



MINES INSPECTION AMENDMENT ACT 1981

No. 7 of 1981

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AN ACT to amend the Mines Inspection Act 1968 to make further provision with respect to the office of Chief Inspector 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 *Mines Inspection Amendment Act 1981*. Short title.

Commence-
ment.

2—This Act shall commence on the date fixed by proclamation under section 2 (2) of the *Mining Amendment Act* 1981.

Amendment of
section 6 of
*Mines Inspec-
tion Act* 1968
(Appointment
of inspectors).

3—Section 6 of the *Mines Inspection Act* 1968* is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Governor may appoint a person to be the Chief Inspector of Mines.

(1A) The Governor may, under the provisions of the *Public Service Act* 1973, appoint suitable persons to be inspectors of mines.

Insertion in
Principal Act
of new
sections 6A
and 6B.

Conditions of
service of
Chief Inspector
of Mines.

4—After section 6 of the Principal Act, the following sections are inserted in Part I:—

6A—(1) A person who is of or above the age of 65 years shall not be appointed as Chief Inspector or continue in that office.

(2) Subject to this section and section 6B, the Chief Inspector shall hold office on such terms and conditions as may be specified in the instrument of his appointment.

(3) The Chief Inspector 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.

(4) The Chief Inspector 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.

(5) The Chief Inspector 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.

(6) If an officer of the Public Service is appointed to the office of Chief Inspector, 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.

* No. 17 of 1968. Amended by No. 62 of 1971 and No. 4 of 1973.

(7) Where a person ceases to hold the office of Chief Inspector 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.

6B—(1) The Chief Inspector shall be deemed to have ^{Vacation of office.} vacated his office—

- (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;
- (h) 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 Chief Inspector from office for misbehaviour, neglect of duty, or incompetence.

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