

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, 15 March, 1972, A.M.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to make provision for the establishment of a body corporate to be known as the Mines Rescue Board; to establish a Central Mines Rescue Fund; to provide for contributions by proprietors of colliery holdings for the erection, equipment and maintenance of rescue stations; for these and other purposes to amend the Mines Rescue Act, 1925; to validate certain matters; and for purposes connected therewith.

BE

Mines Rescue (Amendment).

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. (1) This Act may be cited as the "Mines Rescue (Amendment) Act, 1972". Short title and commencement.

(2) This section shall commence on the day on which this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

15 (4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

2. The Mines Rescue Act, 1925, is amended—

20 (a) (i) by omitting from the long title the words "towards Mines Rescue Funds" and by inserting in lieu thereof the words "to the Mines Rescue Board";

25 (ii) by omitting from the long title the words "for the establishment at mines of rescue brigades";

(b) (i) by inserting in subsection three of section one next after the matter relating to Part I the following new matter :— Sec. 1. (Short title and commencement.)

30 **PART IA.—MINES RESCUE BOARD—ss. 4A—4H.**

(ii) by omitting from the matter relating to Part II in the same subsection the word "CENTRAL";

(iii)

Mines Rescue (Amendment).

- (iii) by omitting from the matter relating to Part IV in the same subsection the words "RESCUE BRIGADES" and by inserting in lieu thereof the word "MISCELLANEOUS";
- 5 (c) (i) by inserting in section two next after the Sec. 2. definition of "Approved" the following new (Interpretation.) definition :—
- "Board" means the Mines Rescue Board constituted under this Act.
- 10 (ii) by inserting in the same section next after the definition of "Breathing apparatus" the following new definition :—
- "Central fund" means the Central Mines Rescue Fund established under this
- 15 Act.
- (iii) by omitting the definitions of "Central rescue station" and "rescue station" in the same section and by inserting in lieu thereof the following definition :—
- 20 "Central rescue station" means a rescue station erected under subsection two, or a building accepted as such under subsection three, of section five of this Act.
- 25 (iv) by inserting in the same section next after the definition of "Smoke helmet" the following new definition :—
- "Subsidiary rescue station" means a rescue station erected under subsection (2A),
- 30 or a building accepted as such under subsection three, of section five of this Act.

(d)

Mines Rescue (Amendment).

- (d) by inserting next after section four the following ^{New Part}
new Part :— ^{IA.}

PART IA.

MINES RESCUE BOARD.

5 4A. There shall be a Board, to be known as the ^{Mines}
Mines Rescue Board, which shall be a body ^{Rescue}
corporate. ^{Board.}

4B. (1) The Board shall consist of— ^{Constitution}
^{of Board.}

10 (a) the chief inspector, who shall be chairman
of the Board; and

(b) six persons appointed by the Governor,
being—

15 (i) a person, nominated by the Minister,
who shall be a person representing the Electricity Commission
of New South Wales and the State
Mines Control Authority;

20 (ii) a person nominated by the Australian Coal and Shale Employees'
Federation;

(iii) a person nominated by the Australian Collieries' Staff Association;

25 (iv) two persons nominated by the New South Wales Combined Colliery
Proprietors' Association; and

(v) a person nominated jointly by Broken Hill Proprietary Company
Limited and Australian Iron & Steel
Ltd.

30 (2) The Minister may nominate a person
for appointment and the Governor may appoint
that person, if no person, or no person willing to
act, is nominated pursuant to subparagraph (ii),
(iii), (iv) or (v) of paragraph (b) of subsection

Mines Rescue (Amendment).

one of this section, within such time as is specified in a notice given by the Minister requesting the nomination.

5 (3) No person who is a member of a committee shall be nominated for appointment as a member of the Board.

4c. (1) In this section "nominated member" means a person, other than the chief inspector, who is a member of the Board. Provisions concerning nominated members.

10 (2) A nominated member shall not, in respect of his appointment or in his capacity as a member of the Board, be subject to the Public Service Act, 1902.

15 (3) A nominated member shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) If a nominated member—

- (a) dies;
- 20 (b) becomes a mentally ill, protected or incapable person within the meaning of the Mental Health Act, 1958;
- (c) resigns his office by writing under his hand addressed to the Minister;
- 25 (d) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;

(e)

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5 (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;

10 (f) is absent, without the leave of the Board or the chairman of the Board, from three consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last
15 of those meetings, excused by the Board for his absence from those meetings; or

(g) is removed from office by the Governor, his office shall become vacant.

20 (5) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Governor may appoint a person, nominated under the relevant provision of paragraph (b) of subsection one of section 4B of this Act, or nominated by the Minister
25 pursuant to subsection two of that section, to be a member for the unexpired portion of the term.

(6) The Governor may, for any cause which appears to him sufficient, remove a nominated member from office.

30 4D. (1) The procedure for the calling of Proceedings of the Board. meetings of the Board and for the conduct of meetings shall, subject to the provisions of this section, be as determined by the Board.

(2) At a meeting of the Board—

35 (a) three members shall constitute a quorum;
(b)

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- (b) the chairman of the Board, or in his absence such person as the members present elect, shall preside;
- 5 (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.
- 10 (3) The Board shall cause minutes to be kept of the proceedings at its meetings.
- 4E. (1) Every member of the Board, other than Fees and the chief inspector and any other member specified allowances. by the Minister as not being entitled to receive the fees and allowances referred to in this section, shall, subject to subsection two of this section, be entitled to receive—
- 15 (a) such fees for attending meetings and trans-acting the business of the Board; and
- 20 (b) such travelling and sustenance allowances in relation thereto,
- as the Minister may determine.
- (2) If the Minister so orders the fees and allowances which a member of the Board would, but for this subsection, be entitled to receive shall be paid to the employer, specified in the order, of the member instead of being paid to the member.
- 25 4F. (1) The Board shall recommend for the Board to approval of the Minister— make recom-mendations to the Minister, etc.
- 30 (a) the manner of calculating the sum payable pursuant to section six of this Act; and
- (b)

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(b) the sum to be paid, from time to time, from the Central fund to a fund.

5 (2) The Board shall take such steps as it deems appropriate to ensure that a fund is applied towards the purposes authorised by this Act.

10 4G. (1) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Board by this or any other Act, the Board may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Exercise and performance of Board's powers, etc.

15 (2) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by any member of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand whatsoever.

25 (3) In relation to any particular matters or class of matters, the Board may by writing delegate any of its powers, authorities, duties or functions under this Act (except this power of delegation) to any one member of the Board or to any fit person.

30 (4) A delegation under this section shall not prevent the Board from exercising or performing any power, authority, duty or function the subject of the delegation.

(5) A delegation under subsection three of this section may be revoked in writing at any time.

(6)

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(6) In the exercise and performance of its powers, authorities, duties and functions the Board shall be subject to the control and direction of the Minister.

5 4H. (1) The Board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of account in
10 a form approved by the Auditor-General, exhibiting a true and fair view of the financial position and transactions of the Board.

15 (2) The accounts of the Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

20 (3) The Audit Act, 1902, shall apply to members of the Board in the same manner and to the same extent as it applies to accounting officers of public departments.

25 (4) Towards defraying the costs and expenses of any such audit the Board shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

(e) by omitting from the heading to Part II the word "CENTRAL"; Part II.
(Heading.)

30 (f) (i) by omitting from subsection one of section five the words "by proclamation vary the boundaries of such districts" and by inserting in lieu thereof the words "in like manner amend or revoke any such proclamation"; Sec. 5.
(Districts and rescue stations.)

(ii)

Mines Rescue (Amendment).

- (ii) by inserting next after subsection two of the same section the following new subsection :—
- (2A) A committee may, subject to the provisions of the regulations and with the approval of the Minister given on the recommendation of the Board, erect a subsidiary rescue station in a district.
- (iii) by inserting in subsection three of the same section after the word "station" the words "or as a subsidiary rescue station";
- (iv) by inserting in subsection four of the same section after the word "station" the words "and of a subsidiary rescue station";
- (g) by omitting section six and by inserting in lieu thereof the following section :—
6. (1) In this section—
- "colliery holding" means the lands included in a colliery holding of a mine as shown on plans of such mine or included in any description furnished to the Under Secretary for Mines and registered in accordance with the provisions of the Coal Mines Regulation Act, 1912;
- "proprietor", in relation to any colliery holding, means any person or body corporate who is the immediate owner, or lessee, or occupier of the colliery holding, or of any part thereof, including any contractor for the working of the colliery holding, or any part thereof, but does not include a person or body corporate who merely receives a royalty,

Subst. sec. 6.

Contribution to rescue stations by proprietor of colliery holding.

Mines Rescue (Amendment).

5 royalty, rent or fine from the colliery holding, or is merely the owner or lessee of the colliery holding, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the coal or shale in the colliery holding;

10 “unimproved capital value”, in relation to a colliery holding, is the unimproved capital value of the colliery holding as determined under the Valuation of Land Act, 1916, or the Local Government Act, 1919.

15 (2) Subject to the provisions of subsection ten of this section, the proprietor of each colliery holding within a district shall in respect of each year pay to the Board towards the cost of erection, equipment, maintenance and administration of central rescue stations and subsidiary rescue stations a sum calculated in such manner as may be prescribed.

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

25 (a) shall be based upon the unimproved capital value of the colliery holding, as in force on the thirtieth day of June in the preceding year, or if no such unimproved capital value was in force on that date, upon such other basis as is prescribed; or

30 (b) where some other basis is prescribed, shall be based upon that other basis.

(4) Where on the thirtieth day of June in any year more than one unimproved capital value is in force in respect of a colliery holding the Board may, in its discretion, base the sum payable

under

Mines Rescue (Amendment).

under this section by the proprietor of that colliery holding on any one of those unimproved capital values.

5 (5) The Board shall, in respect of each year, cause to be served, in accordance with subsection six of this section, on every proprietor of a colliery holding within a district a notice in the prescribed form specifying the sum payable by him pursuant to subsection two of this section in respect
10 of that year.

(6) The notice referred to in subsection five of this section shall be deemed to have been served on the proprietor of a colliery holding—

15 (a) where the proprietor is an individual, if it is delivered to him personally, or is sent by prepaid certified mail to his address last known to the Board; or

20 (b) where the proprietor is a body corporate, if it is served in a manner authorised under the Companies Act, 1961, for the service of documents on a body corporate.

25 (7) If, within twenty-eight days after any such notice has, in accordance with subsection six of this section, been served on the proprietor of a colliery holding the amount specified in the notice has not been paid, he shall be deemed to be in arrears with his contribution, and interest, at such rate, not exceeding ten per centum per annum, as may from time to time be determined by the Board
30 for the purposes of this subsection, shall be paid by the proprietor in respect of the period from the expiration of the said period of twenty-eight days until the date of payment of that amount.

35 (8) The Board may waive any interest payable under subsection seven of this section.

(9)

Mines Rescue (Amendment).

5 (9) Any sum or interest payable under this section which is not paid as required by this section shall be a debt due to the Crown and may be recovered by the Board on behalf of the Crown in any court of competent jurisdiction.

10 (10) The Minister may exempt the proprietor of a colliery holding from paying in respect of any year any sum pursuant to subsection two of this section in respect of that colliery holding.

(h) by inserting next after section six the following new New sec. 6A.
section :—

6A. (1) There shall be constituted a fund to be called the Central Mines Rescue Fund.

Central
Mines
Rescue
Fund.

15 (2) The Central fund shall consist of—

- (a) the amounts, and any interest thereon, paid by the proprietors of colliery holdings pursuant to section six of this Act;
- 20 (b) interest from time to time accruing from any investment of moneys by the Board authorised by this Act; and
- 25 (c) all moneys which may be voted by Parliament for the purpose of assisting in the provision and equipment of central rescue stations and subsidiary rescue stations or which may be derived by the Board from any other source.

(3) The Central fund shall be under the direction and control of the Board.

30 (4) The Central fund shall be applied towards the payment to a fund of any sum approved by the Minister under section 4F of this Act.

(5)

Mines Rescue (Amendment).

5 (5) The Central fund may be applied towards the fees and travelling and sustenance allowances of members of the Board entitled to fees and allowances, and towards the salary of any person employed in, or towards expenses incurred in connection with, the administration of the Central fund.

10 (6) The Board may invest moneys forming part of the Central fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

15 (7) Where there are insufficient moneys to the credit of the Central fund to meet payments to be made therefrom the Treasurer may advance such moneys to the Board upon such terms and conditions as to repayment and interest as may be agreed upon.

20 (i) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following subsections :— Sec. 7.
(Mines
Rescue
Fund.)

25 (1) All moneys received from the Board, and interest received on any moneys invested pursuant to subsection five of this section, shall be paid into a fund which shall be under the direction and control of the committee of the district.

30 (1A) Any moneys in a fund at the commencement of subparagraph (i) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, shall continue to form part of that fund.

(ii)

Mines Rescue (Amendment).

- 5 (ii) by omitting from paragraph (a) of subsection two of the same section the words "the rescue station" and by inserting in lieu thereof the words "the central rescue station and any subsidiary rescue station";
- (iii) by inserting in paragraph (b) of the same subsection after the word "superintendent" the words "and of any person employed to assist the superintendent";
- 10 (iv) by omitting from paragraph (c) of the same subsection the words "the station" and by inserting in lieu thereof the words "the central rescue station";
- 15 (v) by omitting from paragraph (e) of the same subsection the words "the station" and by inserting in lieu thereof the words "a rescue station in the district";
- (vi) by inserting next after subsection three of the same section the following new subsections :—
- 20 (4) The fund may be applied towards the fees and travelling and sustenance allowances of members of the committee.
- (5) Any application of the fund by a committee, whether before or after the commencement of subparagraph (vi) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, towards the cost of providing housing or other living or office accommodation for persons connected with
- 25 rescue operations shall be deemed to have been or to be an application of the fund authorised by this Act.
- 30

(6)

Mines Rescue (Amendment).

5 (6) The committee may invest moneys forming part of the fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

10 (7) The committee shall transmit to the Board estimates of expenditure when required to do so by the Board, and such information as the Board may, from time to time, require concerning the exercise and performance by the committee of the powers, authorities, duties and functions conferred or imposed on committees by this Act.

15 (j) by omitting from subsection two of section nine the words "or rescue brigade"; Sec. 9.
(Room for rescue and first aid purposes.)

20 (k) (i) by omitting from subsection one of section ten the words "breathing apparatus each with a minimum rated service period of two hours" and by inserting in lieu thereof the words "an approved type of breathing apparatus"; Sec. 10.
(Rescue apparatus to be provided at each mine.)

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

25 (2) Telephone communication shall be established and maintained by the owner of the mine between the mine and the central rescue station, and any charge or expense in relation thereto shall be borne by the owner.

30 (l) by inserting next after section eleven the following new section :— New sec.
11A.

35 11A. Every member of a committee shall be entitled to receive such fees for attending meetings and transacting business of the committee, and such travelling and sustenance allowances in relation thereto, as the Minister may determine. Fees, etc.
payable to member of committee.

(m)

Mines Rescue (Amendment).

- (m) (i) by inserting next after subsection two Sec. 12.
of section twelve the following new (Superinten-
subsection :— dent.)

5 (2A) The superintendent appointed to be
in charge of a central rescue station in a
district shall be in charge of any subsidiary
rescue station in that district.

10 (ii) by omitting from subsection three of the same
section the words "the instruction of rescue
brigades and the maintenance and working of
the station" and by inserting in lieu thereof the
15 words "the instruction of persons who engage
in rescue operations and the maintenance and
working of the central rescue station and any
subsidiary rescue station";

20 (iii) by omitting from paragraph (c) of subsection
four of the same section the words "rescue
brigades" and by inserting in lieu thereof
the words "persons employed in rescue
operations";

- (n) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "or rescue brigade" and by (Instruc-
inserting in lieu thereof the words "or persons tors.)
to engage in rescue operations";

25 (ii) by omitting paragraph (b) of the same
subsection;

- (o) by omitting from the heading to Part IV the words Part IV.
"RESCUE BRIGADES" and by inserting in lieu (Heading.)
thereof the word "MISCELLANEOUS";

Mines Rescue (Amendment).

- (p) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst. sec. 16.

5 16. Where the Minister has not directed that a permanent rescue corps be established in a district, or where a mine is not within the boundaries of a district, the owner of every mine in the district, or not within the boundaries of a district, as the case may be, shall make such arrangements for rescue operations as the Minister may direct. Duty of owner of mine when no permanent rescue corps established, etc.

- 10 (q) by omitting section eighteen; Sec. 18.
(Breathing apparatus to be provided.)

- (r) (i) by inserting in subsection one of section nineteen after the word "station" the words "or a subsidiary rescue station"; Sec. 19.
(Site for rescue station.)

- 15 (ii) by inserting in subsection two of the same section after the word "station" where firstly occurring the words "or subsidiary rescue station";

- 20 (iii) by inserting in the same subsection after the word "station" where secondly occurring the words "or a subsidiary rescue station";

- (s) by omitting from section twenty the words "brigades or rescue corps" and by inserting in lieu thereof the words "rescue corps or persons who engage in rescue operations"; Sec. 20.
(Plans of workings to be kept.)

- 25 (t) by omitting from section twenty-one the word "brigades" and by inserting in lieu thereof the words "persons who engage in rescue operations"; Sec. 21.
(Uniform rules and signals.)

(u)

Mines Rescue (Amendment).

- (u) (i) by inserting in paragraph (g) of subsection Sec. 26.
one of section twenty-six after the word (Regula-
"superintendents" the words "and of persons tions.)
appointed to assist superintendents";
- 5 (ii) by inserting in paragraph (l) of the same
subsection after the word "stations" the
words "and subsidiary rescue stations".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[20c]

Title 18 - Administration

(b) In the event of a vacancy in the office of the clerk of the court, the clerk of the court shall, within ten days after the occurrence of such vacancy, appoint a temporary clerk of the court to fill the vacancy.

(c) The clerk of the court shall, within ten days after the occurrence of such vacancy, appoint a temporary clerk of the court to fill the vacancy.

BY AUTHORITY
V. C. H. HIGHT, GOVERNMENT PRINTER, NEW YORK, N.Y. 10011

No. , 1972.

A BILL

To make provision for the establishment of a body corporate to be known as the Mines Rescue Board; to establish a Central Mines Rescue Fund; to provide for contributions by proprietors of colliery holdings for the erection, equipment and maintenance of rescue stations; for these and other purposes to amend the Mines Rescue Act, 1925; to validate certain matters; and for purposes connected therewith.

[MR FIFE—24 February, 1972.]

BE

Mines Rescue (Amendment).

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. (1) This Act may be cited as the "Mines Rescue Short title
(Amendment) Act, 1972". and com-
mencement.

(2) This section shall commence on the day on which
this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act
shall commence in accordance with subsection four of this
section.

(4) The Governor may appoint and notify by
proclamation published in the Gazette the day on which a
15 provision of this Act shall commence and may, at different
times, appoint different days for different provisions and the
provision to which such a proclamation relates shall
commence as specified therein.

2. The Mines Rescue Act, 1925, is amended—

20 (a) (i) by omitting from the long title the words
"towards Mines Rescue Funds" and by insert-
ing in lieu thereof the words "to the Mines
Rescue Board";

25 (ii) by omitting from the long title the words "for
the establishment at mines of rescue
brigades";

(b) (i) by inserting in subsection three of section one Sec. 1.
next after the matter relating to Part I the (Short title
following new matter :— and com-
mencement.)

30 PART IA.—MINES RESCUE BOARD—ss.
4A—4H.

(ii) by omitting from the matter relating to Part II
in the same subsection the word
"CENTRAL";

(iii)

Mines Rescue (Amendment).

- (iii) by omitting from the matter relating to Part IV in the same subsection the words "RESCUE BRIGADES" and by inserting in lieu thereof the word "MISCELLANEOUS";
- 5 (c) (i) by inserting in section two next after the Sec. 2. definition of "Approved" the following new (Interpretation.) definition :—
- "Board" means the Mines Rescue Board constituted under this Act.
- 10 (ii) by inserting in the same section next after the definition of "Breathing apparatus" the following new definition :—
- "Central fund" means the Central Mines Rescue Fund established under this Act.
- 15 (iii) by omitting the definitions of "Central rescue station" and "rescue station" in the same section and by inserting in lieu thereof the following definition :—
- 20 "Central rescue station" means a rescue station erected under subsection two, or a building accepted as such under subsection three, of section five of this Act.
- 25 (iv) by inserting in the same section next after the definition of "Smoke helmet" the following new definition :—
- "Subsidiary rescue station" means a rescue station erected under subsection (2A), or a building accepted as such under subsection three, of section five of this Act.
- 30

(d)

Mines Rescue (Amendment).

- (d) by inserting next after section four the following new Part :— New Part
IA.

PART IA.

MINES RESCUE BOARD.

5 4A. There shall be a Board, to be known as the Mines Rescue Board, which shall be a body corporate. Mines
Rescue
Board.

4B. (1) The Board shall consist of— Constitution
of Board.

10 (a) the chief inspector, who shall be chairman of the Board; and

 (b) six persons appointed by the Governor, being—

15 (i) a person, nominated by the Minister, who shall be a person representing the Electricity Commission of New South Wales and the State Mines Control Authority;

20 (ii) a person nominated by the Australian Coal and Shale Employees' Federation;

 (iii) a person nominated by the Australian Collieries' Staff Association;

25 (iv) two persons nominated by the New South Wales Combined Colliery Proprietors' Association; and

 (v) a person nominated jointly by Broken Hill Proprietary Company Limited and Australian Iron & Steel Ltd.

30 (2) The Minister may nominate a person for appointment and the Governor may appoint that person, if no person, or no person willing to act, is nominated pursuant to subparagraph (ii), (iii), (iv) or (v) of paragraph (b) of subsection

Mines Rescue (Amendment).

one of this section, within such time as is specified in a notice given by the Minister requesting the nomination.

5 (3) No person who is a member of a committee shall be nominated for appointment as a member of the Board.

4c. (1) In this section "nominated member" means a person, other than the chief inspector, who is a member of the Board. Provisions concerning nominated members.

10 (2) A nominated member shall not, in respect of his appointment or in his capacity as a member of the Board, be subject to the Public Service Act, 1902.

15 (3) A nominated member shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) If a nominated member—

- (a) dies;
- 20 (b) becomes a mentally ill, protected or incapable person within the meaning of the Mental Health Act, 1958;
- (c) resigns his office by writing under his hand addressed to the Minister;
- 25 (d) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;

(e)

Mines Rescue (Amendment).

5 (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;

10 (f) is absent, without the leave of the Board or the chairman of the Board, from three consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last
15 of those meetings, excused by the Board for his absence from those meetings; or

(g) is removed from office by the Governor, his office shall become vacant.

20 (5) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Governor may appoint a person, nominated under the relevant provision of paragraph (b) of subsection one of section 4B of this Act, or nominated by the Minister
25 pursuant to subsection two of that section, to be a member for the unexpired portion of the term.

(6) The Governor may, for any cause which appears to him sufficient, remove a nominated member from office.

30 4D. (1) The procedure for the calling of Proceedings of the Board. meetings of the Board and for the conduct of meetings shall, subject to the provisions of this section, be as determined by the Board.

(2) At a meeting of the Board—

35 (a) three members shall constitute a quorum;
(b)

Mines Rescue (Amendment).

(b) the chairman of the Board, or in his absence such person as the members present elect, shall preside;

5 (c) all questions shall be decided by a majority of votes of the members present and voting; and

(d) the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

10 (3) The Board shall cause minutes to be kept of the proceedings at its meetings.

15 4E. (1) Every member of the Board, other than the chief inspector and any other member specified by the Minister as not being entitled to receive the fees and allowances referred to in this section, shall, subject to subsection two of this section, be entitled to receive—

(a) such fees for attending meetings and trans-acting the business of the Board; and

20 (b) such travelling and sustenance allowances in relation thereto,

as the Minister may determine.

25 (2) If the Minister so orders the fees and allowances which a member of the Board would, but for this subsection, be entitled to receive shall be paid to the employer, specified in the order, of the member instead of being paid to the member.

30 4F. (1) The Board shall recommend for the approval of the Minister—

(a) the manner of calculating the sum payable pursuant to section six of this Act; and

(b)

Board to make recommendations to the Minister, etc.

Mines Rescue (Amendment).

(b) the sum to be paid, from time to time, from the Central fund to a fund.

(2) The Board shall take such steps as it deems appropriate to ensure that a fund is applied towards the purposes authorised by this Act.

4G. (1) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Board by this or any other Act, the Board may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Exercise and performance of Board's powers, etc.

(2) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by any member of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand whatsoever.

(3) In relation to any particular matters or class of matters, the Board may by writing delegate any of its powers, authorities, duties or functions under this Act (except this power of delegation) to any one member of the Board or to any fit person.

(4) A delegation under this section shall not prevent the Board from exercising or performing any power, authority, duty or function the subject of the delegation.

(5) A delegation under subsection three of this section may be revoked in writing at any time.

(6)

Mines Rescue (Amendment).

(6) In the exercise and performance of its powers, authorities, duties and functions the Board shall be subject to the control and direction of the Minister.

5 4H. (1) The Board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of account in
10 a form approved by the Auditor-General, exhibiting a true and fair view of the financial position and transactions of the Board.

15 (2) The accounts of the Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

20 (3) The Audit Act, 1902, shall apply to members of the Board in the same manner and to the same extent as it applies to accounting officers of public departments.

25 (4) Towards defraying the costs and expenses of any such audit the Board shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

(e) by omitting from the heading to Part II the word "CENTRAL"; Part II.
(Heading.)

30 (f) (i) by omitting from subsection one of section five the words "by proclamation vary the boundaries of such districts" and by inserting in lieu thereof the words "in like manner amend or revoke any such proclamation"; (Districts and rescue stations.)

(ii)

Mines Rescue (Amendment).

(ii) by inserting next after subsection two of the same section the following new subsection :—

(2A) A committee may, subject to the provisions of the regulations and with the approval of the Minister given on the recommendation of the Board, erect a subsidiary rescue station in a district.

(iii) by inserting in subsection three of the same section after the word “station” the words “or as a subsidiary rescue station”;

(iv) by inserting in subsection four of the same section after the word “station” the words “and of a subsidiary rescue station”;

(g) by omitting section six and by inserting in lieu thereof the following section :—

6. (1) In this section—

“colliery holding” means the lands included in a colliery holding of a mine as shown on plans of such mine or included in any description furnished to the Under Secretary for Mines and registered in accordance with the provisions of the Coal Mines Regulation Act, 1912;

“proprietor”, in relation to any colliery holding, means any person or body corporate who is the immediate owner, or lessee, or occupier of the colliery holding, or of any part thereof, including any contractor for the working of the colliery holding, or any part thereof, but does not include a person or body corporate who merely receives a

royalty,

Subst. sec.
6.

Contribu-
tion to
rescue
stations
by proprie-
tor of
colliery
holding.

Mines Rescue (Amendment).

royalty, rent or fine from the colliery holding, or is merely the owner or lessee of the colliery holding, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the coal or shale in the colliery holding;

“unimproved capital value”, in relation to a colliery holding, is the unimproved capital value of the colliery holding as determined under the Valuation of Land Act, 1916, or the Local Government Act, 1919.

(2) Subject to the provisions of subsection ten of this section, the proprietor of each colliery holding within a district shall in respect of each year pay to the Board towards the cost of erection, equipment, maintenance and administration of central rescue stations and subsidiary rescue stations a sum calculated in such manner as may be prescribed.

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

(a) shall be based upon the unimproved capital value of the colliery holding, as in force on the thirtieth day of June in the preceding year, or if no such unimproved capital value was in force on that date, upon such other basis as is prescribed; or

(b) where some other basis is prescribed, shall be based upon that other basis.

(4) Where on the thirtieth day of June in any year more than one unimproved capital value is in force in respect of a colliery holding the Board may, in its discretion, base the sum payable

under

Mines Rescue (Amendment).

under this section by the proprietor of that colliery holding on any one of those unimproved capital values.

(5) The Board shall, in respect of each year, cause to be served, in accordance with subsection six of this section, on every proprietor of a colliery holding within a district a notice in the prescribed form specifying the sum payable by him pursuant to subsection two of this section in respect of that year.

(6) The notice referred to in subsection five of this section shall be deemed to have been served on the proprietor of a colliery holding—

(a) where the proprietor is an individual, if it is delivered to him personally, or is sent by prepaid certified mail to his address last known to the Board; or

(b) where the proprietor is a body corporate, if it is served in a manner authorised under the Companies Act, 1961, for the service of documents on a body corporate.

(7) If, within twenty-eight days after any such notice has, in accordance with subsection six of this section, been served on the proprietor of a colliery holding the amount specified in the notice has not been paid, he shall be deemed to be in arrears with his contribution, and interest, at such rate, not exceeding ten per centum per annum, as may from time to time be determined by the Board for the purposes of this subsection, shall be paid by the proprietor in respect of the period from the expiration of the said period of twenty-eight days until the date of payment of that amount.

(8) The Board may waive any interest payable under subsection seven of this section.

(9)

Mines Rescue (Amendment).

(9) Any sum or interest payable under this section which is not paid as required by this section shall be a debt due to the Crown and may be recovered by the Board on behalf of the Crown in any court of competent jurisdiction.

(10) The Minister may exempt the proprietor of a colliery holding from paying in respect of any year any sum pursuant to subsection two of this section in respect of that colliery holding.

(h) by inserting next after section six the following new section :—

6A. (1) There shall be constituted a fund to be called the Central Mines Rescue Fund.

Central
Mines
Rescue
Fund.

(2) The Central fund shall consist of—

(a) the amounts, and any interest thereon, paid by the proprietors of colliery holdings pursuant to section six of this Act;

(b) interest from time to time accruing from any investment of moneys by the Board authorised by this Act; and

(c) all moneys which may be voted by Parliament for the purpose of assisting in the provision and equipment of central rescue stations and subsidiary rescue stations or which may be derived by the Board from any other source.

(3) The Central fund shall be under the direction and control of the Board.

(4) The Central fund shall be applied towards the payment to a fund of any sum approved by the Minister under section 4F of this Act.

(5)

Mines Rescue (Amendment).

5 (5) The Central fund may be applied towards the fees and travelling and sustenance allowances of members of the Board entitled to fees and allowances, and towards the salary of any person employed in, or towards expenses incurred in connection with, the administration of the Central fund.

10 (6) The Board may invest moneys forming part of the Central fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

15 (7) Where there are insufficient moneys to the credit of the Central fund to meet payments to be made therefrom the Treasurer may advance such moneys to the Board upon such terms and conditions as to repayment and interest as may be agreed upon.

20 (i) (i) by omitting subsection one of section seven **Sec. 7.** and by inserting in lieu thereof the following **(Mines Rescue Fund.)** subsections :—

25 (1) All moneys received from the Board, and interest received on any moneys invested pursuant to subsection five of this section, shall be paid into a fund which shall be under the direction and control of the committee of the district.

30 (1A) Any moneys in a fund at the commencement of subparagraph (i) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, shall continue to form part of that fund.

(ii)

Mines Rescue (Amendment).

- 5 (ii) by omitting from paragraph (a) of subsection two of the same section the words "the rescue station" and by inserting in lieu thereof the words "the central rescue station and any subsidiary rescue station";
- (iii) by inserting in paragraph (b) of the same subsection after the word "superintendent" the words "and of any person employed to assist the superintendent";
- 10 (iv) by omitting from paragraph (c) of the same subsection the words "the station" and by inserting in lieu thereof the words "the central rescue station";
- 15 (v) by omitting from paragraph (e) of the same subsection the words "the station" and by inserting in lieu thereof the words "a rescue station in the district";
- (vi) by inserting next after subsection three of the same section the following new subsections :—
- 20 (4) The fund may be applied towards the fees and travelling and sustenance allowances of members of the committee.
- 25 (5) Any application of the fund by a committee, whether before or after the commencement of subparagraph (vi) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, towards the cost of providing housing or other living or office accommodation for persons connected with
- 30 rescue operations shall be deemed to have been or to be an application of the fund authorised by this Act.

(6)

Mines Rescue (Amendment).

5 (6) The committee may invest moneys forming part of the fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

10 (7) The committee shall transmit to the Board estimates of expenditure when required to do so by the Board, and such information as the Board may, from time to time, require concerning the exercise and performance by the committee of the powers, authorities, duties and functions conferred or imposed on committees by this Act.

15 (j) by omitting from subsection two of section nine the words "or rescue brigade";

Sec. 9.

(Room for rescue and first aid purposes.)

20 (k) (i) by omitting from subsection one of section ten the words "breathing apparatus each with a minimum rated service period of two hours" and by inserting in lieu thereof the words "an approved type of breathing apparatus";

Sec. 10.

(Rescue apparatus to be provided at each mine.)

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

25 (2) Telephone communication shall be established and maintained by the owner of the mine between the mine and the central rescue station, and any charge or expense in relation thereto shall be borne by the owner.

30 (l) by inserting next after section eleven the following new section :—

New sec. 11A.

35 11A. Every member of a committee shall be entitled to receive such fees for attending meetings and transacting business of the committee, and such travelling and sustenance allowances in relation thereto, as the Minister may determine.

Fees, etc. payable to member of committee.

(m)

Mines Rescue (Amendment).

- (m) (i) by inserting next after subsection two Sec. 12.
of section twelve the following new (Superinten-
subsection :— dent.)

5 (2A) The superintendent appointed to be
in charge of a central rescue station in a
district shall be in charge of any subsidiary
rescue station in that district.

10 (ii) by omitting from subsection three of the same
section the words "the instruction of rescue
brigades and the maintenance and working of
the station" and by inserting in lieu thereof the
15 words "the instruction of persons who engage
in rescue operations and the maintenance and
working of the central rescue station and any
subsidiary rescue station";

20 (iii) by omitting from paragraph (c) of subsection
four of the same section the words "rescue
brigades" and by inserting in lieu thereof
the words "persons employed in rescue
operations";

(n) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "or rescue brigade" and by (Instruc-
inserting in lieu thereof the words "or persons tors.)
to engage in rescue operations";

25 (ii) by omitting paragraph (b) of the same
subsection;

(o) by omitting from the heading to Part IV the words Part IV.
"RESCUE BRIGADES" and by inserting in lieu (Heading.)
thereof the word "MISCELLANEOUS";

Mines Rescue (Amendment).

- (p) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst. sec. 16.
- 5 16. Where the Minister has not directed that a permanent rescue corps be established in a district, or where a mine is not within the boundaries of a district, the owner of every mine in the district, or not within the boundaries of a district, as the case may be, shall make such arrangements for rescue operations as the Minister may direct. Duty of owner of mine when no permanent rescue corps established, etc.
- 10 (q) by omitting section eighteen; Sec. 18.
(Breathing apparatus to be provided.)
- (r) (i) by inserting in subsection one of section nineteen after the word "station" the words "or a subsidiary rescue station"; Sec. 19.
(Site for rescue station.)
- 15 (ii) by inserting in subsection two of the same section after the word "station" where firstly occurring the words "or subsidiary rescue station";
- 20 (iii) by inserting in the same subsection after the word "station" where secondly occurring the words "or a subsidiary rescue station";
- (s) by omitting from section twenty the words "brigades or rescue corps" and by inserting in lieu thereof the words "rescue corps or persons who engage in rescue operations"; Sec. 20.
(Plans of workings to be kept.)
- 25 (t) by omitting from section twenty-one the word "brigades" and by inserting in lieu thereof the words "persons who engage in rescue operations"; Sec. 21.
(Uniform rules and signals.)

(u)

Mines Rescue (Amendment).

- (u) (i) by inserting in paragraph (g) of subsection Sec. 26.
one of section twenty-six after the word (Regula-
"superintendents" the words "and of persons tions.)
appointed to assist superintendents";
- 5 (ii) by inserting in paragraph (l) of the same
subsection after the word "stations" the
words "and subsidiary rescue stations".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[20c]

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101: INTRODUCTION TO PHILOSOPHY
Lecture 1: The Philosophy of Language

Professor [Name]

Section 101-101-101

Section 101-101-101

Section 101-101-101

Section 101-101-101

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Section 101-101-101

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Section 101-101-101

Section 101-101-101

MINES RESCUE (AMENDMENT) BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to establish a body corporate to be known as the Mines Rescue Board;
- (b) to provide for the establishment in a district of rescue stations additional to the central rescue station in the district;
- (c) to provide that the proprietor of a colliery holding in a district shall make a contribution, based on the unimproved capital value of the colliery holding, towards the cost of erection, equipment and maintenance of rescue stations;
- (d) to establish a Central Mines Rescue Fund which shall be administered by the Mines Rescue Board;
- (e) to make other provisions of a consequential or ancillary character.

1947

MEMORANDUM FOR THE RECORD

EX-100-100000

The following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on the subject of the proposed acquisition of the land described in the accompanying map.

1. The land is located in the State of California, County of San Diego, and is owned by the State of California.

2. The land is situated in the vicinity of the town of San Marcos, and is bounded by the San Marcos River to the north and the San Marcos River to the south.

3. The land is situated in the vicinity of the town of San Marcos, and is bounded by the San Marcos River to the north and the San Marcos River to the south.

4. The land is situated in the vicinity of the town of San Marcos, and is bounded by the San Marcos River to the north and the San Marcos River to the south.

5. The land is situated in the vicinity of the town of San Marcos, and is bounded by the San Marcos River to the north and the San Marcos River to the south.

PROOF

No. , 1972.

A BILL

To make provision for the establishment of a body corporate to be known as the Mines Rescue Board; to establish a Central Mines Rescue Fund; to provide for contributions by proprietors of colliery holdings for the erection, equipment and maintenance of rescue stations; for these and other purposes to amend the Mines Rescue Act, 1925; to validate certain matters; and for purposes connected therewith.

[MR FIFE—24 February, 1972.]

BE

Mines Rescue (Amendment).

5 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Mines Rescue (Amendment) Act, 1972". Short title and commencement.

(2) This section shall commence on the day on which this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

15 (4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

2. The Mines Rescue Act, 1925, is amended—

20 (a) (i) by omitting from the long title the words "towards Mines Rescue Funds" and by inserting in lieu thereof the words "to the Mines Rescue Board";

25 (ii) by omitting from the long title the words "for the establishment at mines of rescue brigades";

(b) (i) by inserting in subsection three of section one next after the matter relating to Part I the following new matter :—

30 **PART IA.—MINES RESCUE BOARD—ss.
4A—4H.**

(ii) by omitting from the matter relating to Part II in the same subsection the word "CENTRAL";

(iii)

Amendment of Act No. 3, 1925.
Long title.

Sec. 1.
(Short title and commencement.)

Mines Rescue (Amendment).

- (iii) by omitting from the matter relating to Part IV in the same subsection the words "RESCUE BRIGADES" and by inserting in lieu thereof the word "MISCELLANEOUS";
- 5 (c) (i) by inserting in section two next after the Sec. 2. definition of "Approved" the following new (Interpretation.) definition :—
- "Board" means the Mines Rescue Board constituted under this Act.
- 10 (ii) by inserting in the same section next after the definition of "Breathing apparatus" the following new definition :—
- "Central fund" means the Central Mines Rescue Fund established under this Act.
- 15 (iii) by omitting the definitions of "Central rescue station" and "rescue station" in the same section and by inserting in lieu thereof the following definition :—
- 20 "Central rescue station" means a rescue station erected under subsection two, or a building accepted as such under subsection three, of section five of this Act.
- 25 (iv) by inserting in the same section next after the definition of "Smoke helmet" the following new definition :—
- "Subsidiary rescue station" means a rescue station erected under subsection (2A), or a building accepted as such under subsection three, of section five of this Act.
- 30

(d)

Mines Rescue (Amendment).

(d) by inserting next after section four the following new Part :— New Part
IA.

PART IA.

MINES RESCUE BOARD.

5 4A. There shall be a Board, to be known as the Mines
Mines Rescue Board, which shall be a body Mines
Rescue
Board.
corporate.

4B. (1) The Board shall consist of— Constitution
of Board.

10 (a) the chief inspector, who shall be chairman
of the Board; and

 (b) six persons appointed by the Governor,
being—

15 (i) a person, nominated by the Minister, who shall be a person representing the Electricity Commission of New South Wales and the State Mines Control Authority;

20 (ii) a person nominated by the Australian Coal and Shale Employees' Federation;

 (iii) a person nominated by the Australian Collieries' Staff Association;

25 (iv) two persons nominated by the New South Wales Combined Colliery Proprietors' Association; and

 (v) a person nominated jointly by Broken Hill Proprietary Company Limited and Australian Iron & Steel Ltd.

30 (2) The Minister may nominate a person for appointment and the Governor may appoint that person, if no person, or no person willing to act, is nominated pursuant to subparagraph (ii), (iii), (iv) or (v) of paragraph (b) of subsection

one

Mines Rescue (Amendment).

one of this section, within such time as is specified in a notice given by the Minister requesting the nomination.

5 (3) No person who is a member of a committee shall be nominated for appointment as a member of the Board.

4C. (1) In this section "nominated member" means a person, other than the chief inspector, who is a member of the Board. Provisions concerning nominated members.

10 (2) A nominated member shall not, in respect of his appointment or in his capacity as a member of the Board, be subject to the Public Service Act, 1902.

15 (3) A nominated member shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) If a nominated member—

- (a) dies;
- 20 (b) becomes a mentally ill, protected or incapable person within the meaning of the Mental Health Act, 1958;
- (c) resigns his office by writing under his hand addressed to the Minister;
- 25 (d) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;

(e)

Mines Rescue (Amendment).

5 (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;

10 (f) is absent, without the leave of the Board or the chairman of the Board, from three consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last
15 of those meetings, excused by the Board for his absence from those meetings; or

(g) is removed from office by the Governor, his office shall become vacant.

20 (5) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Governor may appoint a person, nominated under the relevant provision of paragraph (b) of subsection one of section 4B of this Act, or nominated by the Minister
25 pursuant to subsection two of that section, to be a member for the unexpired portion of the term.

(6) The Governor may, for any cause which appears to him sufficient, remove a nominated member from office.

30 4D. (1) The procedure for the calling of Proceedings of the Board. meetings of the Board and for the conduct of meetings shall, subject to the provisions of this section, be as determined by the Board.

(2) At a meeting of the Board—

35 (a) three members shall constitute a quorum;
(b)

Mines Rescue (Amendment).

(b) the chairman of the Board, or in his absence such person as the members present elect, shall preside;

5 (c) all questions shall be decided by a majority of votes of the members present and voting; and

(d) the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

10 (3) The Board shall cause minutes to be kept of the proceedings at its meetings.

15 4E. (1) Every member of the Board, other than the chief inspector and any other member specified by the Minister as not being entitled to receive the fees and allowances referred to in this section, shall, subject to subsection two of this section, be entitled to receive—

(a) such fees for attending meetings and transacting the business of the Board; and

20 (b) such travelling and sustenance allowances in relation thereto,

as the Minister may determine.

25 (2) If the Minister so orders the fees and allowances which a member of the Board would, but for this subsection, be entitled to receive shall be paid to the employer, specified in the order, of the member instead of being paid to the member.

4F. (1) The Board shall recommend for the approval of the Minister—

30 (a) the manner of calculating the sum payable pursuant to section six of this Act; and

(b)

Board to make recommendations to the Minister, etc.

Mines Rescue (Amendment).

(b) the sum to be paid, from time to time, from the Central fund to a fund.

5 (2) The Board shall take such steps as it deems appropriate to ensure that a fund is applied towards the purposes authorised by this Act.

10 4G. (1) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Board by this or any other Act, the Board may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Exercise
and per-
formance
of Board's
powers, etc.

15 (2) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by any member of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand whatsoever.

25 (3) In relation to any particular matters or class of matters, the Board may by writing delegate any of its powers, authorities, duties or functions under this Act (except this power of delegation) to any one member of the Board or to any fit person.

30 (4) A delegation under this section shall not prevent the Board from exercising or performing any power, authority, duty or function the subject of the delegation.

(5) A delegation under subsection three of this section may be revoked in writing at any time.

(6)

Mines Rescue (Amendment).

(6) In the exercise and performance of its powers, authorities, duties and functions the Board shall be subject to the control and direction of the Minister.

5 4H. (1) The Board shall cause to be kept Books of
proper books of account, and shall, as soon as account to
practicable after the thirtieth day of June in each be kept.
year, prepare and transmit to the Minister for
10 presentation to Parliament statements of account in
a form approved by the Auditor-General, exhibit-
ing a true and fair view of the financial position and
transactions of the Board.

15 (2) The accounts of the Board shall be
audited by the Auditor-General, who shall have, in
respect thereof, all the powers conferred on the
Auditor-General by any law for the time being in
force relating to the audit of public accounts.

20 (3) The Audit Act, 1902, shall apply to
members of the Board in the same manner and to
the same extent as it applies to accounting officers
of public departments.

25 (4) Towards defraying the costs and
expenses of any such audit the Board shall pay to
the Consolidated Revenue Fund such sums, at such
times, as the Treasurer may decide.

(e) by omitting from the heading to Part II the word Part II.
"CENTRAL"; (Heading.)

30 (f) (i) by omitting from subsection one of section Sec. 5.
five the words "by proclamation vary the (Districts
boundaries of such districts" and by inserting and rescue
in lieu thereof the words "in like manner stations.)
amend or revoke any such proclamation";

(ii)

Mines Rescue (Amendment).

(ii) by inserting next after subsection two of the same section the following new subsection :—

(2A) A committee may, subject to the provisions of the regulations and with the approval of the Minister given on the recommendation of the Board, erect a subsidiary rescue station in a district.

(iii) by inserting in subsection three of the same section after the word “station” the words “or as a subsidiary rescue station”;

(iv) by inserting in subsection four of the same section after the word “station” the words “and of a subsidiary rescue station”;

(g) by omitting section six and by inserting in lieu thereof the following section :—

6. (1) In this section—

“colliery holding” means the lands included in a colliery holding of a mine as shown on plans of such mine or included in any description furnished to the Under Secretary for Mines and registered in accordance with the provisions of the Coal Mines Regulation Act, 1912;

“proprietor”, in relation to any colliery holding, means any person or body corporate who is the immediate owner, or lessee, or occupier of the colliery holding, or of any part thereof, including any contractor for the working of the colliery holding, or any part thereof, but does not include a person or body corporate who merely receives a

royalty,

Subst. sec.
6.
Contribu-
tion to
rescue
stations
by proprie-
tor of
colliery
holding.

Mines Rescue (Amendment).

5 royalty, rent or fine from the colliery holding, or is merely the owner or lessee of the colliery holding, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the coal or shale in the colliery holding;

10 “unimproved capital value”, in relation to a colliery holding, is the unimproved capital value of the colliery holding as determined under the Valuation of Land Act, 1916, or the Local Government Act, 1919.

15 (2) Subject to the provisions of subsection ten of this section, the proprietor of each colliery holding within a district shall in respect of each year pay to the Board towards the cost of erection, equipment, maintenance and administration of central rescue stations and subsidiary rescue stations a sum calculated in such manner as may be prescribed.

20

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

25 (a) shall be based upon the unimproved capital value of the colliery holding, as in force on the thirtieth day of June in the preceding year, or if no such unimproved capital value was in force on that date, upon such other basis as is prescribed; or

30 (b) where some other basis is prescribed, shall be based upon that other basis.

(4) Where on the thirtieth day of June in any year more than one unimproved capital value is in force in respect of a colliery holding the Board may, in its discretion, base the sum payable

under

Mines Rescue (Amendment).

under this section by the proprietor of that colliery holding on any one of those unimproved capital values.

5 (5) The Board shall, in respect of each year, cause to be served, in accordance with subsection six of this section, on every proprietor of a colliery holding within a district a notice in the prescribed form specifying the sum payable by him pursuant to subsection two of this section in respect
10 of that year.

(6) The notice referred to in subsection five of this section shall be deemed to have been served on the proprietor of a colliery holding—

- 15 (a) where the proprietor is an individual, if it is delivered to him personally, or is sent by prepaid certified mail to his address last known to the Board; or
- 20 (b) where the proprietor is a body corporate, if it is served in a manner authorised under the Companies Act, 1961, for the service of documents on a body corporate.

25 (7) If, within twenty-eight days after any such notice has, in accordance with subsection six of this section, been served on the proprietor of a colliery holding the amount specified in the notice has not been paid, he shall be deemed to be in arrears with his contribution, and interest, at such rate, not exceeding ten per centum per annum, as may from time to time be determined by the Board
30 for the purposes of this subsection, shall be paid by the proprietor in respect of the period from the expiration of the said period of twenty-eight days until the date of payment of that amount.

35 (8) The Board may waive any interest payable under subsection seven of this section.

(9)

Mines Rescue (Amendment).

5 (9) Any sum or interest payable under this section which is not paid as required by this section shall be a debt due to the Crown and may be recovered by the Board on behalf of the Crown in any court of competent jurisdiction.

10 (10) The Minister may exempt the proprietor of a colliery holding from paying in respect of any year any sum pursuant to subsection two of this section in respect of that colliery holding.

(h) by inserting next after section six the following new New sec. 6A.
section :—

6A. (1) There shall be constituted a fund to be called the Central Mines Rescue Fund. Central
Mines
Rescue
Fund.

15 (2) The Central fund shall consist of—

- (a) the amounts, and any interest thereon, paid by the proprietors of colliery holdings pursuant to section six of this Act;
- 20 (b) interest from time to time accruing from any investment of moneys by the Board authorised by this Act; and
- 25 (c) all moneys which may be voted by Parliament for the purpose of assisting in the provision and equipment of central rescue stations and subsidiary rescue stations or which may be derived by the Board from any other source.

(3) The Central fund shall be under the direction and control of the Board.

30 (4) The Central fund shall be applied towards the payment to a fund of any sum approved by the Minister under section 4F of this Act.

(5)

Mines Rescue (Amendment).

5 (5) The Central fund may be applied towards the fees and travelling and sustenance allowances of members of the Board entitled to fees and allowances, and towards the salary of any person employed in, or towards expenses incurred in connection with, the administration of the Central fund.

10 (6) The Board may invest moneys forming part of the Central fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

15 (7) Where there are insufficient moneys to the credit of the Central fund to meet payments to be made therefrom the Treasurer may advance such moneys to the Board upon such terms and conditions as to repayment and interest as may be agreed upon.

20 (i) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following subsections :— Sec. 7.
(Mines
Rescue
Fund.)

25 (1) All moneys received from the Board, and interest received on any moneys invested pursuant to subsection five of this section, shall be paid into a fund which shall be under the direction and control of the committee of the district.

30 (1A) Any moneys in a fund at the commencement of subparagraph (i) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, shall continue to form part of that fund.

(ii)

Mines Rescue (Amendment).

- 5 (ii) by omitting from paragraph (a) of subsection two of the same section the words "the rescue station" and by inserting in lieu thereof the words "the central rescue station and any subsidiary rescue station";
- (iii) by inserting in paragraph (b) of the same subsection after the word "superintendent" the words "and of any person employed to assist the superintendent";
- 10 (iv) by omitting from paragraph (c) of the same subsection the words "the station" and by inserting in lieu thereof the words "the central rescue station";
- 15 (v) by omitting from paragraph (e) of the same subsection the words "the station" and by inserting in lieu thereof the words "a rescue station in the district";
- (vi) by inserting next after subsection three of the same section the following new subsections :—
- 20 (4) The fund may be applied towards the fees and travelling and sustenance allowances of members of the committee.
- 25 (5) Any application of the fund by a committee, whether before or after the commencement of subparagraph (vi) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, towards the cost of providing housing or other living or office accommodation for persons connected with
- 30 rescue operations shall be deemed to have been or to be an application of the fund authorised by this Act.

(6)

Mines Rescue (Amendment).

- 5 (6) The committee may invest moneys forming part of the fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.
- 10 (7) The committee shall transmit to the Board estimates of expenditure when required to do so by the Board, and such information as the Board may, from time to time, require concerning the exercise and performance by the committee of the powers, authorities, duties and functions conferred or imposed on committees by this Act.
- 15 (j) by omitting from subsection two of section nine the words "or rescue brigade"; Sec. 9.
(Room for rescue and first aid purposes.)
- 20 (k) (i) by omitting from subsection one of section ten the words "breathing apparatus each with a minimum rated service period of two hours" and by inserting in lieu thereof the words "an approved type of breathing apparatus"; Sec. 10.
(Rescue apparatus to be provided at each mine.)
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—
- 25 (2) Telephone communication shall be established and maintained by the owner of the mine between the mine and the central rescue station, and any charge or expense in relation thereto shall be borne by the owner.
- 30 (l) by inserting next after section eleven the following new section :— New sec.
11A.
- 35 11A. Every member of a committee shall be entitled to receive such fees for attending meetings and transacting business of the committee, and such travelling and sustenance allowances in relation thereto, as the Minister may determine. Fees, etc.
payable to member of committee.
- (m)

Mines Rescue (Amendment).

- (m) (i) by inserting next after subsection two Sec. 12.
of section twelve the following new (Superinten-
subsection :— dent.)

5 (2A) The superintendent appointed to be
in charge of a central rescue station in a
district shall be in charge of any subsidiary
rescue station in that district.

10 (ii) by omitting from subsection three of the same
section the words "the instruction of rescue
brigades and the maintenance and working of
the station" and by inserting in lieu thereof the
15 words "the instruction of persons who engage
in rescue operations and the maintenance and
working of the central rescue station and any
subsidiary rescue station";

20 (iii) by omitting from paragraph (c) of subsection
four of the same section the words "rescue
brigades" and by inserting in lieu thereof
the words "persons employed in rescue
operations";

(n) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "or rescue brigade" and by (Instruc-
inserting in lieu thereof the words "or persons tors.)
to engage in rescue operations";

25 (ii) by omitting paragraph (b) of the same
subsection;

(o) by omitting from the heading to Part IV the words Part IV.
"RESCUE BRIGADES" and by inserting in lieu (Heading.)
thereof the word "MISCELLANEOUS";

Mines Rescue (Amendment).

- (p) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst. sec. 16.

5 16. Where the Minister has not directed that a permanent rescue corps be established in a district, or where a mine is not within the boundaries of a district, the owner of every mine in the district, or not within the boundaries of a district, as the case may be, shall make such arrangements for rescue operations as the Minister may direct. Duty of owner of mine when no permanent rescue corps established, etc.

- 10 (q) by omitting section eighteen; Sec. 18.
(Breathing apparatus to be provided.)

- (r) (i) by inserting in subsection one of section nineteen after the word "station" the words "or a subsidiary rescue station"; Sec. 19.
(Site for rescue station.)

- 15 (ii) by inserting in subsection two of the same section after the word "station" where firstly occurring the words "or subsidiary rescue station";

- 20 (iii) by inserting in the same subsection after the word "station" where secondly occurring the words "or a subsidiary rescue station";

- (s) by omitting from section twenty the words "brigades or rescue corps" and by inserting in lieu thereof the words "rescue corps or persons who engage in rescue operations"; Sec. 20.
(Plans of workings to be kept.)

- 25 (t) by omitting from section twenty-one the word "brigades" and by inserting in lieu thereof the words "persons who engage in rescue operations"; Sec. 21.
(Uniform rules and signals.)

(u)

Mines Rescue (Amendment).

- (u) (i) by inserting in paragraph (g) of subsection Sec. 26.
one of section twenty-six after the word (Regula-
"superintendents" the words "and of persons tions.)
appointed to assist superintendents";
- 5 (ii) by inserting in paragraph (l) of the same
subsection after the word "stations" the
words "and subsidiary rescue stations".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

United States (Continued)

(n) (i) by inserting in paragraph (g) of subsection 2111 one of section twenty-six after the word "persons" the words "and of persons appointed to assist persons";

(ii) by inserting in paragraph (i) of the same subsection after the word "stations" the words "and subsidiary rescue stations";

BY AUTHORITY

W. G. M. BRIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

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, 16 March, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 34, 1972.

An Act to make provision for the establishment of a body corporate to be known as the Mines Rescue Board; to establish a Central Mines Rescue Fund; to provide for contributions by proprietors of colliery holdings for the erection, equipment and maintenance of rescue stations; for these and other purposes to amend the Mines Rescue Act, 1925; to validate certain matters; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Mines Rescue (Amendment).

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
and com-
mencement.

1. (1) This Act may be cited as the "Mines Rescue (Amendment) Act, 1972".

(2) This section shall commence on the day on which this Act receives the Royal assent.

(3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

(4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

Amendment
of Act No.
3, 1925.
Long title.

2. The Mines Rescue Act, 1925, is amended—

(a) (i) by omitting from the long title the words "towards Mines Rescue Funds" and by inserting in lieu thereof the words "to the Mines Rescue Board";

(ii) by omitting from the long title the words "for the establishment at mines of rescue brigades";

Sec. 1.
(Short title
and com-
mencement.)

(b) (i) by inserting in subsection three of section one next after the matter relating to Part I the following new matter :—

PART IA.—MINES RESCUE BOARD—ss.
4A–4H.

(ii) by omitting from the matter relating to Part II in the same subsection the word "CENTRAL";

(iii)

Mines Rescue (Amendment).

- (iii) by omitting from the matter relating to Part IV in the same subsection the words "RESCUE BRIGADES" and by inserting in lieu thereof the word "MISCELLANEOUS";

- (c) (i) by inserting in section two next after the Sec. 2.
definition of "Approved" the following new (Interpreta-
definition :— tion.)

"Board" means the Mines Rescue Board constituted under this Act.

- (ii) by inserting in the same section next after the definition of "Breathing apparatus" the following new definition :—

"Central fund" means the Central Mines Rescue Fund established under this Act.

- (iii) by omitting the definitions of "Central rescue station" and "rescue station" in the same section and by inserting in lieu thereof the following definition :—

"Central rescue station" means a rescue station erected under subsection two, or a building accepted as such under subsection three, of section five of this Act.

- (iv) by inserting in the same section next after the definition of "Smoke helmet" the following new definition :—

"Subsidiary rescue station" means a rescue station erected under subsection (2A), or a building accepted as such under subsection three, of section five of this Act.

(d)

Mines Rescue (Amendment).

New Part
IA.

(d) by inserting next after section four the following new Part :—

PART IA.

MINES RESCUE BOARD.

Mines
Rescue
Board.

4A. There shall be a Board, to be known as the Mines Rescue Board, which shall be a body corporate.

Constitution
of Board.

4B. (1) The Board shall consist of—

(a) the chief inspector, who shall be chairman of the Board; and

(b) six persons appointed by the Governor, being—

(i) a person, nominated by the Minister, who shall be a person representing the Electricity Commission of New South Wales and the State Mines Control Authority;

(ii) a person nominated by the Australian Coal and Shale Employees' Federation;

(iii) a person nominated by the Australian Collieries' Staff Association;

(iv) two persons nominated by the New South Wales Combined Colliery Proprietors' Association; and

(v) a person nominated jointly by Broken Hill Proprietary Company Limited and Australian Iron & Steel Ltd.

(2) The Minister may nominate a person for appointment and the Governor may appoint that person, if no person, or no person willing to act, is nominated pursuant to subparagraph (ii), (iii), (iv) or (v) of paragraph (b) of subsection

Mines Rescue (Amendment).

one of this section, within such time as is specified in a notice given by the Minister requesting the nomination.

(3) No person who is a member of a committee shall be nominated for appointment as a member of the Board.

4C. (1) In this section "nominated member" means a person, other than the chief inspector, who is a member of the Board. Provisions concerning nominated members.

(2) A nominated member shall not, in respect of his appointment or in his capacity as a member of the Board, be subject to the Public Service Act, 1902.

(3) A nominated member shall be appointed for a period not exceeding three years and shall be eligible for reappointment.

(4) If a nominated member—

- (a) dies;
- (b) becomes a mentally ill, protected or incapable person within the meaning of the Mental Health Act, 1958;
- (c) resigns his office by writing under his hand addressed to the Minister;
- (d) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;

(e)

Mines Rescue (Amendment).

- (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;
- (f) is absent, without the leave of the Board or the chairman of the Board, from three consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the Board for his absence from those meetings; or
- (g) is removed from office by the Governor, his office shall become vacant.

(5) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the Governor may appoint a person, nominated under the relevant provision of paragraph (b) of subsection one of section 4B of this Act, or nominated by the Minister pursuant to subsection two of that section, to be a member for the unexpired portion of the term.

(6) The Governor may, for any cause which appears to him sufficient, remove a nominated member from office.

Proceedings
of the Board.

4D. (1) The procedure for the calling of meetings of the Board and for the conduct of meetings shall, subject to the provisions of this section, be as determined by the Board.

(2) At a meeting of the Board—

- (a) three members shall constitute a quorum;
- (b)

Mines Rescue (Amendment).

- (b) the chairman of the Board, or in his absence such person as the members present elect, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(3) The Board shall cause minutes to be kept of the proceedings at its meetings.

4E. (1) Every member of the Board, other than the chief inspector and any other member specified by the Minister as not being entitled to receive the fees and allowances referred to in this section, shall, subject to subsection two of this section, be entitled to receive—

- (a) such fees for attending meetings and transacting the business of the Board; and
- (b) such travelling and sustenance allowances in relation thereto,

as the Minister may determine.

(2) If the Minister so orders the fees and allowances which a member of the Board would, but for this subsection, be entitled to receive shall be paid to the employer, specified in the order, of the member instead of being paid to the member.

4F. (1) The Board shall recommend for the approval of the Minister—

- (a) the manner of calculating the sum payable pursuant to section six of this Act; and

Board to make recommendations to the Minister, etc.

(b)

Mines Rescue (Amendment).

(b) the sum to be paid, from time to time, from the Central fund to a fund.

(2) The Board shall take such steps as it deems appropriate to ensure that a fund is applied towards the purposes authorised by this Act.

Exercise
and per-
formance
of Board's
powers, etc.

4G. (1) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Board by this or any other Act, the Board may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by any member of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand whatsoever.

(3) In relation to any particular matters or class of matters, the Board may by writing delegate any of its powers, authorities, duties or functions under this Act (except this power of delegation) to any one member of the Board or to any fit person.

(4) A delegation under this section shall not prevent the Board from exercising or performing any power, authority, duty or function the subject of the delegation.

(5) A delegation under subsection three of this section may be revoked in writing at any time.

(6)

Mines Rescue (Amendment).

(6) In the exercise and performance of its powers, authorities, duties and functions the Board shall be subject to the control and direction of the Minister.

4H. (1) The Board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of account in a form approved by the Auditor-General, exhibiting a true and fair view of the financial position and transactions of the Board. Books of account to be kept.

(2) The accounts of the Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

(3) The Audit Act, 1902, shall apply to members of the Board in the same manner and to the same extent as it applies to accounting officers of public departments.

(4) Towards defraying the costs and expenses of any such audit the Board shall pay to the Consolidated Revenue Fund such sums, at such times, as the Treasurer may decide.

(e) by omitting from the heading to Part II the word Part II.
"CENTRAL"; (Heading.)

(f) (i) by omitting from subsection one of section Sec. 5.
five the words "by proclamation vary the boundaries of such districts" and by inserting (Districts and rescue stations.)
in lieu thereof the words "in like manner amend or revoke any such proclamation";

(ii)

Mines Rescue (Amendment).

- (ii) by inserting next after subsection two of the same section the following new subsection :—

(2A) A committee may, subject to the provisions of the regulations and with the approval of the Minister given on the recommendation of the Board, erect a subsidiary rescue station in a district.

- (iii) by inserting in subsection three of the same section after the word “station” the words “or as a subsidiary rescue station”;

- (iv) by inserting in subsection four of the same section after the word “station” the words “and of a subsidiary rescue station”;

Subst. sec.
6.

- (g) by omitting section six and by inserting in lieu thereof the following section :—

Contribu-
tion to
rescue
stations
by proprie-
tor of
colliery
holding.

6. (1) In this section—

“colliery holding” means the lands included in a colliery holding of a mine as shown on plans of such mine or included in any description furnished to the Under Secretary for Mines and registered in accordance with the provisions of the Coal Mines Regulation Act, 1912;

“proprietor”, in relation to any colliery holding, means any person or body corporate who is the immediate owner, or lessee, or occupier of the colliery holding, or of any part thereof, including any contractor for the working of the colliery holding, or any part thereof, but does not include a person or body corporate who merely receives a

royalty,

Mines Rescue (Amendment).

royalty, rent or fine from the colliery holding, or is merely the owner or lessee of the colliery holding, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the coal or shale in the colliery holding;

“unimproved capital value”, in relation to a colliery holding, is the unimproved capital value of the colliery holding as determined under the Valuation of Land Act, 1916, or the Local Government Act, 1919.

(2) Subject to the provisions of subsection ten of this section, the proprietor of each colliery holding within a district shall in respect of each year pay to the Board towards the cost of erection, equipment, maintenance and administration of central rescue stations and subsidiary rescue stations a sum calculated in such manner as may be prescribed.

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

- (a) shall be based upon the unimproved capital value of the colliery holding, as in force on the thirtieth day of June in the preceding year, or if no such unimproved capital value was in force on that date, upon such other basis as is prescribed; or
- (b) where some other basis is prescribed, shall be based upon that other basis.

(4) Where on the thirtieth day of June in any year more than one unimproved capital value is in force in respect of a colliery holding the Board may, in its discretion, base the sum payable

under

Mines Rescue (Amendment).

under this section by the proprietor of that colliery holding on any one of those unimproved capital values.

(5) The Board shall, in respect of each year, cause to be served, in accordance with subsection six of this section, on every proprietor of a colliery holding within a district a notice in the prescribed form specifying the sum payable by him pursuant to subsection two of this section in respect of that year.

(6) The notice referred to in subsection five of this section shall be deemed to have been served on the proprietor of a colliery holding—

- (a) where the proprietor is an individual, if it is delivered to him personally, or is sent by prepaid certified mail to his address last known to the Board; or
- (b) where the proprietor is a body corporate, if it is served in a manner authorised under the Companies Act, 1961, for the service of documents on a body corporate.

(7) If, within twenty-eight days after any such notice has, in accordance with subsection six of this section, been served on the proprietor of a colliery holding the amount specified in the notice has not been paid, he shall be deemed to be in arrears with his contribution, and interest, at such rate, not exceeding ten per centum per annum, as may from time to time be determined by the Board for the purposes of this subsection, shall be paid by the proprietor in respect of the period from the expiration of the said period of twenty-eight days until the date of payment of that amount.

(8) The Board may waive any interest payable under subsection seven of this section.

(9)

Mines Rescue (Amendment).

(9) Any sum or interest payable under this section which is not paid as required by this section shall be a debt due to the Crown and may be recovered by the Board on behalf of the Crown in any court of competent jurisdiction.

(10) The Minister may exempt the proprietor of a colliery holding from paying in respect of any year any sum pursuant to subsection two of this section in respect of that colliery holding.

(h) by inserting next after section six the following new New sec. 6A. section :—

6A. (1) There shall be constituted a fund to be called the Central Mines Rescue Fund. Central
Mines
Rescue
Fund.

(2) The Central fund shall consist of—

- (a) the amounts, and any interest thereon, paid by the proprietors of colliery holdings pursuant to section six of this Act;
- (b) interest from time to time accruing from any investment of moneys by the Board authorised by this Act; and
- (c) all moneys which may be voted by Parliament for the purpose of assisting in the provision and equipment of central rescue stations and subsidiary rescue stations or which may be derived by the Board from any other source.

(3) The Central fund shall be under the direction and control of the Board.

(4) The Central fund shall be applied towards the payment to a fund of any sum approved by the Minister under section 4F of this Act.

(5)

Mines Rescue (Amendment).

(5) The Central fund may be applied towards the fees and travelling and sustenance allowances of members of the Board entitled to fees and allowances, and towards the salary of any person employed in, or towards expenses incurred in connection with, the administration of the Central fund.

(6) The Board may invest moneys forming part of the Central fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

(7) Where there are insufficient moneys to the credit of the Central fund to meet payments to be made therefrom the Treasurer may advance such moneys to the Board upon such terms and conditions as to repayment and interest as may be agreed upon.

Sec. 7.
(Mines
Rescue
Fund.)

- (i) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following subsections :—

(1) All moneys received from the Board, and interest received on any moneys invested pursuant to subsection five of this section, shall be paid into a fund which shall be under the direction and control of the committee of the district.

(1A) Any moneys in a fund at the commencement of subparagraph (i) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, shall continue to form part of that fund.

(ii)

Mines Rescue (Amendment).

- (ii) by omitting from paragraph (a) of subsection two of the same section the words "the rescue station" and by inserting in lieu thereof the words "the central rescue station and any subsidiary rescue station";
- (iii) by inserting in paragraph (b) of the same subsection after the word "superintendent" the words "and of any person employed to assist the superintendent";
- (iv) by omitting from paragraph (c) of the same subsection the words "the station" and by inserting in lieu thereof the words "the central rescue station";
- (v) by omitting from paragraph (e) of the same subsection the words "the station" and by inserting in lieu thereof the words "a rescue station in the district";
- (vi) by inserting next after subsection three of the same section the following new subsections :—

(4) The fund may be applied towards the fees and travelling and sustenance allowances of members of the committee.

(5) Any application of the fund by a committee, whether before or after the commencement of subparagraph (vi) of paragraph (i) of section two of the Mines Rescue (Amendment) Act, 1972, towards the cost of providing housing or other living or office accommodation for persons connected with rescue operations shall be deemed to have been or to be an application of the fund authorised by this Act.

(6)

Mines Rescue (Amendment).

(6) The committee may invest moneys forming part of the fund and not immediately required, in any manner in which trustees are for the time being authorised to invest trust funds.

(7) The committee shall transmit to the Board estimates of expenditure when required to do so by the Board, and such information as the Board may, from time to time, require concerning the exercise and performance by the committee of the powers, authorities, duties and functions conferred or imposed on committees by this Act.

Sec. 9.
(Room for
rescue and
first aid
purposes.)

- (j) by omitting from subsection two of section nine the words "or rescue brigade";

Sec. 10.
(Rescue
apparatus to
be provided
at each
mine.)

- (k) (i) by omitting from subsection one of section ten the words "breathing apparatus each with a minimum rated service period of two hours" and by inserting in lieu thereof the words "an approved type of breathing apparatus";

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Telephone communication shall be established and maintained by the owner of the mine between the mine and the central rescue station, and any charge or expense in relation thereto shall be borne by the owner.

New sec.
11A.

- (l) by inserting next after section eleven the following new section :—

Fees, etc.
payable to
member of
committee.

11A. Every member of a committee shall be entitled to receive such fees for attending meetings and transacting business of the committee, and such travelling and sustenance allowances in relation thereto, as the Minister may determine.

(m)

Mines Rescue (Amendment).

- (m) (i) by inserting next after subsection two Sec. 12.
of section twelve the following new (Superinten-
subsection :— dent.)

(2A) The superintendent appointed to be in charge of a central rescue station in a district shall be in charge of any subsidiary rescue station in that district.

- (ii) by omitting from subsection three of the same section the words "the instruction of rescue brigades and the maintenance and working of the station" and by inserting in lieu thereof the words "the instruction of persons who engage in rescue operations and the maintenance and working of the central rescue station and any subsidiary rescue station";

- (iii) by omitting from paragraph (c) of subsection four of the same section the words "rescue brigades" and by inserting in lieu thereof the words "persons employed in rescue operations";

- (n) (i) by omitting from subsection one of section Sec. 13.
thirteen the words "or rescue brigade" and by (Instruc-
inserting in lieu thereof the words "or persons tors.)
to engage in rescue operations";

- (ii) by omitting paragraph (b) of the same subsection;

- (o) by omitting from the heading to Part IV the words Part IV.
"RESCUE BRIGADES" and by inserting in lieu (Heading.)
thereof the word "MISCELLANEOUS";

(p)

Mines Rescue (Amendment).

Subst. sec.
16.

- (p) by omitting section sixteen and by inserting in lieu thereof the following section :—

Duty of
owner of
mine when
no perman-
ent rescue
corps estab-
lished, etc.

16. Where the Minister has not directed that a permanent rescue corps be established in a district, or where a mine is not within the boundaries of a district, the owner of every mine in the district, or not within the boundaries of a district, as the case may be, shall make such arrangements for rescue operations as the Minister may direct.

Sec. 18.
(Breathing
apparatus
to be
provided.)

- (q) by omitting section eighteen;

Sec. 19.
(Site for
rescue
station.)

- (r) (i) by inserting in subsection one of section nineteen after the word "station" the words "or a subsidiary rescue station";
- (ii) by inserting in subsection two of the same section after the word "station" where firstly occurring the words "or subsidiary rescue station";
- (iii) by inserting in the same subsection after the word "station" where secondly occurring the words "or a subsidiary rescue station";

Sec. 20.
(Plans of
workings
to be kept.)

- (s) by omitting from section twenty the words "brigades or rescue corps" and by inserting in lieu thereof the words "rescue corps or persons who engage in rescue operations";

Sec. 21.
(Uniform
rules and
signals.)

- (t) by omitting from section twenty-one the word "brigades" and by inserting in lieu thereof the words "persons who engage in rescue operations";

(u)

Mines Rescue (Amendment).

- (u) (i) by inserting in paragraph (g) of subsection Sec. 26.
one of section twenty-six after the word (Regula-
"superintendents" the words "and of persons tions.)
appointed to assist superintendents";
- (ii) by inserting in paragraph (l) of the same
subsection after the word "stations" the
words "and subsidiary rescue stations".

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

L. J. HERRON, C.J.
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 11th April, 1972.*

Article 1 (1) (a) (i)

in the case of a person who is a member of a political party, the word "political party" shall mean any political party which is registered in the register of political parties maintained by the Commission for the Government of the Republic of the Philippines.

in the case of a person who is not a member of a political party, the word "political party" shall mean any political party which is registered in the register of political parties maintained by the Commission for the Government of the Republic of the Philippines.

In the case of a person who is not a member of a political party, the word "political party" shall mean any political party which is registered in the register of political parties maintained by the Commission for the Government of the Republic of the Philippines.

Act

L. J. HERRERA
By Deputation from
His Excellency the Governor

Government House,
Manila, 17th April 1972.