the State Coal Mines Act, 1912; and for purposes connected therewith.

[Mr FIFE—4 April, 1973.]

BE

Electricity Commission (State Coal Mines).

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
5 follows :—

1. This Act may be cited as the "Electricity Commission Short title.
(State Coal Mines) Act, 1973".

2. (1) This section and sections 1, 3, 4 and 6 Commence-
ment.
commence on the date of assent to this Act.

10 (2) Sections 5, 7, 8 and 9 commence on 1st July,
1973.

3. (1) At midnight on 30th June, 1973—

- 15 (a) the control of the mines and of the manager and
other persons employed in the mines which were
vested in the State Mines Control Authority by vir-
tue of the notifications published in the Gazettes of
23rd June, 1950, 16th February, 1951, 11th May,
1962 and 11th February, 1966, pursuant to section
20 15 of the State Coal Mines Act, 1912, ceases to be
vested in the State Mines Control Authority;
- (b) the members who constitute the State Mines Control
Authority pursuant to section 13 (3) of the State
Coal Mines Act, 1912, shall cease to hold office
as members of the State Mines Control Authority;
25 and
- (c) the appointment pursuant to section 14A of the State
Coal Mines Act, 1912, of the Director of State
Coal Mines, terminates.

(2)

Electricity Commission (State Coal Mines).

- (2) As soon as practicable after 1st July, 1973, such part of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, as represents the opening head office cash balance on 1st July, 1973, after allowing for balance sheet or other adjustments as determined by the Treasurer shall be disbursed as directed by the Treasurer.
4. A member of the State Mines Control Authority who ceases to hold office as such a member by reason of section 3 (1) (b) shall not be entitled to claim for any compensation for loss arising out of the termination by that section of his appointment as such a member. Members of State Mines Control Authority.
5. (1) The person who immediately before 1st July, 1973, held office as the Director of State Coal Mines pursuant to section 14A of the State Coal Mines Act, 1912, shall, on and from 1st July, 1973, be entitled to be employed by The Electricity Commission of New South Wales on terms and conditions not less favourable than the terms and conditions he would have enjoyed as the Director of State Coal Mines had this Act not been enacted. Director of State Coal Mines.
- (2) The entitlement conferred by subsection (1) shall be deemed to be given in full satisfaction of any claim to compensation that, by reason of section 3 (1) (c), may arise at the suit of the person who held the office referred to in subsection (1).
6. Nothing in this Act shall prejudice or affect the continuity of the body corporate incorporated under section 13 of the State Coal Mines Act, 1912, and it shall continue notwithstanding any of the provisions of this Act. Savings.

Electricity Commission (State Coal Mines).

7. The State Coal Mines Act, 1912 is amended—

Amendment
of
Act No. 70,
1912.

- 5 (a) (i) by omitting from the definition of "Crown Lands Acts" in section 1 (2) the words ", as amended by subsequent Acts or any Act replaced by such Act";
- (ii) by omitting from the definition of "Private lands" in section 1 (2) the words "section forty-five of";
- 10 (b) (i) by omitting from section 8 (1) (c) the words "as amended by subsequent Acts,";
- (ii) by omitting from section 8 (3) the words "as amended by subsequent Acts, and any Act amending it,";
- 15 (c) (i) by omitting from section 12A (6) (a) the matter "— 1947";
- (ii) by omitting from section 12A (6) (a) the words "— 1950, or any Act amending any such Acts";
- 20 (iii) by omitting from section 12A (6) (b) the words "as amended by subsequent Acts,";
- (d) (i) by omitting section 13 (3) and by inserting instead the following subsections :—
- (3) On and from 1st July, 1973, until such day as the Governor may appoint and as may be notified by proclamation published in the Gazette, the authority shall consist of—
- 25 (a) the person for the time being holding office as, or acting in the office of, the Under Secretary for Mines who shall be the chairman of the
- 30 authority; and

Sec. 1.
(Definitions.)Sec. 8.
(Provisions
of
Public
Works
Act
to apply.)Sec. 12A.
(Permissive
occupancies
of Oakdale
State
Coal Mine.)Sec. 13.
(Incorporation
of
authority.)

(b)

Electricity Commission (State Coal Mines).

(b) a person appointed as a member of the authority, on the nomination of the Minister, by the Governor by order published in the Gazette.

5 (3A) Upon the day appointed by the Governor and notified by proclamation published in the Gazette pursuant to subsection (3), the persons referred to in paragraphs (a) and (b) of that subsection shall be
10 deemed to have vacated their offices as members of the authority as constituted under that subsection and the authority shall be reconstituted to consist of at least three but not more than seven members of whom—

15 (a) one shall be the person for the time being holding office as the Director of State Coal Mines pursuant to section 14A who shall be the chairman of the authority;

20 (b) one shall be an officer of the Department of Mines appointed by the Governor on the recommendation of the Minister;

25 (c) one shall be an employee at a State coal mine worked under this Act appointed by the Governor on the recommendation of the Minister; and

30 (d) not more than four shall be persons, having such qualifications and experience as the Minister thinks fit, appointed by the Governor on the recommendation of the Minister.

(ii) by inserting in section 13 (5) after the word
35 "authority" where firstly occurring the words "as constituted under subsection (3A)";

(iii)

Electricity Commission (State Coal Mines).

- (iii) by omitting from section 13 (5) the words "subsection three of this section" and by inserting instead the words "that subsection";
- 5 (iv) by inserting in section 13 (7) after the word "authority" where firstly occurring the words "as constituted under subsection (3A)";
- (v) by omitting from section 13 (7) (a) the word "or" where secondly occurring;
- 10 (vi) by omitting from section 13 (7) (b) the word "Governor." and by inserting instead the following words and new paragraph :—
- Governor; or
- 15 (c) being a member referred to in paragraph (a) of subsection (3A) or subparagraph (i) or (ii) of paragraph (b) of that subsection ceases to hold the office or qualification by virtue of which he was, or was appointed as, a member of the authority.
- 20 (e) (i) by inserting in section 14 (1) after the word "authority" the words "(other than the chairman) as constituted under subsection (3A) of section 13"; Sec. 14. (Term of office.)
- 25 (ii) by inserting in section 14 (2) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (iii) by omitting from section 14 (3) the word "three" and by inserting instead the matter "(3A)";
- 30 (iv) by inserting in section 14 (3) after the word "chairman." where thirdly occurring the following new paragraph :—
- 35 All or any of the powers of the authority as constituted under subsection (3) of section 13 may be exercised by the members of the authority
- authority

Electricity Commission (State Coal Mines).

- authority as so constituted or, in the absence of the member referred to in paragraph (b) of that subsection, by the member referred to in paragraph (a) of that subsection.
- 5 (v) by inserting in section 14 (3) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- 10 (f) (i) by omitting from section 15 (5) the words "as amended by subsequent Acts,"; Sec. 15.
(Mine to be vested in authority.)
- (ii) by omitting from section 15 (5) the words " , as so amended," wherever occurring;
- (g) (i) by omitting from section 15A the words "An account" and by inserting instead the words "On and from the day appointed by the Governor and notified pursuant to subsection (3) of section 13, an account"; Sec. 15A.
(State Coal Mines Working Account.)
- 15 (ii) by inserting in section 15A after the word "Act" where firstly occurring the words "on and from that day";
- 20 (iii) by inserting in section 15A after the word "authority" where secondly occurring the words "on and from that day";
- (iv) by inserting at the end of section 15A the following new subsection :—
- 25 (2) Any moneys payable to the authority on and from 1st July, 1973, until the day appointed by the Governor and notified pursuant to subsection (3) of section 13 shall be collected and received by the authority for or on account of the Consolidated Revenue Fund.
- 30 (h) by omitting from section 16 (4) (a) the words "and Acts amending the same,"; Sec. 16.
(Accounts to be kept.)
- (i)

Electricity Commission (State Coal Mines).

- (i) by omitting from section 17 the words "The Department of Railways and any other body," and by inserting instead the words "Any body, whether"; Sec. 17.
(Coal for certain bodies to be purchased from authority.)
- 5 (j) by omitting from section 20 the words "1912-1941, and any Acts amending the same," and by inserting instead the matter "1912,"; Sec. 20.
(Mines to be worked subject to Coal Mines Regulation Act.)
- (k) (i) by omitting from section 21A the words "as amended by subsequent Acts,"; Sec. 21A.
(Authority may prospect for coal.)
- 10 (ii) by omitting from section 21A the words ", as so amended,";
- (l) by omitting section 22 (2) and by inserting instead the following subsection :— Sec. 22.
(Regulations.)
- 15 (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.
8. The Electricity Commission Act, 1950, is amended— Amendment of Act No. 22, 1950.
- 20 (a) by inserting in section 2 next after the matter relating to Part IV the following new matter :— Sec. 2.
(Division into Parts.)
- PART IVA.—ACQUISITION OF COAL MINING UNDERTAKINGS.**
- 25 (b) (i) by omitting from section 9 (1) (c) the words "business; and" and by inserting instead the word "business,"; Sec. 9.
(Powers of Commission.)
- (ii)

Electricity Commission (State Coal Mines).

(ii) by omitting from section 9 (1) (d) the word "State." and by inserting instead the following words and new paragraph :—
State; and

5 (e) apply for an authority or lease under and in accordance with the Mining Act, 1906, for the purpose of prospecting or mining for coal or shale or for mining purposes, and carry on
10 mining operations in pursuance of any such lease.

(c) by inserting next after Part IV the following new Part:— New Part
IVA.

PART IVA.

15 **ACQUISITION OF COAL MINING UNDERTAKINGS.**

34A. In this Part, except in so far as the context Interpre-
tation. or subject matter otherwise indicates or requires—

"appointed day" means 1st July, 1973;

20 "authority" means The State Mines Control Authority constituted under the State Coal Mines Act, 1912;

"prescribed moneys" means any moneys payable to or received by the authority in respect of—

25 (a) any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912; and

30 (b) any sale or any lease or other agreement in respect of any prescribed property;

"prescribed property" means—

35 (a) the lands contained in Certificate of Title Register Volume 3425 Folio 98 kept by the Registrar-General pursuant to the Real Property Act, 1900; and

(b)

Electricity Commission (State Coal Mines).

(b) the lands described as Lot 1 in Deposited Plan No. 242977 deposited in the office of the Registrar-General, Sydney.

- 5 34B. (1) On and from the appointed day— Transfer of
State coal
mines.
- (a) the control of the lands described in Schedules 2, 3, 4 and 5 shall be vested in the Commission subject to this Act;
- 10 (b) all real property and all right and interest therein that, immediately before that day, belonged to the authority (other than prescribed property) shall vest in and belong to the Commission;
- 15 (c) all personal property, other than money, and all right and interest therein that, immediately before that day, belonged to or was under the control of the authority shall be the absolute property of the Commission;
- 20 (d) all moneys (other than prescribed moneys) and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the authority (including any moneys to the credit, immediately before that day, of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, other than moneys referred to in subsection (2) of section 3 of the Electricity Commission (State Coal Mines) Act, 1973) shall be moneys and liquidated claims payable to or recoverable by the Commission;
- 25
- 30
- 35 (e) all proceedings (other than those relating to prescribed moneys or prescribed property) commenced before that day by the
- authority

Electricity Commission (State Coal Mines).

- 5 authority and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the authority and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission ;
- 10 (f) all contracts, agreements, arrangements and undertakings (other than those relating to prescribed property or in respect of any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912) entered into with the authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with the Commission ;
- 15 (g) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection (other than prescribed moneys, claims relating to prescribed property or claims in respect of any permissive occupancy referred to in paragraph (f)) and for the prosecution of proceedings referred to in paragraph (e) as the authority might have done but for the enactment of this Act ;
- 20 (h) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the authority (other than securities and charges relating to prescribed property) and may exercise any powers thereby conferred on the authority as if the security or charge were a security or charge in favour of the Commission ;
- 25 (i)
- 30
- 35
- 40

Electricity Commission (State Coal Mines).

5 (i) all debts, moneys and claims, liquidated and unliquidated (other than those relating to prescribed moneys or prescribed property) that, immediately before that day, were due or payable by, or recoverable against, the authority shall be debts due by, moneys payable by and claims recoverable against, the Commission; and

10 (j) all liquidated and unliquidated claims (other than those relating to prescribed moneys or prescribed property) for which the authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for
15 which the Commission shall be liable.

20 (2) Where before the appointed day the authority has made application for a lease under the Mining Act, 1906, or such a lease has been granted and is in force immediately before that day, or any consent relating to an application for such a lease has been granted to the authority under subsection (1) of section 28, subsection (5) of section 57 or subsection (5) of section 60 of that Act and is in force immediately before that day,
25 that application, that lease or that consent shall be deemed to have been made by or granted to the Commission, as the case may be.

30 (3) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the authority shall, to the extent that but for the enactment of this section that act, matter or thing would on or after that day have had any force or effect or been in operation but not in so far as the act, matter or
35 thing related to prescribed moneys or prescribed property, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

(4)

Electricity Commission (State Coal Mines).

5 (4) Upon the appointed day any person who, immediately before that day, is a person appointed by the authority pursuant to subsection (3) of section 15 of the State Coal Mines Act, 1912, and whose appointment has not been terminated by the authority, shall be transferred to and become an employee of the corporation with which the Commission has made an arrangement under section 34C upon terms and conditions not less favourable than the terms and conditions on which he was employed immediately before that day.

15 (5) The period of service with the authority of any person who, under subsection (4), is transferred to a corporation shall be deemed to be service with that corporation for the purposes of any law relating to annual leave, sick leave or long service leave and any award made under or industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

20 (6) A person is not entitled to claim benefits under subsection (5) in respect of any period of service for which he has received corresponding benefits in respect of his service with the authority.

25 (7) No attornment to the Commission by a lessee from the authority shall be required.

30 34C. (1) The Commission shall, before 1st July, 1973, enter into an arrangement with a corporation within the meaning of the Companies Act, 1961, in respect of which the Commission has a controlling interest by virtue of its shareholding in the capital of that corporation, with respect to the management and operation of any lands or other property of which the Commission has control or owns by virtue of this Part. Management of Commission's coal mines.

Electricity Commission (State Coal Mines).

(2) Any arrangement referred to in subsection (1)—

5 (a) may, subject to this Act, provide for the vesting absolutely or by lease, sublease or hire of any lands or other property the Commission owns by virtue of this Part; and

10 (b) shall make provision in the event of the arrangement being cancelled or suspended with respect to the re-employment by the Commission of the persons who are employees of the corporation by virtue of subsection (4) of section 34B on terms and conditions not less favourable than the terms and conditions on which they were employed immediately before the appointed day.

15 (3) The Commission may amend or vary an arrangement referred to in subsection (1) or may, for any reason it deems fit, cancel or suspend the arrangement.

20 (4) Any document or instrument evidencing an arrangement under subsection (1) shall not be liable to the provisions of the Stamp Duties Act, 1920.

25 34D. (1) For the purpose of the carrying on by the Commission or by a corporation with which the Commission has made an arrangement under section 34c of mining operations on any lands referred to in subsection (1) of section 34c the Mining Act, 1906, shall be deemed to be amended to the extent necessary—

Grant of leases for mining and mining purposes.

30 (a) to authorise the granting of a lease thereunder to the Commission or corporation in respect of those lands notwithstanding that the provisions of that Act relating to applications for leases have not been complied with; and

35

(b)

Electricity Commission (State Coal Mines).

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

5 (2) Any proclamation, notification or order made before or after the commencement of section 8 of the Electricity Commission (State Coal Mines) Act, 1973, that, but for this subsection, would preclude the granting of a lease referred to in subsection (1) shall, to the extent necessary to
10 authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.

15 (3) Until a lease referred to in subsection (1) is granted, the Governor may, upon such terms and conditions as he deems fit, authorise the Commission or a corporation with which the Commission has made an arrangement under section
20 34c to commence and continue coal and shale mining operations on any of the lands in respect of which the lease is applied for.

(d) by omitting from section 69 (5) the words "seven days" and by inserting instead the words "twenty-one days"; Sec. 69. (Appeal Board.)

25 (e) by omitting section 90 and by inserting instead the following section:— Subst. sec. 90.

30 90. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation and a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Application of s. 41 of Interpretation Act, 1897.

(f) by inserting next after Schedule 1 the following new Schedules :— New Schs. 2-5.

SCHEDULE 2.

Sec. 34B.

35 All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 8350 acres or thereabouts situated in the County of Northumberland, parishes of Wallarah and Morrisset: Commencing at the south-western corner of portion 19 parish of Morrisset thence southerly by a line to the north-western corner

Electricity Commission (State Coal Mines).

corner of portion ML9 parish of Wallarah, thence by the western boundary of that portion to its south western corner, thence generally south easterly by the mean high water mark of Chain Valley Bay in Lake Macquarie to a point on that mean high water mark bearing 5 68° (magnetic) from the south-eastern corner of portion 71 parish of Wallarah, thence south easterly by a line to the north-western corner of portion ML70, thence by part of the south-western boundary of that portion to its intersection with a line from a point about 12 chains due north from the north-western corner of portion 76 to a 10 point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset on a line from the north-western corner of portion 325 parish of Morrisset to the north-western corner of portion 18 parish of Munmorah, thence north-westerly by the former line to the aforesaid point about 5 chains 15 south from the most westerly north-western corner of portion 322 parish of Morrisset, thence northerly to the north-western corner of portion 325 by part of the aforesaid line from that corner to the north-western corner of portion 18 parish of Munmorah, thence northerly by a line to the south-eastern corner of portion 402 parish 20 of Morrisset, thence easterly by a line to the point of commencement, but excluding—

- (a) land having an area of 1 rood 23¼ perches appropriated by the Commonwealth of Australia for postal services by notification in the Commonwealth Gazette of 21st September, 1961; and
- 25 (b) portion 22 (of 39 acres excluding road), portion 29A (of 8 acres 3 roods 11 perches excluding road), portion 23 (of 23 acres) and portion 38 (of 40 acres) plans catalogued N.257—1501, N.751A—1501, N.348—1501 and N.772—1501 respectively in the Department of Lands and portions 44 and 43 (of 89 acres and 63 30 acres respectively) plan catalogued N.472—1501 in the Department of Lands all in the parish of Morrisset County of Northumberland.

SCHEDULE 3.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 6600 acres or there- 35 abouts situated in the County of Northumberland, parishes of Tuggerah, Wallarah, Munmorah and Morrisset: Commencing at the north-western corner of portion 76 parish of Wallarah thence by part of the western boundary of that portion to the north-eastern corner of portion 68 parish of Munmorah, thence by the south-eastern, 40 eastern and part of the southern boundaries of the area set apart for coal mining operations by Proclamation under section 2 (1) of the State Coal Mines Act, 1912, published in the Government Gazette of 4th March, 1970, folio 729, to the mean high water mark on the generally western shore of Tuggerah Lake, thence generally northerly 45 and easterly by the mean high water mark of that Lake to the south-western boundary of portion 16 parish of Munmorah, thence by the south-western and north-western boundaries of that portion to the aforesaid

Electricity Commission (State Coal Mines).

aforesaid mean high water mark of Tuggerah Lake, thence generally northerly by that mean high water mark and generally westerly and south westerly by the mean high water mark on the southern bank of Wallarah Creek to the point where the said mean high water mark of Wallarah Creek intersects a line from the north-western corner of portion 18 parish of Munmorah to the north-western corner of portion 325 parish of Morrisset, thence northerly by part of that line to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence south-easterly by part of a line to a point about 12 chains due north from the aforesaid north-western corner of portion 76 to the point where that line intersects the south-western boundary of portion ML70 parish of Wallarah, thence south-easterly by part of the south-western boundary of portion ML70 and the south-easterly prolongation of same to the point of commencement, and including the land which is above 50 feet below the surface of portions ML94 parish of Wallarah and 85 and 89 parish of Munmorah.

SCHEDULE 4.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 4900 acres or thereabouts situated in the County of Durham, parishes of Liddell and Ravensworth: Commencing at the north-eastern corner of portion 169 of 640 acres, parish of Ravensworth, thence by the northern boundary of that portion westerly to its north-western corner thence by a line generally north-westerly to the south-eastern corner of portion 74, thence by the eastern boundaries of portions 74, 75, a line, the eastern and northern boundaries of portion 31, a line, part of the eastern, the northern and part of the western boundaries of portion 29 to the point where that western boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation and northern boundary of portion 70 and part of the western boundary of the said portion to its intersection with the easterly prolongation of the northern boundary of portion 76, thence by that prolongation and part of the northern boundary of portion 76 to the south-eastern corner of portion 28, thence by the eastern and northern boundaries of portion 28, a line, the northern boundary of portion 78 and part of the northern boundary of portion 37 to its intersection with the southerly prolongation of the eastern boundary of portion 82, thence by that prolongation and the eastern and part of the north-eastern boundaries of portion 82 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 55, thence by the said prolongation and eastern boundary of portion 55, a line and the eastern and part of the northern boundaries of portion 38 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 58, thence by that prolongation, the eastern

Electricity Commission (State Coal Mines).

boundaries of portions 58 and 57, parish of Ravensworth, a line, the eastern and northern boundaries of portion 20 parish of Liddell, part of the eastern boundary of portion 20 parish of Savoy and a line to the south-western corner of portion 89 of 2560 acres parish of Liddell, 5 thence by the southern boundary of said portion 89 and part of the southern boundary of portion 1 to the north-western corner of portion 45 same parish, thence by the generally western and southern boundaries of portion 45, the southern boundary of portion 181, and a line to the north-western corner of portion 185, thence southerly by the 10 western boundaries of portions 185, 186, 187, 188, 189, a line to the north-western corner of portion 63, the western boundaries of portions 63, 64, 65 and part of the western boundary of portion 66 to the north-eastern corner of portion 67, thence by the northern, western and southern boundaries of portion 67, the southern boundary 15 of aforesaid portion 66 and a line to the north-western corner of portion 101 parish of Ravensworth, thence by the western boundaries of portions 101, 102, 103, 104, 105, a line, the western boundary of portion 106 and the western, southern and generally south-eastern boundaries of portion 107 parish of Ravensworth to the western 20 boundary of portion 1 Rem. parish of Vane, thence southerly by part of the western boundary of portion 1 Rem. parish of Vane and the southerly prolongation of that boundary to the northern boundary of portion 7 parish of Ravensworth, thence by part of the northern boundary of said portion 7, to the most easterly north-eastern corner 25 of portion 91, thence by the eastern boundary of that portion and an eastern and northern boundaries of portion 92 to the most easterly north-eastern corner of the latter portion, thence again by an eastern boundary of portion 92 and the southerly prolongation of same to the northern boundary of portion 14, thence westerly by part of the 30 northern boundary of the latter portion and a line to the point of commencement.

SCHEDULE 5.

Sec. 34B.

All that piece or parcel of Crown land and private land containing 8300 acres or thereabouts situated in the County of Northumberland, 35 parishes of Awaba and Coorumbung: Commencing at the most southerly south-western corner of portion 150 parish of Awaba thence by the generally south-eastern and south-western boundaries of that portion and the generally south-eastern and south-western boundaries of portions 151 and 152 to the point where a south-eastern boundary 40 of portion 152 intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions 162, 163 and 164, the south- 45 eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects

Electricity Commission (State Coal Mines).

intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally south-easterly by part of that line to the said north-eastern corner of portion 219, thence north-easterly by a line
5 to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western
10 boundaries of portion 101 and the generally south western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally south-westerly to the said south-western corner of portion 109, thence by the south-
15 eastern boundaries of that portion, the south-eastern boundaries of portions 108 and 107, the south-western boundary of said portion 107, a line, the south-western and south-eastern boundaries of portion 111 and a south-eastern and part of a south-western boundary of Reserve 70838 from sale for access to water notified in the Govern-
20 ment Gazette of 26th February, 1943 to the western boundary of portion ML78 (plan catalogued M17878 in the Department of Mines), thence southerly by part of the western boundary of portion ML78 to the northern boundary of an area of 48 acres 3 roods 2½ perches shown on plan catalogued Ms6015 Md. R. in the Department of Lands,
25 thence by part of the northern, the western and part of the southern boundaries of that area to the aforesaid western boundary of portion ML78, again by part of the western boundary of portion ML78 to the northern boundary of portion ML80 (plan catalogued M17893 in the Department of Mines), thence by part of the northern and by
30 the most western boundaries of the latter portion to the northern boundary of portion 74, thence by part of the northern and by the western boundaries of portion 74, the northern and western boundaries of portion 45 and the southerly prolongation of the said western boundary of portion 45 to the foreshores of Lake Macquarie, thence
35 generally north-westerly and south-westerly by the said foreshores to the northern boundary of portion 86 parish of Coorumbung, thence by part of the northern and western boundaries of portion 86 to the point where the latter boundary intersects the easterly prolongation of the northern boundary of portion 70 same parish thence by that
40 easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to
45 a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion

Electricity Commission (State Coal Mines).

1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of
5 portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side
10 of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement but excluding—

(a) portion 14 (of 42 acres excluding road), portion 15 (of 45 acres 3 roods) and portions 16, 17 and 18 (all of 32 acres 2 roods),
15 parish of Coorumbung, plan catalogued N.126-1501R in the Department of Lands and portion 175 (of 3 acres 1 rood 13 perches), portion 176 (of 2 acres 0 roods 18 perches) and portion 177 (of 1 acre 3 roods 22 perches), parish of Awaba, plan catalogued N.3314-2111 in the Department of Lands;

20 (b) the land which is above 50 feet below the surface of portion 217 (of 10 acres 2 roods 20 perches excluding road) parish of Awaba, plan catalogued N.3320-2111 in the Department of Lands other than that part of that portion resumed for railway purposes by notification in the Government Gazette of 7th May, 1971,
25 folio 1462 and being lot 5 in Deposited Plan 239629;

(c) the land which is above 50 feet below the surface of the Main Northern Railway Line from Sydney to Newcastle and of adjacent railway lands plans catalogued Ms.448 Sy.Bk., and Ms.829 Md. R. in the Department of Lands;

30 (d) the land which is above 50 feet below the surface of portion 247 (of 900 acres) parish of Awaba plan catalogued N.5368R/-2111 in the Department of Lands;

(e) the land which is above 50 feet below the surface of portion 94 (of 88 acres 3 roods) and portion 95 (of 79 acres) parish of
35 Coorumbung plan catalogued N.3260R-2111 in the Department of Lands;

(f) the land which is above 50 feet below the surface of the area bounded as follows: Commencing at the northern most corner of
40 portion 143 parish of Coorumbung thence by part of the eastern boundary of that portion, the northern and eastern boundaries of portion 18, part of the eastern boundary of portion 17, the northern, eastern and southern boundaries of portion 54, a line, the eastern boundary of portion 15, the eastern and part of the southern boundary of portion 14, the eastern boundary of portion 53 and part of the
45 southern boundary of that portion to the point where the last mentioned boundary intersects the northerly prolongation of the eastern boundary of portion 116, thence southerly by that prolongation, the eastern boundary of said portion 116 and the generally eastern boundaries of portion 97 to the point where a generally eastern boundary
of

Electricity Commission (State Coal Mines).

of portion 97 intersects the westerly prolongation of the northern boundary of portion 171, thence by that prolongation and the northern, eastern and south-eastern boundaries of portion 171 to its southern most corner, thence by a line to the most northerly north-western corner of portion 108, thence by the northern boundary of portion 108 a line, the northern boundary of portion 110 and part of the northern boundary of portion 151 and the south western boundaries of portion 170 to the north-western corner of said portion 170, thence south westerly by the south-eastern side of a road adjacent to the south-eastern boundary of portion 186 to the point where that side of that road intersects the southerly prolongation of the western boundary of said portion 186, thence by that prolongation and western boundary of portion 186, the western and northern boundaries of portion 179 and the westerly prolongation of the northern boundary of said portion 179 to the south-western boundary of portion 187, thence by that south-western boundary and a line to the north-western corner of portion 86, thence by part of the western boundary of that portion to the point where the said boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion 1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement;

(g) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the third most southerly south-eastern corner of portion 152 parish of Awaba thence north-easterly by a south-eastern boundary of portion 152 to the point where that south-eastern boundary intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions

Electricity Commission (State Coal Mines).

162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the
5 point where the last mentioned boundary intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally north westerly by part of that line to the point of commencement;

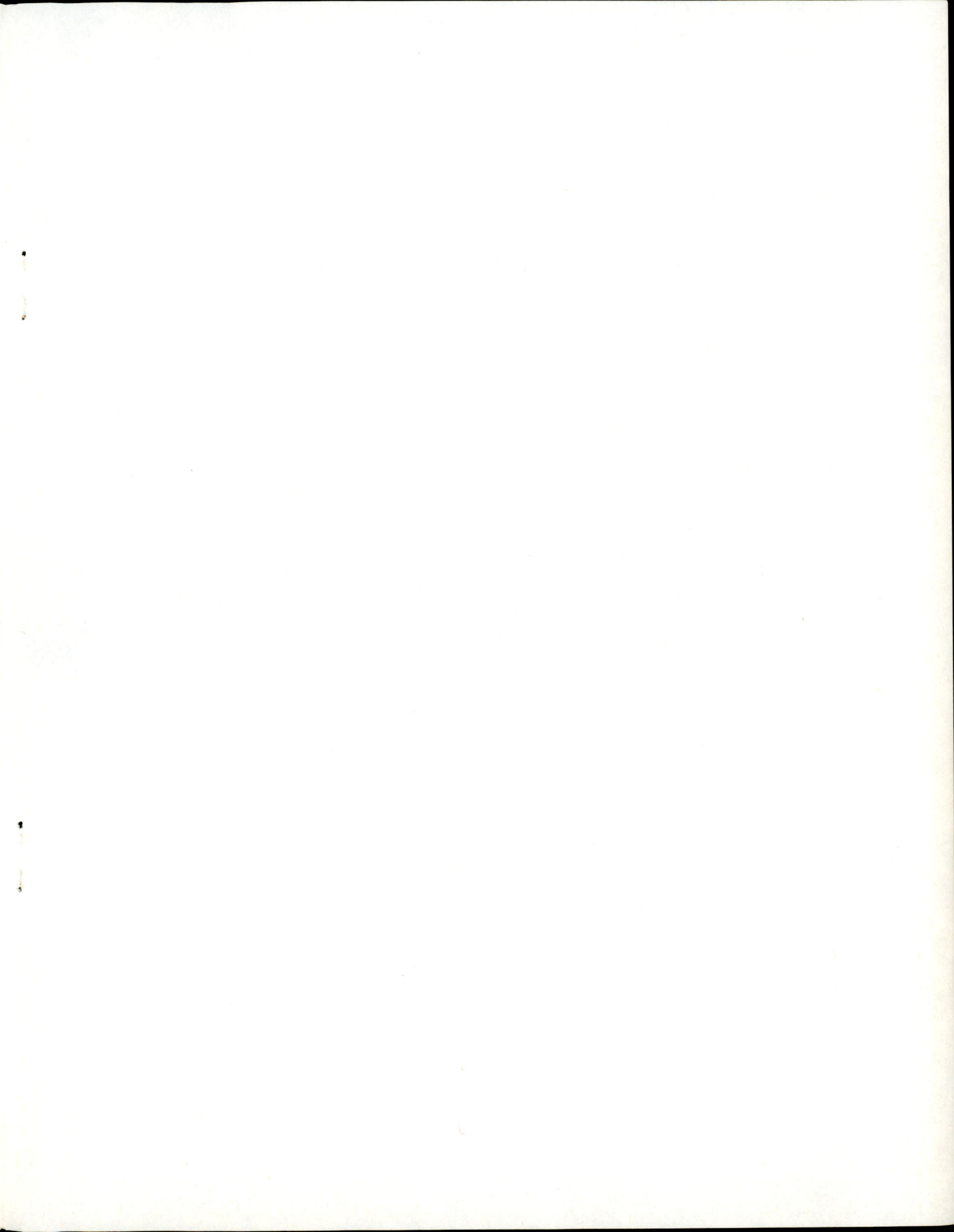
(h) the land which is below a depth of 50 feet from the surface
10 of the area bounded as follows: Commencing at the north-eastern corner of portion 219 parish of Awaba, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western
15 boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south-western boundaries of portion 103 to the point of intersection with a line from the afore-said north-eastern corner of portion 219 to the south-western corner
20 of portion 109, thence by part of that line generally north-easterly to the point of commencement.

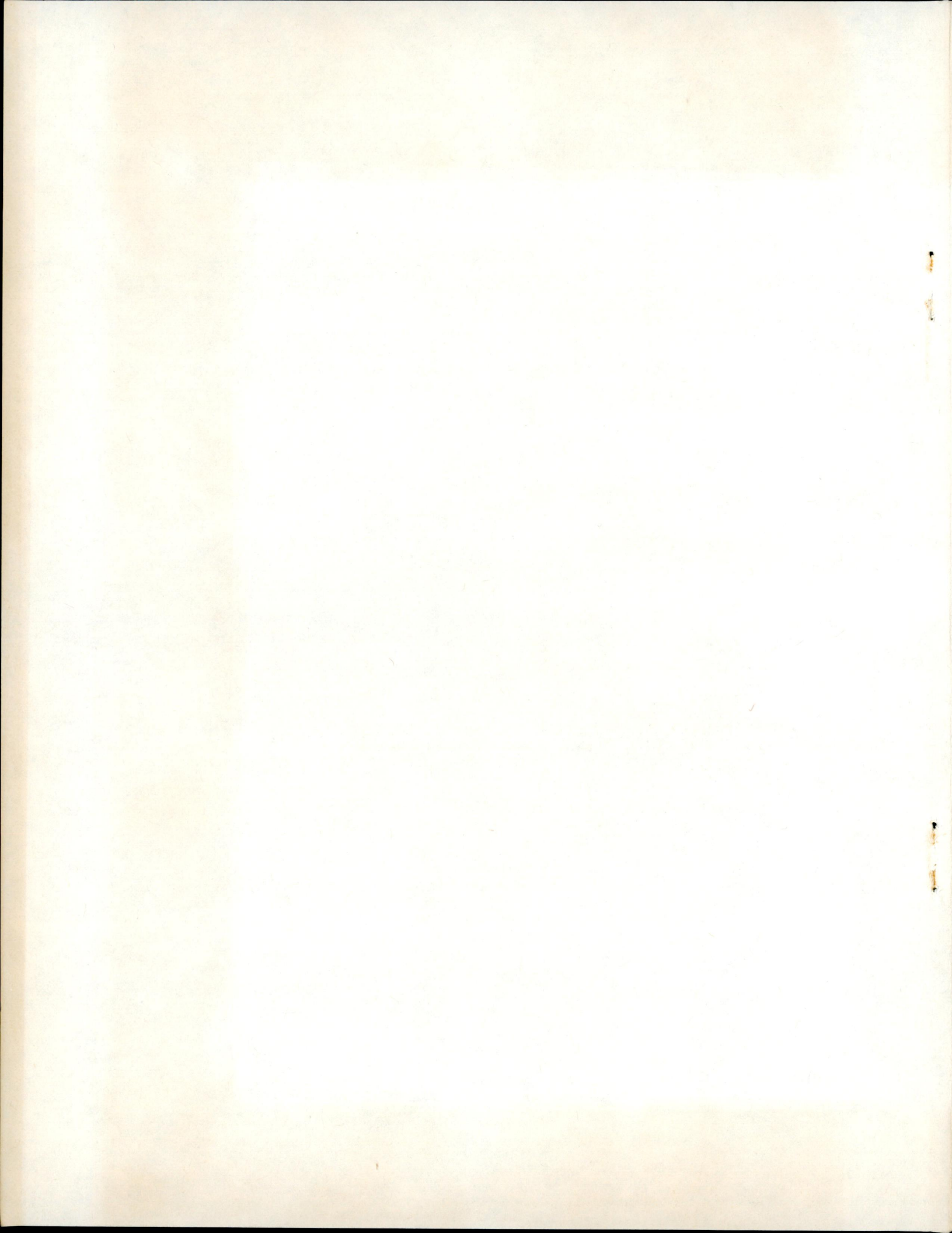
9. Any act, matter or thing done or omitted to be done Validation.
before 1st July, 1973, shall be as valid and effectual as it would have been had the amendment made by section 8 (b)
25 of this Act, been in force when that act, matter or thing was done or omitted to be done.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[20c]





New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 37, 1973.

An Act to transfer certain property to the Electricity Commission of New South Wales; for this and other purposes to amend the Electricity Commission Act, 1950, and the State Coal Mines Act, 1912; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

Electricity Commission (State Coal Mines).

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 "Electricity Commission (State Coal Mines) Act, 1973".

Commence-
ment. **2.** (1) This section and sections 1, 3, 4 and 6 commence on the date of assent to this Act.

(2) Sections 5, 7, 8 and 9 commence on 1st July, 1973.

State
Mines
Control
Authority.

3. (1) At midnight on 30th June, 1973—

- (a) the control of the mines and of the manager and other persons employed in the mines which were vested in the State Mines Control Authority by virtue of the notifications published in the Gazettes of 23rd June, 1950, 16th February, 1951, 11th May, 1962 and 11th February, 1966, pursuant to section 15 of the State Coal Mines Act, 1912, ceases to be vested in the State Mines Control Authority;
- (b) the members who constitute the State Mines Control Authority pursuant to section 13 (3) of the State Coal Mines Act, 1912, shall cease to hold office as members of the State Mines Control Authority; and
- (c) the appointment pursuant to section 14A of the State Coal Mines Act, 1912, of the Director of State Coal Mines, terminates.

(2)

Electricity Commission (State Coal Mines).

(2) As soon as practicable after 1st July, 1973, such part of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, as represents the opening head office cash balance on 1st July, 1973, after allowing for balance sheet or other adjustments as determined by the Treasurer shall be disbursed as directed by the Treasurer.

4. A member of the State Mines Control Authority who ceases to hold office as such a member by reason of section 3 (1) (b) shall not be entitled to claim for any compensation for loss arising out of the termination by that section of his appointment as such a member. Members of
State Mines
Control
Authority.

5. (1) The person who immediately before 1st July, 1973, held office as the Director of State Coal Mines pursuant to section 14A of the State Coal Mines Act, 1912, shall, on and from 1st July, 1973, be entitled to be employed by The Electricity Commission of New South Wales on terms and conditions not less favourable than the terms and conditions he would have enjoyed as the Director of State Coal Mines had this Act not been enacted. Director
of State
Coal Mines.

(2) The entitlement conferred by subsection (1) shall be deemed to be given in full satisfaction of any claim to compensation that, by reason of section 3 (1) (c), may arise at the suit of the person who held the office referred to in subsection (1).

6. Nothing in this Act shall prejudice or affect the continuity of the body corporate incorporated under section 13 of the State Coal Mines Act, 1912, and it shall continue notwithstanding any of the provisions of this Act. Savings.

7.

Electricity Commission (State Coal Mines).

Amendment
of
Act No. 70,
1912.

7. The State Coal Mines Act, 1912 is amended—

Sec 1.
(Defini-
tions.)

- (a) (i) by omitting from the definition of “Crown Lands Acts” in section 1 (2) the words “, as amended by subsequent Acts or any Act replaced by such Act”;
- (ii) by omitting from the definition of “Private lands” in section 1 (2) the words “section forty-five of”;

Sec. 8.
(Provisions
of
Public
Works
Act
to apply.)

- (b) (i) by omitting from section 8 (1) (c) the words “as amended by subsequent Acts,”;
- (ii) by omitting from section 8 (3) the words “as amended by subsequent Acts, and any Act amending it,”;

Sec. 12A.
(Permissive
occupancies
of Oakdale
State
Coal Mine.)

- (c) (i) by omitting from section 12A (6) (a) the matter “— 1947”;
- (ii) by omitting from section 12A (6) (a) the words “— 1950, or any Act amending any such Acts”;
- (iii) by omitting from section 12A (6) (b) the words “as amended by subsequent Acts,”;

Sec. 13.
(Incorporation
of
authority.)

- (d) (i) by omitting section 13 (3) and by inserting instead the following subsections :—

(3) On and from 1st July, 1973, until such day as the Governor may appoint and as may be notified by proclamation published in the Gazette, the authority shall consist of—

- (a) the person for the time being holding office as, or acting in the office of, the Under Secretary for Mines who shall be the chairman of the authority; and

(b)

Electricity Commission (State Coal Mines).

- (b) a person appointed as a member of the authority, on the nomination of the Minister, by the Governor by order published in the Gazette.

(3A) Upon the day appointed by the Governor and notified by proclamation published in the Gazette pursuant to subsection (3), the persons referred to in paragraphs (a) and (b) of that subsection shall be deemed to have vacated their offices as members of the authority as constituted under that subsection and the authority shall be reconstituted to consist of at least three but not more than seven members of whom—

- (a) one shall be the person for the time being holding office as the Director of State Coal Mines pursuant to section 14A who shall be the chairman of the authority;
- (b) one shall be an officer of the Department of Mines appointed by the Governor on the recommendation of the Minister;
- (c) one shall be an employee at a State coal mine worked under this Act appointed by the Governor on the recommendation of the Minister; and
- (d) not more than four shall be persons, having such qualifications and experience as the Minister thinks fit, appointed by the Governor on the recommendation of the Minister.

- (ii) by inserting in section 13 (5) after the word “authority” where firstly occurring the words “as constituted under subsection (3A)”;

(iii)

Electricity Commission (State Coal Mines).

- (iii) by omitting from section 13 (5) the words "subsection three of this section" and by inserting instead the words "that subsection";
- (iv) by inserting in section 13 (7) after the word "authority" where firstly occurring the words "as constituted under subsection (3A)";
- (v) by omitting from section 13 (7) (a) the word "or" where secondly occurring;
- (vi) by omitting from section 13 (7) (b) the word "Governor." and by inserting instead the following words and new paragraph :—

Governor; or

- (c) being a member referred to in paragraph (a) of subsection (3A) or subparagraph (i) or (ii) of paragraph (b) of that subsection ceases to hold the office or qualification by virtue of which he was, or was appointed as, a member of the authority.

Sec. 14.
(Term
of office.)

- (e) (i) by inserting in section 14 (1) after the word "authority" the words "(other than the chairman) as constituted under subsection (3A) of section 13";
- (ii) by inserting in section 14 (2) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (iii) by omitting from section 14 (3) the word "three" and by inserting instead the matter "(3A)";
- (iv) by inserting in section 14 (3) after the word "chairman." where thirdly occurring the following new paragraph :—

All or any of the powers of the authority as constituted under subsection (3) of section 13 may be exercised by the members of the

authority

Electricity Commission (State Coal Mines).

- authority as so constituted or, in the absence of the member referred to in paragraph (b) of that subsection, by the member referred to in paragraph (a) of that subsection.
- (v) by inserting in section 14 (3) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (f) (i) by omitting from section 15 (5) the words "as amended by subsequent Acts,"; Sec. 15.
(Mine to be vested in authority.)
- (ii) by omitting from section 15 (5) the words ", as so amended," wherever occurring;
- (g) (i) by omitting from section 15A the words "An account" and by inserting instead the words "On and from the day appointed by the Governor and notified pursuant to subsection (3) of section 13, an account"; Sec. 15A.
(State Coal Mines Working Account.)
- (ii) by inserting in section 15A after the word "Act" where firstly occurring the words "on and from that day";
- (iii) by inserting in section 15A after the word "authority" where secondly occurring the words "on and from that day";
- (iv) by inserting at the end of section 15A the following new subsection :—
- (2) Any moneys payable to the authority on and from 1st July, 1973, until the day appointed by the Governor and notified pursuant to subsection (3) of section 13 shall be collected and received by the authority for or on account of the Consolidated Revenue Fund.
- (h) by omitting from section 16 (4) (a) the words "and Acts amending the same,"; Sec. 16.
(Accounts to be kept.)
- (i)

Electricity Commission (State Coal Mines).

- Sec. 17.
(Coal for certain bodies to be purchased from authority.)
- (i) by omitting from section 17 the words "The Department of Railways and any other body," and by inserting instead the words "Any body, whether";
- Sec. 20.
(Mines to be worked subject to Coal Mines Regulation Act.)
- (j) by omitting from section 20 the words "1912-1941, and any Acts amending the same," and by inserting instead the matter "1912,";
- Sec. 21A.
(Authority may prospect for coal.)
- (k) (i) by omitting from section 21A the words "as amended by subsequent Acts,";
- (ii) by omitting from section 21A the words ", as so amended,";
- Sec. 22.
(Regulations.)
- (l) by omitting section 22 (2) and by inserting instead the following subsection :—
- (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.

Amendment of Act No. 22, 1950.

8. The Electricity Commission Act, 1950, is amended—

Sec. 2.
(Division into Parts.)

- (a) by inserting in section 2 next after the matter relating to Part IV the following new matter :—

PART IVA.—ACQUISITION OF COAL MINING UNDERTAKINGS.

Sec. 9.
(Powers of Commission.)

- (b) (i) by omitting from section 9 (1) (c) the words "business; and" and by inserting instead the word "business,";

(ii)

Electricity Commission (State Coal Mines).

- (ii) by omitting from section 9 (1) (d) the word "State." and by inserting instead the following words and new paragraph :—
State; and
- (e) apply for an authority or lease under and in accordance with the Mining Act, 1906, for the purpose of prospecting or mining for coal or shale or for mining purposes, and carry on mining operations in pursuance of any such lease.
- (c) by inserting next after Part IV the following new New Part Part:— IVA.

PART IVA.

ACQUISITION OF COAL MINING UNDERTAKINGS.

34A. In this Part, except in so far as the context Interpre- or subject matter otherwise indicates or requires— tation.

"appointed day" means 1st July, 1973;

"authority" means The State Mines Control Authority constituted under the State Coal Mines Act, 1912;

"prescribed moneys" means any moneys payable to or received by the authority in respect of—

(a) any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912; and

(b) any sale or any lease or other agreement in respect of any prescribed property;

"prescribed property" means—

(a) the lands contained in Certificate of Title Register Volume 3425 Folio 98 kept by the Registrar-General pursuant to the Real Property Act, 1900; and

(b)

Electricity Commission (State Coal Mines).

(b) the lands described as Lot 1 in Deposited Plan No. 242977 deposited in the office of the Registrar-General, Sydney.

Transfer of
State coal
mines.

34B. (1) On and from the appointed day—

- (a) the control of the lands described in Schedules 2, 3, 4 and 5 shall be vested in the Commission subject to this Act;
- (b) all real property and all right and interest therein that, immediately before that day, belonged to the authority (other than prescribed property) shall vest in and belong to the Commission;
- (c) all personal property, other than money, and all right and interest therein that, immediately before that day, belonged to or was under the control of the authority shall be the absolute property of the Commission;
- (d) all moneys (other than prescribed moneys) and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the authority (including any moneys to the credit, immediately before that day, of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, other than moneys referred to in subsection (2) of section 3 of the Electricity Commission (State Coal Mines) Act, 1973) shall be moneys and liquidated claims payable to or recoverable by the Commission;
- (e) all proceedings (other than those relating to prescribed moneys or prescribed property) commenced before that day by the

authority

Electricity Commission (State Coal Mines).

authority and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the authority and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission ;

- (f) all contracts, agreements, arrangements and undertakings (other than those relating to prescribed property or in respect of any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912) entered into with the authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with the Commission ;
- (g) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection (other than prescribed moneys, claims relating to prescribed property or claims in respect of any permissive occupancy referred to in paragraph (f)) and for the prosecution of proceedings referred to in paragraph (e) as the authority might have done but for the enactment of this Act ;
- (h) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the authority (other than securities and charges relating to prescribed property) and may exercise any powers thereby conferred on the authority as if the security or charge were a security or charge in favour of the Commission ;
 - (i)

Electricity Commission (State Coal Mines).

- (i) all debts, moneys and claims, liquidated and unliquidated (other than those relating to prescribed moneys or prescribed property) that, immediately before that day, were due or payable by, or recoverable against, the authority shall be debts due by, moneys payable by and claims recoverable against, the Commission; and
- (j) all liquidated and unliquidated claims (other than those relating to prescribed moneys or prescribed property) for which the authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

(2) Where before the appointed day the authority has made application for a lease under the Mining Act, 1906, or such a lease has been granted and is in force immediately before that day, or any consent relating to an application for such a lease has been granted to the authority under subsection (1) of section 28, subsection (5) of section 57 or subsection (5) of section 60 of that Act and is in force immediately before that day, that application, that lease or that consent shall be deemed to have been made by or granted to the Commission, as the case may be.

(3) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the authority shall, to the extent that but for the enactment of this section that act, matter or thing would on or after that day have had any force or effect or been in operation but not in so far as the act, matter or thing related to prescribed moneys or prescribed property, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

(4)

Electricity Commission (State Coal Mines).

(4) Upon the appointed day any person who, immediately before that day, is a person appointed by the authority pursuant to subsection (3) of section 15 of the State Coal Mines Act, 1912, and whose appointment has not been terminated by the authority, shall be transferred to and become an employee of the corporation with which the Commission has made an arrangement under section 34c upon terms and conditions not less favourable than the terms and conditions on which he was employed immediately before that day.

(5) The period of service with the authority of any person who, under subsection (4), is transferred to a corporation shall be deemed to be service with that corporation for the purposes of any law relating to annual leave, sick leave or long service leave and any award made under or industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

(6) A person is not entitled to claim benefits under subsection (5) in respect of any period of service for which he has received corresponding benefits in respect of his service with the authority.

(7) No attornment to the Commission by a lessee from the authority shall be required.

34c. (1) The Commission shall, before 1st July, 1973, enter into an arrangement with a corporation within the meaning of the Companies Act, 1961, in respect of which the Commission has a controlling interest by virtue of its shareholding in the capital of that corporation, with respect to the management and operation of any lands or other property of which the Commission has control or owns by virtue of this Part. Management of Commission's coal mines.

(2)

Electricity Commission (State Coal Mines).

(2) Any arrangement referred to in subsection (1)—

- (a) may, subject to this Act, provide for the vesting absolutely or by lease, sublease or hire of any lands or other property the Commission owns by virtue of this Part; and
- (b) shall make provision in the event of the arrangement being cancelled or suspended with respect to the re-employment by the Commission of the persons who are employees of the corporation by virtue of subsection (4) of section 34B on terms and conditions not less favourable than the terms and conditions on which they were employed immediately before the appointed day.

(3) The Commission may amend or vary an arrangement referred to in subsection (1) or may, for any reason it deems fit, cancel or suspend the arrangement.

(4) Any document or instrument evidencing an arrangement under subsection (1) shall not be liable to the provisions of the Stamp Duties Act, 1920.

Grant of leases for mining and mining purposes.

34D. (1) For the purpose of the carrying on by the Commission or by a corporation with which the Commission has made an arrangement under section 34C of mining operations on any lands referred to in subsection (1) of section 34C the Mining Act, 1906, shall be deemed to be amended to the extent necessary—

- (a) to authorise the granting of a lease thereunder to the Commission or corporation in respect of those lands notwithstanding that the provisions of that Act relating to applications for leases have not been complied with; and

(b)

Electricity Commission (State Coal Mines).

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

(2) Any proclamation, notification or order made before or after the commencement of section 8 of the Electricity Commission (State Coal Mines) Act, 1973, that, but for this subsection, would preclude the granting of a lease referred to in subsection (1) shall, to the extent necessary to authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.

(3) Until a lease referred to in subsection (1) is granted, the Governor may, upon such terms and conditions as he deems fit, authorise the Commission or a corporation with which the Commission has made an arrangement under section 34c to commence and continue coal and shale mining operations on any of the lands in respect of which the lease is applied for.

(d) by omitting from section 69 (5) the words "seven days" and by inserting instead the words "twenty-one days"; Sec. 69. (Appeal Board.)

(e) by omitting section 90 and by inserting instead the following section:— Subst. sec. 90.

90. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation and a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Application of s. 41 of Interpretation Act, 1897.

(f) by inserting next after Schedule 1 the following new Schedules :— New Schs. 2-5.

SCHEDULE 2.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 8350 acres or thereabouts situated in the County of Northumberland, parishes of Wallarah and Morrisset: Commencing at the south-western corner of portion 19 parish of Morrisset thence southerly by a line to the north-western corner

Electricity Commission (State Coal Mines).

corner of portion ML9 parish of Wallarah, thence by the western boundary of that portion to its south western corner, thence generally south easterly by the mean high water mark of Chain Valley Bay in Lake Macquarie to a point on that mean high water mark bearing 68° (magnetic) from the south-eastern corner of portion 71 parish of Wallarah, thence south easterly by a line to the north-western corner of portion ML70, thence by part of the south-western boundary of that portion to its intersection with a line from a point about 12 chains due north from the north-western corner of portion 76 to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset on a line from the north-western corner of portion 325 parish of Morrisset to the north-western corner of portion 18 parish of Munmorah, thence north-westerly by the former line to the aforesaid point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence northerly to the north-western corner of portion 325 by part of the aforesaid line from that corner to the north-western corner of portion 18 parish of Munmorah, thence northerly by a line to the south-eastern corner of portion 402 parish of Morrisset, thence easterly by a line to the point of commencement, but excluding—

(a) land having an area of 1 rood 23¼ perches appropriated by the Commonwealth of Australia for postal services by notification in the Commonwealth Gazette of 21st September, 1961; and

(b) portion 22 (of 39 acres excluding road), portion 29A (of 8 acres 3 roods 11 perches excluding road), portion 23 (of 23 acres) and portion 38 (of 40 acres) plans catalogued N.257—1501, N.751A—1501, N.348—1501 and N.772—1501 respectively in the Department of Lands and portions 44 and 43 (of 89 acres and 63 acres respectively) plan catalogued N.472—1501 in the Department of Lands all in the parish of Morrisset County of Northumberland.

Sec. 34B.

SCHEDULE 3.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 6600 acres or thereabouts situated in the County of Northumberland, parishes of Tuggerah, Wallarah, Munmorah and Morrisset: Commencing at the north-western corner of portion 76 parish of Wallarah thence by part of the western boundary of that portion to the north-eastern corner of portion 68 parish of Munmorah, thence by the south-eastern, eastern and part of the southern boundaries of the area set apart for coal mining operations by Proclamation under section 2 (1) of the State Coal Mines Act, 1912, published in the Government Gazette of 4th March, 1970, folio 729, to the mean high water mark on the generally western shore of Tuggerah Lake, thence generally northerly and easterly by the mean high water mark of that Lake to the south-western boundary of portion 16 parish of Munmorah, thence by the south-western and north-western boundaries of that portion to the

aforesaid

Electricity Commission (State Coal Mines).

aforesaid mean high water mark of Tuggerah Lake, thence generally northerly by that mean high water mark and generally westerly and south westerly by the mean high water mark on the southern bank of Wallarah Creek to the point where the said mean high water mark of Wallarah Creek intersects a line from the north-western corner of portion 18 parish of Munmorah to the north-western corner of portion 325 parish of Morrisset, thence northerly by part of that line to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence south-easterly by part of a line to a point about 12 chains due north from the aforesaid north-western corner of portion 76 to the point where that line intersects the south-western boundary of portion ML70 parish of Wallarah, thence south-easterly by part of the south-western boundary of portion ML70 and the south-easterly prolongation of same to the point of commencement, and including the land which is above 50 feet below the surface of portions ML94 parish of Wallarah and 85 and 89 parish of Munmorah.

SCHEDULE 4.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 4900 acres or thereabouts situated in the County of Durham, parishes of Liddell and Ravensworth: Commencing at the north-eastern corner of portion 169 of 640 acres, parish of Ravensworth, thence by the northern boundary of that portion westerly to its north-western corner thence by a line generally north-westerly to the south-eastern corner of portion 74, thence by the eastern boundaries of portions 74, 75, a line, the eastern and northern boundaries of portion 31, a line, part of the eastern, the northern and part of the western boundaries of portion 29 to the point where that western boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation and northern boundary of portion 70 and part of the western boundary of the said portion to its intersection with the easterly prolongation of the northern boundary of portion 76, thence by that prolongation and part of the northern boundary of portion 76 to the south-eastern corner of portion 28, thence by the eastern and northern boundaries of portion 28, a line, the northern boundary of portion 78 and part of the northern boundary of portion 37 to its intersection with the southerly prolongation of the eastern boundary of portion 82, thence by that prolongation and the eastern and part of the north-eastern boundaries of portion 82 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 55, thence by the said prolongation and eastern boundary of portion 55, a line and the eastern and part of the northern boundaries of portion 38 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 58, thence by that prolongation, the eastern

B

boundaries

Electricity Commission (State Coal Mines).

boundaries of portions 58 and 57, parish of Ravensworth, a line, the eastern and northern boundaries of portion 20 parish of Liddell, part of the eastern boundary of portion 20 parish of Savoy and a line to the south-western corner of portion 89 of 2560 acres parish of Liddell, thence by the southern boundary of said portion 89 and part of the southern boundary of portion 1 to the north-western corner of portion 45 same parish, thence by the generally western and southern boundaries of portion 45, the southern boundary of portion 181, and a line to the north-western corner of portion 185, thence southerly by the western boundaries of portions 185, 186, 187, 188, 189, a line to the north-western corner of portion 63, the western boundaries of portions 63, 64, 65 and part of the western boundary of portion 66 to the north-eastern corner of portion 67, thence by the northern, western and southern boundaries of portion 67, the southern boundary of aforesaid portion 66 and a line to the north-western corner of portion 101 parish of Ravensworth, thence by the western boundaries of portions 101, 102, 103, 104, 105, a line, the western boundary of portion 106 and the western, southern and generally south-eastern boundaries of portion 107 parish of Ravensworth to the western boundary of portion 1 Rem. parish of Vane, thence southerly by part of the western boundary of portion 1 Rem. parish of Vane and the southerly prolongation of that boundary to the northern boundary of portion 7 parish of Ravensworth, thence by part of the northern boundary of said portion 7, to the most easterly north-eastern corner of portion 91, thence by the eastern boundary of that portion and an eastern and northern boundaries of portion 92 to the most easterly north-eastern corner of the latter portion, thence again by an eastern boundary of portion 92 and the southerly prolongation of same to the northern boundary of portion 14, thence westerly by part of the northern boundary of the latter portion and a line to the point of commencement.

Sec. 34B.

SCHEDULE 5.

All that piece or parcel of Crown land and private land containing 8300 acres or thereabouts situated in the County of Northumberland, parishes of Awaba and Coorumbung: Commencing at the most southerly south-western corner of portion 150 parish of Awaba thence by the generally south-eastern and south-western boundaries of that portion and the generally south-eastern and south-western boundaries of portions 151 and 152 to the point where a south-eastern boundary of portion 152 intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions 162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects

Electricity Commission (State Coal Mines).

intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally south-easterly by part of that line to the said north-eastern corner of portion 219, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally south-westerly to the said south-western corner of portion 109, thence by the south-eastern boundaries of that portion, the south-eastern boundaries of portions 108 and 107, the south-western boundary of said portion 107, a line, the south-western and south-eastern boundaries of portion 111 and a south-eastern and part of a south-western boundary of Reserve 70838 from sale for access to water notified in the Government Gazette of 26th February, 1943 to the western boundary of portion ML78 (plan catalogued M17878 in the Department of Mines), thence southerly by part of the western boundary of portion ML78 to the northern boundary of an area of 48 acres 3 roods 2½ perches shown on plan catalogued Ms6015 Md. R. in the Department of Lands, thence by part of the northern, the western and part of the southern boundaries of that area to the aforesaid western boundary of portion ML78, again by part of the western boundary of portion ML78 to the northern boundary of portion ML80 (plan catalogued M17893 in the Department of Mines), thence by part of the northern and by the most western boundaries of the latter portion to the northern boundary of portion 74, thence by part of the northern and by the western boundaries of portion 74, the northern and western boundaries of portion 45 and the southerly prolongation of the said western boundary of portion 45 to the foreshores of Lake Macquarie, thence generally north-westerly and south-westerly by the said foreshores to the northern boundary of portion 86 parish of Coorumbung, thence by part of the northern and western boundaries of portion 86 to the point where the latter boundary intersects the easterly prolongation of the northern boundary of portion 70 same parish thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion

Electricity Commission (State Coal Mines).

1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement but excluding—

(a) portion 14 (of 42 acres excluding road), portion 15 (of 45 acres 3 roods) and portions 16, 17 and 18 (all of 32 acres 2 roods), parish of Coorumbung, plan catalogued N.126-1501R in the Department of Lands and portion 175 (of 3 acres 1 rood 13 perches), portion 176 (of 2 acres 0 roods 18 perches) and portion 177 (of 1 acre 3 roods 22 perches), parish of Awaba, plan catalogued N.3314-2111 in the Department of Lands;

(b) the land which is above 50 feet below the surface of portion 217 (of 10 acres 2 roods 20 perches excluding road) parish of Awaba, plan catalogued N.3320-2111 in the Department of Lands other than that part of that portion resumed for railway purposes by notification in the Government Gazette of 7th May, 1971, folio 1462 and being lot 5 in Deposited Plan 239629;

(c) the land which is above 50 feet below the surface of the Main Northern Railway Line from Sydney to Newcastle and of adjacent railway lands plans catalogued Ms.448 Sy.Bk., and Ms.829 Md. R. in the Department of Lands;

(d) the land which is above 50 feet below the surface of portion 247 (of 900 acres) parish of Awaba plan catalogued N.5368R/-2111 in the Department of Lands;

(e) the land which is above 50 feet below the surface of portion 94 (of 88 acres 3 roods) and portion 95 (of 79 acres) parish of Coorumbung plan catalogued N.3260R-2111 in the Department of Lands;

(f) the land which is above 50 feet below the surface of the area bounded as follows: Commencing at the northern most corner of portion 143 parish of Coorumbung thence by part of the eastern boundary of that portion, the northern and eastern boundaries of portion 18, part of the eastern boundary of portion 17, the northern, eastern and southern boundaries of portion 54, a line, the eastern boundary of portion 15, the eastern and part of the southern boundary of portion 14, the eastern boundary of portion 53 and part of the southern boundary of that portion to the point where the last mentioned boundary intersects the northerly prolongation of the eastern boundary of portion 116, thence southerly by that prolongation, the eastern boundary of said portion 116 and the generally eastern boundaries of portion 97 to the point where a generally eastern boundary of

of

Electricity Commission (State Coal Mines).

of portion 97 intersects the westerly prolongation of the northern boundary of portion 171, thence by that prolongation and the northern, eastern and south-eastern boundaries of portion 171 to its southern most corner, thence by a line to the most northerly north-western corner of portion 108, thence by the northern boundary of portion 108 a line, the northern boundary of portion 110 and part of the northern boundary of portion 151 and the south western boundaries of portion 170 to the north-western corner of said portion 170, thence south westerly by the south-eastern side of a road adjacent to the south-eastern boundary of portion 186 to the point where that side of that road intersects the southerly prolongation of the western boundary of said portion 186, thence by that prolongation and western boundary of portion 186, the western and northern boundaries of portion 179 and the westerly prolongation of the northern boundary of said portion 179 to the south-western boundary of portion 187, thence by that south-western boundary and a line to the north-western corner of portion 86, thence by part of the western boundary of that portion to the point where the said boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion 1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement;

(g) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the third most southerly south-eastern corner of portion 152 parish of Awaba thence north-easterly by a south-eastern boundary of portion 152 to the point where that south-eastern boundary intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions

Electricity Commission (State Coal Mines).

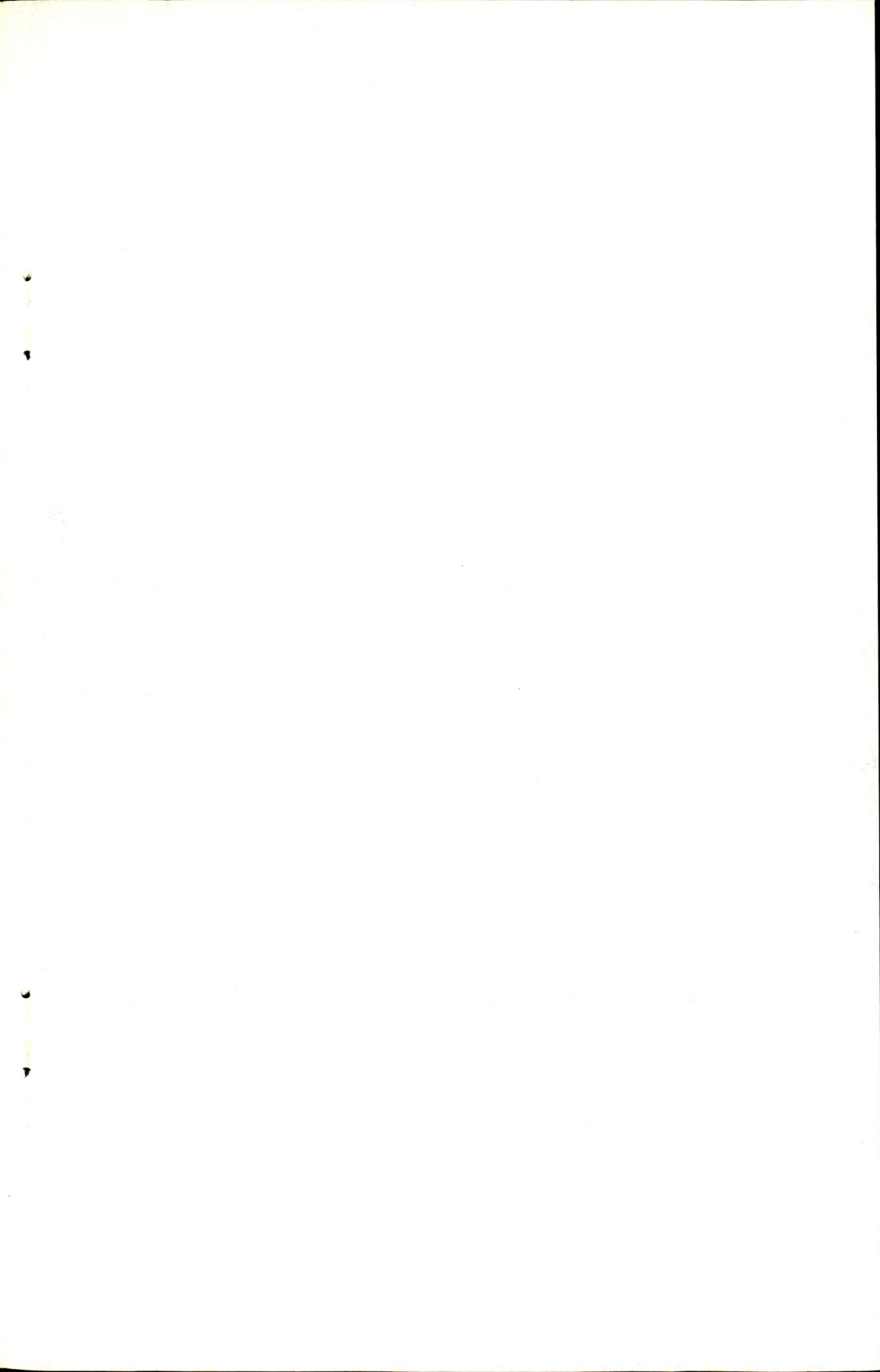
162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally north westerly by part of that line to the point of commencement;

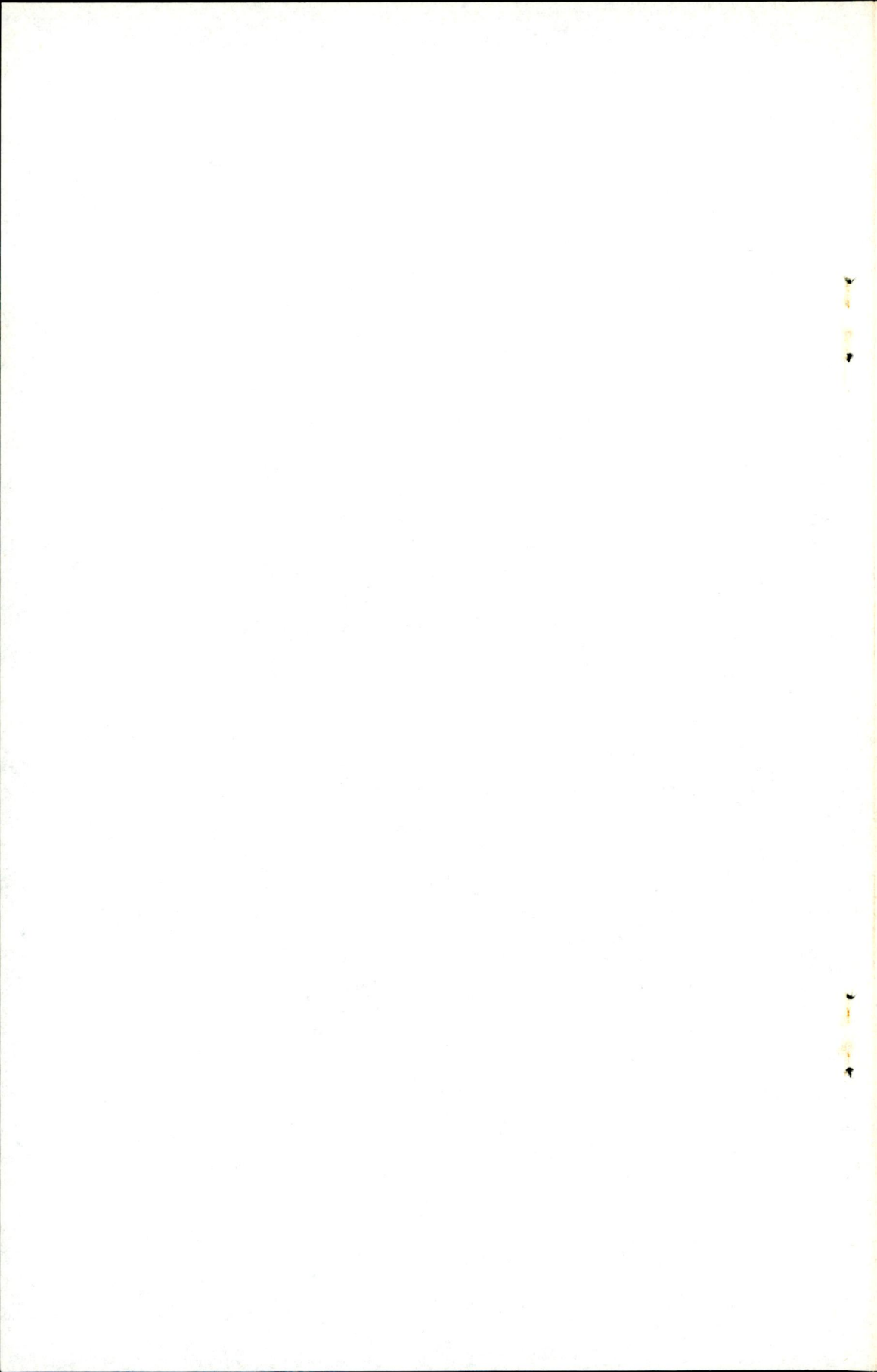
(h) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the north-eastern corner of portion 219 parish of Awaba, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south-western boundaries of portion 103 to the point of intersection with a line from the afore-said north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally north-easterly to the point of commencement.

Validation. **9.** Any act, matter or thing done or omitted to be done before 1st July, 1973, shall be as valid and effectual as it would have been had the amendment made by section 8 (b) of this Act, been in force when that act, matter or thing was done or omitted to be done.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 April, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 37, 1973.

An Act to transfer certain property to the Electricity Commission of New South Wales; for this and other purposes to amend the Electricity Commission Act, 1950, and the State Coal Mines Act, 1912; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Electricity Commission (State Coal Mines).

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 "Electricity Commission (State Coal Mines) Act, 1973".

Commence- **2.** (1) This section and sections 1, 3, 4 and 6
ment. commence on the date of assent to this Act.

(2) Sections 5, 7, 8 and 9 commence on 1st July, 1973.

State
Mines
Control
Authority.

3. (1) At midnight on 30th June, 1973—

- (a) the control of the mines and of the manager and other persons employed in the mines which were vested in the State Mines Control Authority by virtue of the notifications published in the Gazettes of 23rd June, 1950, 16th February, 1951, 11th May, 1962 and 11th February, 1966, pursuant to section 15 of the State Coal Mines Act, 1912, ceases to be vested in the State Mines Control Authority;
- (b) the members who constitute the State Mines Control Authority pursuant to section 13 (3) of the State Coal Mines Act, 1912, shall cease to hold office as members of the State Mines Control Authority; and
- (c) the appointment pursuant to section 14A of the State Coal Mines Act, 1912, of the Director of State Coal Mines, terminates.

(2)

Electricity Commission (State Coal Mines).

(2) As soon as practicable after 1st July, 1973, such part of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, as represents the opening head office cash balance on 1st July, 1973, after allowing for balance sheet or other adjustments as determined by the Treasurer shall be disbursed as directed by the Treasurer.

4. A member of the State Mines Control Authority who ceases to hold office as such a member by reason of section 3 (1) (b) shall not be entitled to claim for any compensation for loss arising out of the termination by that section of his appointment as such a member. Members of State Mines Control Authority.

5. (1) The person who immediately before 1st July, 1973, held office as the Director of State Coal Mines pursuant to section 14A of the State Coal Mines Act, 1912, shall, on and from 1st July, 1973, be entitled to be employed by The Electricity Commission of New South Wales on terms and conditions not less favourable than the terms and conditions he would have enjoyed as the Director of State Coal Mines had this Act not been enacted. Director of State Coal Mines.

(2) The entitlement conferred by subsection (1) shall be deemed to be given in full satisfaction of any claim to compensation that, by reason of section 3 (1) (c), may arise at the suit of the person who held the office referred to in subsection (1).

6. Nothing in this Act shall prejudice or affect the continuity of the body corporate incorporated under section 13 of the State Coal Mines Act, 1912, and it shall continue notwithstanding any of the provisions of this Act. Savings.

7.

Electricity Commission (State Coal Mines).

Amendment
of
Act No. 70,
1912.

7. The State Coal Mines Act, 1912 is amended—

Sec 1.
(Defini-
tions.)

- (a) (i) by omitting from the definition of "Crown Lands Acts" in section 1 (2) the words "as amended by subsequent Acts or any Act replaced by such Act";
- (ii) by omitting from the definition of "Private lands" in section 1 (2) the words "section forty-five of";

Sec. 8.
(Provisions
of
Public
Works
Act
to apply.)

- (b) (i) by omitting from section 8 (1) (c) the words "as amended by subsequent Acts,";
- (ii) by omitting from section 8 (3) the words "as amended by subsequent Acts, and any Act amending it,";

Sec. 12A.
(Permissive
occupancies
of Oakdale
State
Coal Mine.)

- (c) (i) by omitting from section 12A (6) (a) the matter "— 1947";
- (ii) by omitting from section 12A (6) (a) the words "— 1950, or any Act amending any such Acts";
- (iii) by omitting from section 12A (6) (b) the words "as amended by subsequent Acts,";

Sec. 13.
(Incorporation
of
authority.)

- (d) (i) by omitting section 13 (3) and by inserting instead the following subsections :—

(3) On and from 1st July, 1973, until such day as the Governor may appoint and as may be notified by proclamation published in the Gazette, the authority shall consist of—

- (a) the person for the time being holding office as, or acting in the office of, the Under Secretary for Mines who shall be the chairman of the authority; and

(b)

Electricity Commission (State Coal Mines).

- (b) a person appointed as a member of the authority, on the nomination of the Minister, by the Governor by order published in the Gazette.

(3A) Upon the day appointed by the Governor and notified by proclamation published in the Gazette pursuant to subsection (3), the persons referred to in paragraphs (a) and (b) of that subsection shall be deemed to have vacated their offices as members of the authority as constituted under that subsection and the authority shall be reconstituted to consist of at least three but not more than seven members of whom—

- (a) one shall be the person for the time being holding office as the Director of State Coal Mines pursuant to section 14A who shall be the chairman of the authority;
- (b) one shall be an officer of the Department of Mines appointed by the Governor on the recommendation of the Minister;
- (c) one shall be an employee at a State coal mine worked under this Act appointed by the Governor on the recommendation of the Minister; and
- (d) not more than four shall be persons, having such qualifications and experience as the Minister thinks fit, appointed by the Governor on the recommendation of the Minister.

- (ii) by inserting in section 13 (5) after the word “authority” where firstly occurring the words “as constituted under subsection (3A)”;

(iii)

Electricity Commission (State Coal Mines).

- (iii) by omitting from section 13 (5) the words "subsection three of this section" and by inserting instead the words "that subsection";
- (iv) by inserting in section 13 (7) after the word "authority" where firstly occurring the words "as constituted under subsection (3A)";
- (v) by omitting from section 13 (7) (a) the word "or" where secondly occurring;
- (vi) by omitting from section 13 (7) (b) the word "Governor." and by inserting instead the following words and new paragraph :—

Governor; or

- (c) being a member referred to in paragraph (a) of subsection (3A) or subparagraph (i) or (ii) of paragraph (b) of that subsection ceases to hold the office or qualification by virtue of which he was, or was appointed as, a member of the authority.

Sec. 14.
(Term
of office.)

- (e) (i) by inserting in section 14 (1) after the word "authority" the words "(other than the chairman) as constituted under subsection (3A) of section 13";
- (ii) by inserting in section 14 (2) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (iii) by omitting from section 14 (3) the word "three" and by inserting instead the matter "(3A)";
- (iv) by inserting in section 14 (3) after the word "chairman." where thirdly occurring the following new paragraph :—

All or any of the powers of the authority as constituted under subsection (3) of section 13 may be exercised by the members of the

authority

Electricity Commission (State Coal Mines).

- authority as so constituted or, in the absence of the member referred to in paragraph (b) of that subsection, by the member referred to in paragraph (a) of that subsection.
- (v) by inserting in section 14 (3) after the word "authority" where firstly occurring the words "as constituted under subsection (3A) of section 13";
- (f) (i) by omitting from section 15 (5) the words "as amended by subsequent Acts,"; Sec. 15.
(Mine to be vested in authority.)
- (ii) by omitting from section 15 (5) the words "as so amended," wherever occurring;
- (g) (i) by omitting from section 15A the words "An account" and by inserting instead the words "On and from the day appointed by the Governor and notified pursuant to subsection (3) of section 13, an account"; Sec. 15A.
(State Coal Mines Working Account.)
- (ii) by inserting in section 15A after the word "Act" where firstly occurring the words "on and from that day";
- (iii) by inserting in section 15A after the word "authority" where secondly occurring the words "on and from that day";
- (iv) by inserting at the end of section 15A the following new subsection :—
- (2) Any moneys payable to the authority on and from 1st July, 1973, until the day appointed by the Governor and notified pursuant to subsection (3) of section 13 shall be collected and received by the authority for or on account of the Consolidated Revenue Fund.
- (h) by omitting from section 16 (4) (a) the words "and Acts amending the same,"; Sec. 16.
(Accounts to be kept.)
- (i)

Electricity Commission (State Coal Mines).

Sec. 17.
(Coal for certain bodies to be purchased from authority.)

- (i) by omitting from section 17 the words "The Department of Railways and any other body," and by inserting instead the words "Any body, whether";

Sec. 20.
(Mines to be worked subject to Coal Mines Regulation Act.)

- (j) by omitting from section 20 the words "1912-1941, and any Acts amending the same," and by inserting instead the matter "1912,";

Sec. 21A.
(Authority may prospect for coal.)

- (k) (i) by omitting from section 21A the words "as amended by subsequent Acts,";
(ii) by omitting from section 21A the words "as so amended,";

Sec. 22.
(Regulations.)

- (l) by omitting section 22 (2) and by inserting instead the following subsection :—

(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.

Amendment of Act No. 22, 1950.

8. The Electricity Commission Act, 1950, is amended—

Sec. 2.
(Division into Parts.)

- (a) by inserting in section 2 next after the matter relating to Part IV the following new matter :—

PART IVA.—ACQUISITION OF COAL MINING UNDERTAKINGS.

Sec. 9.
(Powers of Commission.)

- (b) (i) by omitting from section 9 (1) (c) the words "business; and" and by inserting instead the word "business,";

(ii)

Electricity Commission (State Coal Mines).

- (ii) by omitting from section 9 (1) (d) the word "State." and by inserting instead the following words and new paragraph :—
 - State; and
 - (e) apply for an authority or lease under and in accordance with the Mining Act, 1906, for the purpose of prospecting or mining for coal or shale or for mining purposes, and carry on mining operations in pursuance of any such lease.
- (c) by inserting next after Part IV the following new ^{New Part} Part:— _{IVA.}

PART IVA.

ACQUISITION OF COAL MINING UNDERTAKINGS.

34A. In this Part, except in so far as the context ^{Interpre-} or subject matter otherwise indicates or requires— _{tation.}

"appointed day" means 1st July, 1973 ;

"authority" means The State Mines Control Authority constituted under the State Coal Mines Act, 1912 ;

"prescribed moneys" means any moneys payable to or received by the authority in respect of—

- (a) any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912 ; and

- (b) any sale or any lease or other agreement in respect of any prescribed property ;

"prescribed property" means—

- (a) the lands contained in Certificate of Title Register Volume 3425 Folio 98 kept by the Registrar-General pursuant to the Real Property Act, 1900 ; and

- (b)

Electricity Commission (State Coal Mines).

- (b) the lands described as Lot 1 in Deposited Plan No. 242977 deposited in the office of the Registrar-General, Sydney.

Transfer of
State coal
mines.

34B. (1) On and from the appointed day—

- (a) the control of the lands described in Schedules 2, 3, 4 and 5 shall be vested in the Commission subject to this Act;
- (b) all real property and all right and interest therein that, immediately before that day, belonged to the authority (other than prescribed property) shall vest in and belong to the Commission;
- (c) all personal property, other than money, and all right and interest therein that, immediately before that day, belonged to or was under the control of the authority shall be the absolute property of the Commission;
- (d) all moneys (other than prescribed moneys) and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the authority (including any moneys to the credit, immediately before that day, of the State Coal Mines Working Account kept pursuant to section 15A of the State Coal Mines Act, 1912, other than moneys referred to in subsection (2) of section 3 of the Electricity Commission (State Coal Mines) Act, 1973) shall be moneys and liquidated claims payable to or recoverable by the Commission;
- (e) all proceedings (other than those relating to prescribed moneys or prescribed property) commenced before that day by the

authority

Electricity Commission (State Coal Mines).

authority and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the authority and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission;

- (f) all contracts, agreements, arrangements and undertakings (other than those relating to prescribed property or in respect of any permissive occupancy granted under section 12A of the State Coal Mines Act, 1912) entered into with the authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with the Commission;
- (g) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection (other than prescribed moneys, claims relating to prescribed property or claims in respect of any permissive occupancy referred to in paragraph (f)) and for the prosecution of proceedings referred to in paragraph (e) as the authority might have done but for the enactment of this Act;
- (h) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the authority (other than securities and charges relating to prescribed property) and may exercise any powers thereby conferred on the authority as if the security or charge were a security or charge in favour of the Commission;
- (i)

Electricity Commission (State Coal Mines).

- (i) all debts, moneys and claims, liquidated and unliquidated (other than those relating to prescribed moneys or prescribed property) that, immediately before that day, were due or payable by, or recoverable against, the authority shall be debts due by, moneys payable by and claims recoverable against, the Commission; and
- (j) all liquidated and unliquidated claims (other than those relating to prescribed moneys or prescribed property) for which the authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

(2) Where before the appointed day the authority has made application for a lease under the Mining Act, 1906, or such a lease has been granted and is in force immediately before that day, or any consent relating to an application for such a lease has been granted to the authority under subsection (1) of section 28, subsection (5) of section 57 or subsection (5) of section 60 of that Act and is in force immediately before that day, that application, that lease or that consent shall be deemed to have been made by or granted to the Commission, as the case may be.

(3) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the authority shall, to the extent that but for the enactment of this section that act, matter or thing would on or after that day have had any force or effect or been in operation but not in so far as the act, matter or thing related to prescribed moneys or prescribed property, be deemed to have been done or omitted to be done by, to or in respect of the Commission.

(4)

Electricity Commission (State Coal Mines).

(4) Upon the appointed day any person who, immediately before that day, is a person appointed by the authority pursuant to subsection (3) of section 15 of the State Coal Mines Act, 1912, and whose appointment has not been terminated by the authority, shall be transferred to and become an employee of the corporation with which the Commission has made an arrangement under section 34c upon terms and conditions not less favourable than the terms and conditions on which he was employed immediately before that day.

(5) The period of service with the authority of any person who, under subsection (4), is transferred to a corporation shall be deemed to be service with that corporation for the purposes of any law relating to annual leave, sick leave or long service leave and any award made under or industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

(6) A person is not entitled to claim benefits under subsection (5) in respect of any period of service for which he has received corresponding benefits in respect of his service with the authority.

(7) No attornment to the Commission by a lessee from the authority shall be required.

34c. (1) The Commission shall, before 1st July, 1973, enter into an arrangement with a corporation within the meaning of the Companies Act, 1961, in respect of which the Commission has a controlling interest by virtue of its shareholding in the capital of that corporation, with respect to the management and operation of any lands or other property of which the Commission has control or owns by virtue of this Part. Management of Commission's coal mines.

(2)

Electricity Commission (State Coal Mines).

(2) Any arrangement referred to in subsection (1)—

- (a) may, subject to this Act, provide for the vesting absolutely or by lease, sublease or hire of any lands or other property the Commission owns by virtue of this Part; and
- (b) shall make provision in the event of the arrangement being cancelled or suspended with respect to the re-employment by the Commission of the persons who are employees of the corporation by virtue of subsection (4) of section 34B on terms and conditions not less favourable than the terms and conditions on which they were employed immediately before the appointed day.

(3) The Commission may amend or vary an arrangement referred to in subsection (1) or may, for any reason it deems fit, cancel or suspend the arrangement.

(4) Any document or instrument evidencing an arrangement under subsection (1) shall not be liable to the provisions of the Stamp Duties Act, 1920.

Grant of leases for mining and mining purposes.

34D. (1) For the purpose of the carrying on by the Commission or by a corporation with which the Commission has made an arrangement under section 34C of mining operations on any lands referred to in subsection (1) of section 34C the Mining Act, 1906, shall be deemed to be amended to the extent necessary—

- (a) to authorise the granting of a lease thereunder to the Commission or corporation in respect of those lands notwithstanding that the provisions of that Act relating to applications for leases have not been complied with; and

(b)

Electricity Commission (State Coal Mines).

(b) to give full force and effect to every provision, stipulation, covenant, term and condition of any lease so granted.

(2) Any proclamation, notification or order made before or after the commencement of section 8 of the Electricity Commission (State Coal Mines) Act, 1973, that, but for this subsection, would preclude the granting of a lease referred to in subsection (1) shall, to the extent necessary to authorise the granting of the lease, be deemed to have been revoked, cancelled, varied or amended, as the case may require, immediately before the granting of the lease.

(3) Until a lease referred to in subsection (1) is granted, the Governor may, upon such terms and conditions as he deems fit, authorise the Commission or a corporation with which the Commission has made an arrangement under section 34c to commence and continue coal and shale mining operations on any of the lands in respect of which the lease is applied for.

(d) by omitting from section 69 (5) the words "seven days" and by inserting instead the words "twenty-one days"; Sec. 69.
(Appeal Board.)

(e) by omitting section 90 and by inserting instead the following section:— Subst.
sec. 90.

90. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation and a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Application
of s. 41 of
Interpreta-
tion Act,
1897.

(f) by inserting next after Schedule 1 the following new Schedules :— New Schs.
2-5.

SCHEDULE 2.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 8350 acres or thereabouts situated in the County of Northumberland, parishes of Wallarah and Morrisset: Commencing at the south-western corner of portion 19 parish of Morrisset thence southerly by a line to the north-western corner

Sec. 34B.

Electricity Commission (State Coal Mines).

corner of portion ML9 parish of Wallarah, thence by the western boundary of that portion to its south western corner, thence generally south easterly by the mean high water mark of Chain Valley Bay in Lake Macquarie to a point on that mean high water mark bearing 68° (magnetic) from the south-eastern corner of portion 71 parish of Wallarah, thence south easterly by a line to the north-western corner of portion ML70, thence by part of the south-western boundary of that portion to its intersection with a line from a point about 12 chains due north from the north-western corner of portion 76 to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset on a line from the north-western corner of portion 325 parish of Morrisset to the north-western corner of portion 18 parish of Munmorah, thence north-westerly by the former line to the aforesaid point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence northerly to the north-western corner of portion 325 by part of the aforesaid line from that corner to the north-western corner of portion 18 parish of Munmorah, thence northerly by a line to the south-eastern corner of portion 402 parish of Morrisset, thence easterly by a line to the point of commencement, but excluding—

(a) land having an area of 1 rood 23¼ perches appropriated by the Commonwealth of Australia for postal services by notification in the Commonwealth Gazette of 21st September, 1961; and

(b) portion 22 (of 39 acres excluding road), portion 29A (of 8 acres 3 roods 11 perches excluding road), portion 23 (of 23 acres) and portion 38 (of 40 acres) plans catalogued N.257—1501, N.751A—1501, N.348—1501 and N.772—1501 respectively in the Department of Lands and portions 44 and 43 (of 89 acres and 63 acres respectively) plan catalogued N.472—1501 in the Department of Lands all in the parish of Morrisset County of Northumberland.

Sec. 34B.

SCHEDULE 3.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 6600 acres or thereabouts situated in the County of Northumberland, parishes of Tuggerah, Wallarah, Munmorah and Morrisset: Commencing at the north-western corner of portion 76 parish of Wallarah thence by part of the western boundary of that portion to the north-eastern corner of portion 68 parish of Munmorah, thence by the south-eastern, eastern and part of the southern boundaries of the area set apart for coal mining operations by Proclamation under section 2 (1) of the State Coal Mines Act, 1912, published in the Government Gazette of 4th March, 1970, folio 729, to the mean high water mark on the generally western shore of Tuggerah Lake, thence generally northerly and easterly by the mean high water mark of that Lake to the south-western boundary of portion 16 parish of Munmorah, thence by the south-western and north-western boundaries of that portion to the

aforesaid

Electricity Commission (State Coal Mines).

aforesaid mean high water mark of Tuggerah Lake, thence generally northerly by that mean high water mark and generally westerly and south westerly by the mean high water mark on the southern bank of Wallarah Creek to the point where the said mean high water mark of Wallarah Creek intersects a line from the north-western corner of portion 18 parish of Munmorah to the north-western corner of portion 325 parish of Morrisset, thence northerly by part of that line to a point about 5 chains south from the most westerly north-western corner of portion 322 parish of Morrisset, thence south-easterly by part of a line to a point about 12 chains due north from the aforesaid north-western corner of portion 76 to the point where that line intersects the south-western boundary of portion ML70 parish of Wallarah, thence south-easterly by part of the south-western boundary of portion ML70 and the south-easterly prolongation of same to the point of commencement, and including the land which is above 50 feet below the surface of portions ML94 parish of Wallarah and 85 and 89 parish of Munmorah.

SCHEDULE 4.

Sec. 34B.

All that piece or parcel of Crown land and private land, below a depth of 50 feet from the surface, containing 4900 acres or thereabouts situated in the County of Durham, parishes of Liddell and Ravensworth: Commencing at the north-eastern corner of portion 169 of 640 acres, parish of Ravensworth, thence by the northern boundary of that portion westerly to its north-western corner thence by a line generally north-westerly to the south-eastern corner of portion 74, thence by the eastern boundaries of portions 74, 75, a line, the eastern and northern boundaries of portion 31, a line, part of the eastern, the northern and part of the western boundaries of portion 29 to the point where that western boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation and northern boundary of portion 70 and part of the western boundary of the said portion to its intersection with the easterly prolongation of the northern boundary of portion 76, thence by that prolongation and part of the northern boundary of portion 76 to the south-eastern corner of portion 28, thence by the eastern and northern boundaries of portion 28, a line, the northern boundary of portion 78 and part of the northern boundary of portion 37 to its intersection with the southerly prolongation of the eastern boundary of portion 82, thence by that prolongation and the eastern and part of the north-eastern boundaries of portion 82 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 55, thence by the said prolongation and eastern boundary of portion 55, a line and the eastern and part of the northern boundaries of portion 38 to the point where the latter boundary intersects the southerly prolongation of the eastern boundary of portion 58, thence by that prolongation, the eastern
boundaries

Electricity Commission (State Coal Mines).

boundaries of portions 58 and 57, parish of Ravensworth, a line, the eastern and northern boundaries of portion 20 parish of Liddell, part of the eastern boundary of portion 20 parish of Savoy and a line to the south-western corner of portion 89 of 2560 acres parish of Liddell, thence by the southern boundary of said portion 89 and part of the southern boundary of portion 1 to the north-western corner of portion 45 same parish, thence by the generally western and southern boundaries of portion 45, the southern boundary of portion 181, and a line to the north-western corner of portion 185, thence southerly by the western boundaries of portions 185, 186, 187, 188, 189, a line to the north-western corner of portion 63, the western boundaries of portions 63, 64, 65 and part of the western boundary of portion 66 to the north-eastern corner of portion 67, thence by the northern, western and southern boundaries of portion 67, the southern boundary of aforesaid portion 66 and a line to the north-western corner of portion 101 parish of Ravensworth, thence by the western boundaries of portions 101, 102, 103, 104, 105, a line, the western boundary of portion 106 and the western, southern and generally south-eastern boundaries of portion 107 parish of Ravensworth to the western boundary of portion 1 Rem. parish of Vane, thence southerly by part of the western boundary of portion 1 Rem. parish of Vane and the southerly prolongation of that boundary to the northern boundary of portion 7 parish of Ravensworth, thence by part of the northern boundary of said portion 7, to the most easterly north-eastern corner of portion 91, thence by the eastern boundary of that portion and an eastern and northern boundaries of portion 92 to the most easterly north-eastern corner of the latter portion, thence again by an eastern boundary of portion 92 and the southerly prolongation of same to the northern boundary of portion 14, thence westerly by part of the northern boundary of the latter portion and a line to the point of commencement.

Sec. 34B.

SCHEDULE 5.

All that piece or parcel of Crown land and private land containing 8300 acres or thereabouts situated in the County of Northumberland, parishes of Awaba and Coorumbung: Commencing at the most southerly south-western corner of portion 150 parish of Awaba thence by the generally south-eastern and south-western boundaries of that portion and the generally south-eastern and south-western boundaries of portions 151 and 152 to the point where a south-eastern boundary of portion 152 intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions 162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects

Electricity Commission (State Coal Mines).

intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally south-easterly by part of that line to the said north-eastern corner of portion 219, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south western boundaries of portion 103 to the point of intersection with a line from the aforesaid north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally south-westerly to the said south-western corner of portion 109, thence by the south-eastern boundaries of that portion, the south-eastern boundaries of portions 108 and 107, the south-western boundary of said portion 107, a line, the south-western and south-eastern boundaries of portion 111 and a south-eastern and part of a south-western boundary of Reserve 70838 from sale for access to water notified in the Government Gazette of 26th February, 1943 to the western boundary of portion ML78 (plan catalogued M17878 in the Department of Mines), thence southerly by part of the western boundary of portion ML78 to the northern boundary of an area of 48 acres 3 roods 2½ perches shown on plan catalogued Ms6015 Md. R. in the Department of Lands, thence by part of the northern, the western and part of the southern boundaries of that area to the aforesaid western boundary of portion ML78, again by part of the western boundary of portion ML78 to the northern boundary of portion ML80 (plan catalogued M17893 in the Department of Mines), thence by part of the northern and by the most western boundaries of the latter portion to the northern boundary of portion 74, thence by part of the northern and by the western boundaries of portion 74, the northern and western boundaries of portion 45 and the southerly prolongation of the said western boundary of portion 45 to the foreshores of Lake Macquarie, thence generally north-westerly and south-westerly by the said foreshores to the northern boundary of portion 86 parish of Coorumbung, thence by part of the northern and western boundaries of portion 86 to the point where the latter boundary intersects the easterly prolongation of the northern boundary of portion 70 same parish thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion

Electricity Commission (State Coal Mines).

1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement but excluding—

(a) portion 14 (of 42 acres excluding road), portion 15 (of 45 acres 3 roods) and portions 16, 17 and 18 (all of 32 acres 2 roods), parish of Coorumbung, plan catalogued N.126-1501R in the Department of Lands and portion 175 (of 3 acres 1 rood 13 perches), portion 176 (of 2 acres 0 roods 18 perches) and portion 177 (of 1 acre 3 roods 22 perches), parish of Awaba, plan catalogued N.3314-2111 in the Department of Lands;

(b) the land which is above 50 feet below the surface of portion 217 (of 10 acres 2 roods 20 perches excluding road) parish of Awaba, plan catalogued N.3320-2111 in the Department of Lands other than that part of that portion resumed for railway purposes by notification in the Government Gazette of 7th May, 1971, folio 1462 and being lot 5 in Deposited Plan 239629;

(c) the land which is above 50 feet below the surface of the Main Northern Railway Line from Sydney to Newcastle and of adjacent railway lands plans catalogued Ms.448 Sy.Bk., and Ms.829 Md. R. in the Department of Lands;

(d) the land which is above 50 feet below the surface of portion 247 (of 900 acres) parish of Awaba plan catalogued N.5368R/-2111 in the Department of Lands;

(e) the land which is above 50 feet below the surface of portion 94 (of 88 acres 3 roods) and portion 95 (of 79 acres) parish of Coorumbung plan catalogued N.3260R-2111 in the Department of Lands;

(f) the land which is above 50 feet below the surface of the area bounded as follows: Commencing at the northern most corner of portion 143 parish of Coorumbung thence by part of the eastern boundary of that portion, the northern and eastern boundaries of portion 18, part of the eastern boundary of portion 17, the northern, eastern and southern boundaries of portion 54, a line, the eastern boundary of portion 15, the eastern and part of the southern boundary of portion 14, the eastern boundary of portion 53 and part of the southern boundary of that portion to the point where the last mentioned boundary intersects the northerly prolongation of the eastern boundary of portion 116, thence southerly by that prolongation, the eastern boundary of said portion 116 and the generally eastern boundaries of portion 97 to the point where a generally eastern boundary of

Electricity Commission (State Coal Mines).

of portion 97 intersects the westerly prolongation of the northern boundary of portion 171, thence by that prolongation and the northern, eastern and south-eastern boundaries of portion 171 to its southern most corner, thence by a line to the most northerly north-western corner of portion 108, thence by the northern boundary of portion 108 a line, the northern boundary of portion 110 and part of the northern boundary of portion 151 and the south western boundaries of portion 170 to the north-western corner of said portion 170, thence south westerly by the south-eastern side of a road adjacent to the south-eastern boundary of portion 186 to the point where that side of that road intersects the southerly prolongation of the western boundary of said portion 186, thence by that prolongation and western boundary of portion 186, the western and northern boundaries of portion 179 and the westerly prolongation of the northern boundary of said portion 179 to the south-western boundary of portion 187, thence by that south-western boundary and a line to the north-western corner of portion 86, thence by part of the western boundary of that portion to the point where the said boundary intersects the easterly prolongation of the northern boundary of portion 70, thence by that easterly prolongation, the northern boundaries of portions 70 and 111 and part of the western boundary of said portion 111 to its intersection with the easterly prolongation of the northern boundary of portion 109, thence by that prolongation, the northern boundary of portion 109 and part of the western boundary of said portion to a point due east of the second most northerly north-eastern corner of portion 107, thence by a line, the most northerly north-eastern and the northern boundaries of portion 107, the northern boundaries of portions 106, 105 and 50 and the westerly prolongation of the northern boundary of portion 50 to the eastern boundary of portion 1, thence by part of that eastern boundary, the generally south-eastern boundaries of portions 73, 74 and 75, the generally south-eastern, eastern and north-eastern boundaries of portion 33 and the south-eastern boundary of portion 34 to the southern boundary of portion 7, thence easterly by part of that southern boundary to the generally eastern side of a closed road of part 12 acres 3 roods 10 perches, thence generally northerly by that side of that closed road, a line and again by that side of said closed road to the north-eastern corner of portion 15 and being a point on the generally eastern side of public road from Gosford to Wallsend, thence generally northerly by that side of that road to the point of commencement;

(g) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the third most southerly south-eastern corner of portion 152 parish of Awaba thence north-easterly by a south-eastern boundary of portion 152 to the point where that south-eastern boundary intersects the westerly prolongation of the southern boundary of portion 156, thence by that prolongation, the southern boundaries of said portion 156, part of the western boundary of portion 160, the southern boundaries of portions 157 and 158, a line, the southern boundaries of portions

Electricity Commission (State Coal Mines).

162, 163 and 164, the south-eastern boundary of portion 165, a line, the north-eastern boundaries of portions 170, 171, a line, the north-eastern boundary of portion 177, a line, the north-eastern, northern and part of the eastern boundary of portion 231 to the point where the last mentioned boundary intersects a line from the third most southerly south-eastern corner of portion 152 aforementioned to the north-eastern corner of portion 219, thence generally north westerly by part of that line to the point of commencement;

(h) the land which is below a depth of 50 feet from the surface of the area bounded as follows: Commencing at the north-eastern corner of portion 219 parish of Awaba, thence north-easterly by a line to the most westerly south-western corner of portion 116, thence by the south-western boundary of that portion, a line, a north-eastern, northern and the western boundaries of portion 99 and the western boundary of portion 100 to the southern most corner of said portion 100, thence by the south-eastern, eastern and generally south-western boundaries of portion 101 and the generally south-western boundaries of portion 103 to the point of intersection with a line from the afore-said north-eastern corner of portion 219 to the south-western corner of portion 109, thence by part of that line generally north-easterly to the point of commencement.

Validation.

9. Any act, matter or thing done or omitted to be done before 1st July, 1973, shall be as valid and effectual as it would have been had the amendment made by section 8 (b) of this Act, been in force when that act, matter or thing was done or omitted to be done.

In the name and on behalf of Her Majesty I assent to this Act.

JOHN R. KERR,
Administrator.

*Government House,
Sydney, 8th May, 1973.*

