

‘relevant section’, in relation to the Commonwealth Act, means section fifteen of that Act, and includes that section as amended from time to time and any section passed in substitution for that section.”.

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## MINING COMPANIES (REPEAL).

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### No. 27 of 1972.

AN ACT to repeal the *Mining Companies Act 1884* and provide for the continuation of any companies or syndicates incorporated thereunder, and to repeal the *Mining Companies (Foreign) Act 1884*.  
[9 November 1972.]

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:—

Short title.

**1** This Act may be cited as the *Mining Companies (Repeal) Act 1972*.

Interpretation.

**2** In this Act—

“appointed day” means the day appointed for the purposes of section three;

“Companies Act” means the *Companies Act 1962*;

“existing company” means a company that immediately before the appointed day was incorporated under Part I of the *Mining Companies Act*;

“existing syndicate” means a syndicate that immediately before the appointed day was incorporated under Part V of the *Mining Companies Act*;

“Mining Companies Act” means the *Mining Companies Act 1884*.

**3**—(1) No company or syndicate shall be registered under the Mining Companies Act after the commencement of this Act and, on such day as the Governor by proclamation appoints for the purposes of this section, that Act is repealed. Repeal of  
Mining  
Companies  
Act 1884.

(2) All the functions of the Director of Mines under the Mining Companies Act are transferred to the Registrar of Companies, and, as soon as practicable after the commencement of this Act, the Director of Mines shall deliver to the Registrar of Companies all registers and other documents held or kept by him for the purposes of that Act.

(3) Subject to the following provisions of this section, on and after the appointed day the Companies Act applies to each existing mining company and each existing syndicate as if—

- (a) that company were a company incorporated under that Act or that syndicate were a no liability company so incorporated, as the case may be;
- (b) the memorandum required by the Mining Companies Act to be lodged with the Director of Mines for the purpose of obtaining registration under that Act were the memorandum of association of the company or syndicate; and
- (c) the rules (if any) of the company or syndicate were its articles of association.

(4) The subscriptions in respect of shares held by the members of an existing syndicate by which the capital of the syndicate is engaged to be subscribed shall be deemed to be calls on those shares for the purposes of the Companies Act.

(5) Sections forty-nine, and fifty-eight to sixty-one (inclusive), of the Mining Companies Act continue to have effect, after the appointed day, as provisions in the rules of an existing syndicate to the like extent as they had effect in relation to that syndicate immediately before that day.

(6) Section three hundred and twenty-two of the Companies Act does not apply to an existing syndicate, and sections three hundred and twenty-three to three hundred and twenty-nine (inclusive) of that Act have effect in relation to an existing syndicate only to the extent to which they are applied by the rules thereof and subject to any variations subject to which they are so applied.

(7) Any provision made in the rules of an existing syndicate pursuant to subsection (3) of section one hundred and thirty of the Mining Companies Act ceases to have effect on the appointed day.

**4** The *Mining Companies (Foreign) Act 1884* is repealed.

Repeal of  
Mining  
Companies  
(Foreign) Act  
1884.