# BROKEN HILL WATER AND SEWERAGE (COAL MINING) AMENDMENT BILL, 1979

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## EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Coal Mining (Dams Safety) Amendment Bill, 1979.

The objects of this Bill are to ensure—

(a) that representations and recommendations regarding the safety of certain dams will, where they arise out of a proposal to grant an authorisation to mine for coal or to grant a coal lease, be made only by the Dams Safety Committee; and

(b) that disputes regarding any such recommendations will be resolved in accordance with the proceedings specified in the Coal Mining Act, 1973, as proposed to be amended by the Coal Mining (Dams Safety) Amendment Bill, 1979.

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57522H 194—

# BROKEN HILL WATER AND SEWERAGE (COAL MINING) AMENDMENT BILL, 1979

No. , 1979.

## A BILL FOR

An Act to amend the Broken Hill Water and Sewerage Act, 1938, with respect to certain disputes involving coal mining under, or in the vicinity of, certain dams.

[MR MULOCK—20 *February*, 1979.]

575322H 194—

**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 :—

5 **1.** This Act may be cited as the "Broken Hill Water and Sewerage (Coal Mining) Amendment Act, 1979". Short title.

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

(2) Except as provided in subsection (1), this Act shall
10 commence on the day on which Schedule 1 to the Coal Mining (Dams Safety) Amendment Act, 1979, commences.

**3.** The Broken Hill Water and Sewerage Act, 1938, is amended— Amendment of Act No. 20, 1938.

(a) (i) by inserting in section 47 (4) (b) after the word
15 "authority" the words ", or renewal of an authority,"; Sec. 47. (Catchment areas.)

(ii) by inserting in section 47 (4) (b) after the word "concession" the words ", or renewal of an authorisation or a concession,";

20 (iii) by omitting from section 47 (4) the words "concession, permission" and by inserting instead the words "concession, renewal, permission";

(iv) by inserting after section 47 (4) the following subsection :—

25 (4A) Notwithstanding subsection (4), the board may not, under that subsection—

(a) make representations relating to the safety of a dam that is a prescribed dam as defined in section 4 (1) of the Dams
30 Safety Act, 1978; or

(b) refer to the Minister a dispute concerning the safety of such a dam,

if the representations arise, or the dispute arises, from a proposal to grant under the Coal Mining Act, 1973, an authorisation to mine for coal or a coal lease or a renewal of such an authorisation or lease.

(v) by omitting from section 47 (5) the words "concession, permission" and by inserting instead the words "concession, renewal, permission";

(b) (i) by omitting from section 140 (1) the word "When" and by inserting instead the words "Subject to subsection (6), when";

Sec. 140. (Settlement of disputes between the board and other public authorities.)

(ii) by inserting after section 140 (5) the following subsection :—

(6) This section does not apply to or in respect of a dispute concerning the safety of a dam that is a prescribed dam as defined in section 4 (1) of the Dams Safety Act, 1978, if the dispute arises from a proposal to grant under the Coal Mining Act, 1973, an authorisation to mine for coal or a coal lease or a renewal of such an authorisation or lease.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

# BROKEN HILL WATER AND SEWERAGE (COAL MINING) AMENDMENT ACT, 1979, No. 20

## New South Wales

ANNO VICESIMO OCTAVO

# ELIZABETHÆ II REGINÆ

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## Act No. 20, 1979.

An Act to amend the Broken Hill Water and Sewerage Act, 1938, with respect to certain disputes involving coal mining under, or in the vicinity of, certain dams. [Assented to, 24th April, 1979.]

P 63673D [8c]

**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 "Broken Hill Water and Sewerage (Coal Mining) Amendment Act, 1979".

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 the day on which Schedule 1 to the Coal Mining (Dams Safety) Amendment Act, 1979, commences.

Amendment of Act No. 20, 1938.

**3.** The Broken Hill Water and Sewerage Act, 1938, is amended—

Sec. 47. (Catchment areas.)

(a) (i) by inserting in section 47 (4) (b) after the word "authority" the words ", or renewal of an authority,";

(ii) by inserting in section 47 (4) (b) after the word "concession" the words ", or renewal of an authorisation or a concession,";

(iii) by omitting from section 47 (4) the words "concession, permission" and by inserting instead the words "concession, renewal, permission";

(iv) by inserting after section 47 (4) the following subsection :—

(4A) Notwithstanding subsection (4), the board may not, under that subsection—

(a) make representations relating to the safety of a dam that is a prescribed dam as defined in section 4 (1) of the Dams Safety Act, 1978; or

(b) refer to the Minister a dispute concerning the safety of such a dam,

if the representations arise, or the dispute arises, from a proposal to grant under the Coal Mining Act, 1973, an authorisation to mine for coal or a coal lease or a renewal of such an authorisation or lease.

(v) by omitting from section 47 (5) the words "concession, permission" and by inserting instead the words "concession, renewal, permission";

(b) (i) by omitting from section 140 (1) the word "When" and by inserting instead the words "Subject to subsection (6), when";

Sec. 140. (Settlement of disputes between the board and other public authorities.)

(ii) by inserting after section 140 (5) the following subsection :—

(6) This section does not apply to or in respect of a dispute concerning the safety of a dam that is a prescribed dam as defined in section 4 (1) of the Dams Safety Act, 1978, if the dispute arises from a proposal to grant under the Coal Mining Act, 1973, an authorisation to mine for coal or a coal lease or a renewal of such an authorisation or lease.

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

A. R. CUTLER,
*Governor.*

*Government House,*
*Sydney, 24th April,* 1979.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979