New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 76, 1974.

An Act relating to the royalty payable on coal won from lands held under coal leases; for this purpose to amend the Coal Mining Act, 1973; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE

P 75979 [8c]

Coal Mining (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.

1. This Act may be cited as the "Coal Mining (Amendment) Act, 1974".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall be deemed to have commenced on 1st November, 1974.

Amendment of Act No. 81, 1973.

3. The Coal Mining Act, 1973, is amended—

Sec. 77. (Rate of royalty.)

(a) (i) by omitting from section 77 (1) (a) the words "prescribed rate" and by inserting instead the words "rate prescribed for the purposes of paragraph (b)";

(ii) by omitting from section 77 (1) (b) the words "the prescribed rate" and by inserting instead the words "such rate as is, at the time the coal is won, prescribed for the purposes of this paragraph";

(b)

(b) by inserting after section 77 the following section :— Sec. 77A.

77A. Notwithstanding anything in this Act— Variation of liability for royalty in respect of certain leases.

(a) any provision in—

(i) a coal lease; or

(ii) an instrument (other than the regulations) issued, made or given under or for the purposes of the Mining Act, 1906, or this Act,

in force or having effect on 1st November, 1974, shall, in so far as it relates to royalty payable on coal won on or after that date from land subject to that lease, be deemed, on and from that date, not to have any force or effect; and

(b) royalty payable on coal won on or after that date from land subject to that lease is payable—

(i) at such rate as is, at the time the coal is won, prescribed for the purposes of section 77 (1) (b), except where and to the extent that a different rate is fixed pursuant to section 77 (2), (3), (4), (5), (8) or (9); and

(ii) in accordance with section 81 and the regulations.

(c) (i) by inserting in section 78 (1) after the word "intervals" the words ", in respect of such periods"; Sec. 78. (Returns.)

(ii)

(ii) by inserting in section 78 (2) after the words "different intervals," the words "or in respect of different periods,";

(iii) by omitting from section 78 (2) the words "or the intervals" and by inserting instead the words ", intervals or periods";

Sec. 81.

(d) by omitting section 81 and by inserting instead the following section :—

Payment of royalty.

81. (1) Royalty is payable—

(a) except in so far as a determination under paragraph (b) has effect—at such times or within such periods as may be specified in or determined in accordance with the regulations and in respect of such period or periods as may be so specified or determined; or

(b) on demand by the Minister in respect of such period or periods as he determines.

(2) When an amount of royalty is not paid—

(a) at or before the time at which it is due and payable in accordance with the regulations; or

(b) within twenty-eight days of the demand for its payment,

as the case may require, interest shall, if the Minister so directs, be added at such rate as the Minister determines to the amount due until it is paid.

(3)

(3) The regulations may make provision for or with respect to the manner in which royalty is to be paid, and, in particular, the regulations may require that payment of any royalty referred to in the regulations is to accompany a return made under section 78.

(e) by omitting paragraph 9 (5) (a) and (8) in the Second Schedule.

Second Sch., para. 9. (Coal and shale leases, etc., under the 1906 Act.)

4. A regulation made for the purposes of section 77 (1) of the Coal Mining Act, 1973, as amended by this Act, may be made so as to take effect on and from 1st November, 1974, notwithstanding that it is made or published in the Gazette after that date, provided it is made and published in the Gazette before 1st January, 1975.

Commencement of certain regulations.

5. No person is entitled to compensation or damages, nor shall any proceedings against the Crown, any Minister of the Crown, the Government of the State or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, be brought or continued in relation to any matter (being a matter connected with a coal lease), by reason of—

Compensation not payable.

(a) the enactment or operation of this Act; or

(b) the making or operation of any regulation having effect consequent on the enactment by this Act of section 77A of the Coal Mining Act, 1973, as amended by this Act.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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.

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 19 *November,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 76, 1974.

An Act relating to the royalty payable on coal won from lands held under coal leases; for this purpose to amend the Coal Mining Act, 1973; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE

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

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

Coal Mining (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.

1. This Act may be cited as the "Coal Mining (Amendment) Act, 1974".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall be deemed to have commenced on 1st November, 1974.

Amendment of Act No. 81, 1973.

3. The Coal Mining Act, 1973, is amended—

Sec. 77. (Rate of royalty.)

(a) (i) by omitting from section 77 (1) (a) the words "prescribed rate" and by inserting instead the words "rate prescribed for the purposes of paragraph (b)";

(ii) by omitting from section 77 (1) (b) the words "the prescribed rate" and by inserting instead the words "such rate as is, at the time the coal is won, prescribed for the purposes of this paragraph";

(b)

(b) by inserting after section 77 the following section :— Sec. 77A.

77A. Notwithstanding anything in this Act— Variation of liability for royalty in respect of certain leases.

(a) any provision in—

(i) a coal lease; or

(ii) an instrument (other than the regulations) issued, made or given under or for the purposes of the Mining Act, 1906, or this Act,

in force or having effect on 1st November, 1974, shall, in so far as it relates to royalty payable on coal won on or after that date from land subject to that lease, be deemed, on and from that date, not to have any force or effect; and

(b) royalty payable on coal won on or after that date from land subject to that lease is payable—

(i) at such rate as is, at the time the coal is won, prescribed for the purposes of section 77 (1) (b), except where and to the extent that a different rate is fixed pursuant to section 77 (2), (3), (4), (5), (8) or (9); and

(ii) in accordance with section 81 and the regulations.

(c) (i) by inserting in section 78 (1) after the word "intervals" the words ", in respect of such periods"; Sec. 78. (Returns.)

(ii)

(ii) by inserting in section 78 (2) after the words "different intervals," the words "or in respect of different periods,";

(iii) by omitting from section 78 (2) the words "or the intervals" and by inserting instead the words ", intervals or periods";

Sec. 81.

(d) by omitting section 81 and by inserting instead the following section :—

Payment of royalty.

81. (1) Royalty is payable—

(a) except in so far as a determination under paragraph (b) has effect—at such times or within such periods as may be specified in or determined in accordance with the regulations and in respect of such period or periods as may be so specified or determined; or

(b) on demand by the Minister in respect of such period or periods as he determines.

(2) When an amount of royalty is not paid—

(a) at or before the time at which it is due and payable in accordance with the regulations; or

(b) within twenty-eight days of the demand for its payment,

as the case may require, interest shall, if the Minister so directs, be added at such rate as the Minister determines to the amount due until it is paid.

(3) The regulations may make provision for or with respect to the manner in which royalty is to be paid, and, in particular, the regulations may require that payment of any royalty referred to in the regulations is to accompany a return made under section 78.

(e) by omitting paragraph 9 (5) (a) and (8) in the Second Schedule.

Second Sch., para. 9. (Coal and shale leases, etc., under the 1906 Act.)

4. A regulation made for the purposes of section 77 (1) of the Coal Mining Act, 1973, as amended by this Act, may be made so as to take effect on and from 1st November, 1974, notwithstanding that it is made or published in the Gazette after that date, provided it is made and published in the Gazette before 1st January, 1975.

Commencement of certain regulations.

5. No person is entitled to compensation or damages, nor shall any proceedings against the Crown, any Minister of the Crown, the Government of the State or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, be brought or continued in relation to any matter (being a matter connected with a coal lease), by reason of—

Compensation not payable.

(a) the enactment or operation of this Act; or

(b) the making or operation of any regulation having effect consequent on the enactment by this Act of section 77A of the Coal Mining Act, 1973, as amended by this Act.

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

A. R. CUTLER,
Governor

Government House,
Sydney, 27th November, 1974.