



## MINING AMENDMENT ACT 1981

No. 3 of 1981

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**AN ACT to amend the Mining Act 1929 to provide for the appointment and conditions of service of the Director of Mines.**

[Royal Assent 1 April 1981]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Mining Amendment Act 1981*. Short title.

Commencement.

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

(2) Except as provided in subsection (1), this Act shall commence on such date as may be fixed by proclamation.

Principal Act.

**3—**In this Act, the *Mining Act 1929\** is referred to as the Principal Act.

Insertion in Principal Act of new sections 9A and 9B.

**4—**After section 9 of the Principal Act, the following sections are inserted in Part III:—

Appointment and conditions of service of Director.

**9A—**(1) The Governor may appoint a person to be the Director of Mines for a term, not exceeding 5 years, specified in the instrument of his appointment, and that person shall, if otherwise qualified, be eligible for re-appointment from time to time for a term not exceeding 5 years, specified in the instrument of his re-appointment.

(2) A person who is of or above the age of 65 years shall not be appointed as Director of Mines or continue in that office.

(3) Subject to this section and section 9B, the Director shall hold office on such terms and conditions as may be specified in the instrument of his appointment.

(4) The Director is not subject to the provisions of the *Public Service Act 1973* but, for the purposes of that Act, he shall be deemed to be the permanent head of the Department of Mines as constituted under that Act and shall have the same powers and authority in relation to that department as if he were an officer under that Act.

(5) The Director shall not, during his term of office, engage in any paid employment outside the duties of his office except with the approval of the Governor.

(6) The Director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine in respect of him.

\* 20 Geo. V No. 71. For this Act, as amended to 1968, see Appendix B of the Annual Volume of Statutes for 1970. Subsequently amended by No. 47 of 1970, Nos. 35 and 75 of 1973, No. 28 of 1976, No. 18 of 1978, and No. 23 of 1979.

(7) The Director shall be deemed to be an employee for the purposes of the *Superannuation Act 1938*, the *Retirement Benefits Act 1970*, and the *State Employees (Long-Service Leave) Act 1950*.

(8) If an officer of the Public Service is appointed to the office of Director of Mines, he is entitled to retain all his existing and accruing rights as if his service in that office were a continuation of his service as an officer of the Public Service.

(9) Where a person ceases to hold the office of Director of Mines and becomes an officer of the Public Service, his service in that office shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service.

9B—(1) The Director shall be deemed to have vacated his office—<sup>Vacation of office.</sup>

- (a) if he dies;
- (b) if, without the approval of the Governor, he engages during his term of office in any paid employment outside the duties of his office;
- (c) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts his resignation;
- (d) if he becomes bankrupt, applies to take the benefit of any laws for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his remuneration or estate for their benefit;
- (e) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (f) if he is convicted in this State of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than this State of an offence which, if committed in this State, would be a crime or an offence so punishable;

(g) if he absents himself from duty for a period exceeding 14 days except—

(i) on leave granted by the Minister; or

(ii) through illness or other unavoidable cause;

(b) if he is removed from office by the Governor under subsection (2); or

(i) on his attaining the age of 65 years.

(2) The Governor may remove the Director from office for misbehaviour, neglect of duty, or incompetence.

(3) The Director shall not be removed from office otherwise than in accordance with subsection (2).

Amendment of  
section 10 of  
Principal Act  
(Power to  
appoint officers  
and deputies).

**5**—Section 10 (1) of the Principal Act is amended by omitting “ a Director of Mines, and ”.