

COAL MINING (DAMS SAFETY) AMENDMENT BILL, 1979

EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:—

Metropolitan Water, Sewerage, and Drainage (Coal Mining) Amendment Bill, 1979;

Hunter District Water, Sewerage and Drainage (Coal Mining) Amendment Bill, 1979;

Broken Hill Water and Sewerage (Coal Mining) Amendment Bill, 1979.

The objects of this Bill are—

- (a) to enable the Dams Safety Committee ("the Committee") to establish notification areas in relation to certain dams (Schedule 1 (2));
 - (b) to require the Committee to be notified of any proposal to grant or renew an authorisation to mine, or a coal lease, under certain dams or within the notification area of a dam and to enable the Committee to make recommendations relating to the proposal (Schedule 1 (3), (5), (6) and (7));
 - (c) to require a proposal referred to in paragraph (a) to be given effect in accordance with any recommendations of the Committee or, if there is a dispute regarding any such recommendations, in accordance with provisions of the Bill relating to the resolution of such a dispute (Schedule 1 (3), (5), (6) and (7)); and
 - (d) to make certain amendments of a consequential nature (Schedule 1 (1), (4), (8) and (9)).
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**COAL MINING (DAMS SAFETY)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Coal Mining Act, 1973, with respect to the grant and renewal of authorisations to mine coal, and coal leases, affecting land under, or in the vicinity of, certain dams.

[MR MULOCK—20 *February*, 1979.]

See also Metropolitan Water, Sewerage, and Drainage (Coal Mining) Amendment Bill, 1979; Hunter District Water, Sewerage and Drainage (Coal Mining) Amendment Bill, 1979; Broken Hill Water and Sewerage (Coal Mining) Amendment Bill, 1979.

Coal Mining (Dams Safety) 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 :—

5 **1.** This Act may be cited as the "Coal Mining (Dams Safety) Short title. Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on—

 (a) the date of assent to this Act; or

 (b) the day appointed and notified under section 2 (2) of
the Dams Safety Act, 1978,

whichever is the later.

15 **3.** The Coal Mining Act, 1973, is amended in the manner set Amendment
forth in Schedule 1. of Act No.
81, 1973.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE COAL MINING ACT, 1973.

- (1) (a) Section 6 (1), definitions of “dam”, “Dams Safety Committee”—

5 After the definition of “Crown lease for pastoral purposes”, insert :—

“dam” includes the water or other material impounded by the dam;

10 “Dams Safety Committee” means the Dams Safety Committee constituted by section 7 of the Dams Safety Act, 1978;

- (b) Section 6 (1), definition of “notification area”—

After the definition of “mining purpose”, insert :—

15 “notification area”, in relation to a prescribed dam, means the land for the time being declared under section 17A to be the notification area for the dam;

- (c) Section 6 (1), definition of “prescribed dam”—

After the definition of “owner”, insert :—

20 “prescribed dam” has the same meaning as it has in the Dams Safety Act, 1978;

- (2) Section 17A—

After section 17, insert :—

25 17A. The Dams Safety Committee may, by order published in the Gazette in relation to a prescribed dam, declare that the land described in the order, excluding land under the dam, is the notification area for the dam. Notification area for prescribed dam.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(3) Section 21 (6), (7), (8)—

After section 21 (5), insert :—

5 (6) An application for an authorisation to mine for coal—

(a) under a prescribed dam; or

(b) in or under the notification area for a prescribed dam,

10 shall not be granted unless subsection (7) has been complied with in relation to the application.

(7) This subsection is complied with in relation to an application for an authorisation to mine for coal if—

15 (a) the Dams Safety Committee and the owner of the dam have been notified in writing of the application and of a period within which recommendations may be made to the Minister by the Dams Safety Committee in connection with the application;

20 (b) the notification under paragraph (a) is accompanied by a description or plan of the area to which the application relates;

25 (c) the Under Secretary has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the application;

30 (d) the Dams Safety Committee has, within the period specified in the notification referred to in paragraph (a), or within such further period as the Under Secretary in special circumstances may allow, made its recommendations concerning the

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

5 application or has informed the Minister in writing that it does not propose to make any such recommendations; and

(e) where the Dams Safety Committee has made recommendations under paragraph (d), the application is dealt with—

10 (i) in accordance with those recommendations; or

(ii) where the Minister does not accept those recommendations or any of them—in accordance with a determination under subsection (8).

15 (8) Where the Minister does not accept the recommendations of the Dams Safety Committee made as provided by subsection (7), or where the Dams Safety Committee has failed to make any such recommendations and has not informed the Minister in writing that it does
20 not propose to make any such recommendations, the application shall be dealt with by the Minister in relation to matters dealing with the safety of a prescribed dam—

(a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act, 1978; or
25

(b) in the event of failure to reach agreement under paragraph (a)—as determined by the Premier.

(4) Section 24 (6A)—

After section 24 (6), insert :—

30 (6A) Subsection (6) does not operate to permit the grant of an authorisation to mine for coal—

(a) under a prescribed dam; or

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(b) in or under the notification area for a prescribed dam.

5 (5) Section 25 (10A)—

After section 25 (10), insert :—

10 (10A) The provisions of section 21 (6), (7) and (8) apply to and in respect of an application for renewal of an authorisation to mine for coal in the same way as they apply to and in respect of an application for such an authorisation.

(6) Section 50 (3A)—

After section 50 (3), insert :—

15 (3A) The provisions of section 61A apply to and in respect of an application for renewal of a coal lease in the same way as they apply to and in respect of an application for a coal lease made otherwise than pursuant to an invitation under section 34.

(7) Section 61A—

20 After section 61, insert :—

61A. (1) In this section “prescribed land” means land that is—

(a) under a prescribed dam; or

(b) in or under the notification area for a prescribed dam.

Restriction on grant of certain coal leases.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

5 (2) A coal lease shall not be granted over prescribed land pursuant to an application under section 30 or 35 or a tender under section 33 unless—

- (a) in the case of an application under section 30—before the coal lease is granted;
- 10 (b) in the case of an application under section 35—before the invitation to apply is served under section 34; or
- (c) in the case of a tender—before the invitation to tender is published in the Gazette under section 32,

15 subsection (3) has been complied with in relation to the application or tender.

(3) This subsection is complied with in relation to an application or tender referred to in subsection (2) if—

- (a) the Dams Safety Committee and the owner of the dam have been notified in writing—
 - 20 (i) of the application under section 30;
 - (ii) of the proposal to invite tenders under section 32; or
 - (iii) of the proposal to invite an application under section 34, as the case may be;
- 25 (b) the notification referred to in paragraph (a)—
 - (i) is accompanied by a description or plan of the area to which the application or the proposal relates; and

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

- 5 (ii) specifies a period within which recommendations may be made to the Minister by the Dams Safety Committee in connection with the application or the proposal;
- 10 (c) the Under Secretary has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the application or the proposal;
- 15 (d) the Dams Safety Committee has, within the period specified under paragraph (b) (ii), or within such further period as the Under Secretary in special circumstances may allow, made its recommendations concerning the application or the proposal or has informed the Minister in writing that it does not propose to make any
- 20 such recommendations; and
- (e) where the Dams Safety Committee has made recommendations under paragraph (d), the application is dealt with, or the proposal is in terms that are—
- 25 (i) in accordance with those recommendations; or
- (ii) where the Minister does not accept those recommendations or any of them—in accordance with a determination under
- 30 subsection (4).

(4) Where the Minister does not accept the recommendations of the Dams Safety Committee made as provided by subsection (3), or where the Dams Safety Committee has failed to make any such recommendations

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

5 and has not informed the Minister in writing that it does not propose to make any such recommendations, the application shall be dealt with, or the proposal shall be in terms that are, in relation to matters dealing with the safety of a prescribed dam—

10 (a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act, 1978; or

(b) in the event of failure to reach agreement under paragraph (a)—as determined by the Premier.

(8) Section 62 (6A)—

After section 62 (6), insert :—

15 (6A) Subsection (6) does not operate to permit the grant of a coal lease—

(a) under a prescribed dam; or

(b) in or under the notification area for a prescribed dam.

20 (9) (a) Section 87 (1) (c)—

After “lease” where firstly occurring, insert “(not being an objection relating to the safety of a prescribed dam)”.

(b) Section 87 (1) (c)—

25 After “condition”, insert “(not being a condition relating to the safety of a prescribed dam)”.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(c) Section 87 (3) (c)—

5 After “lease” where firstly occurring, insert “(not being an objection relating to the safety of a prescribed dam)”.

(d) Section 87 (3) (c)—

 After “condition”, insert “(not being a condition relating to the safety of a prescribed dam)”.

10 (e) Section 87 (4) (a)—

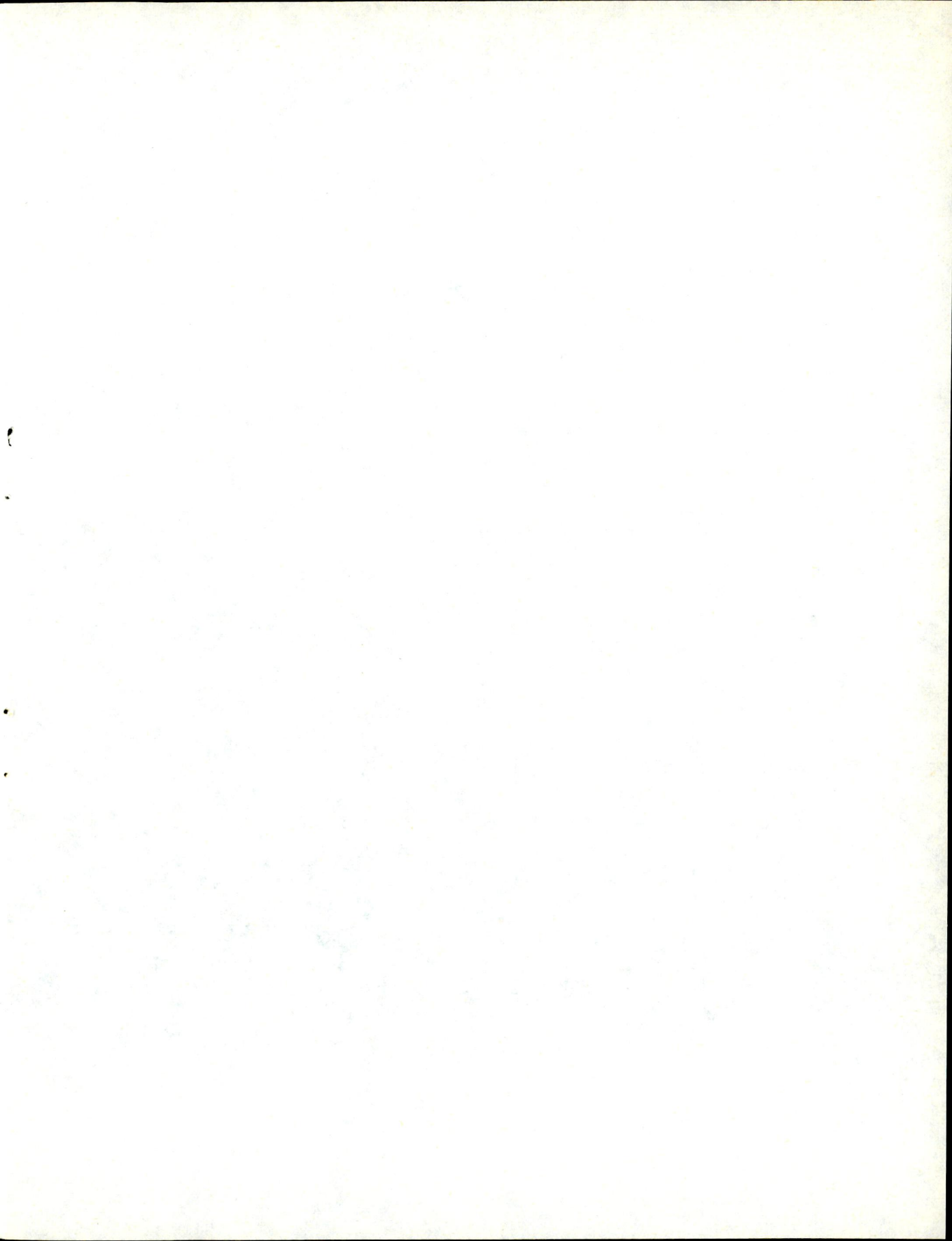
 After “object”, insert “, except on grounds relating to the safety of a prescribed dam,”.

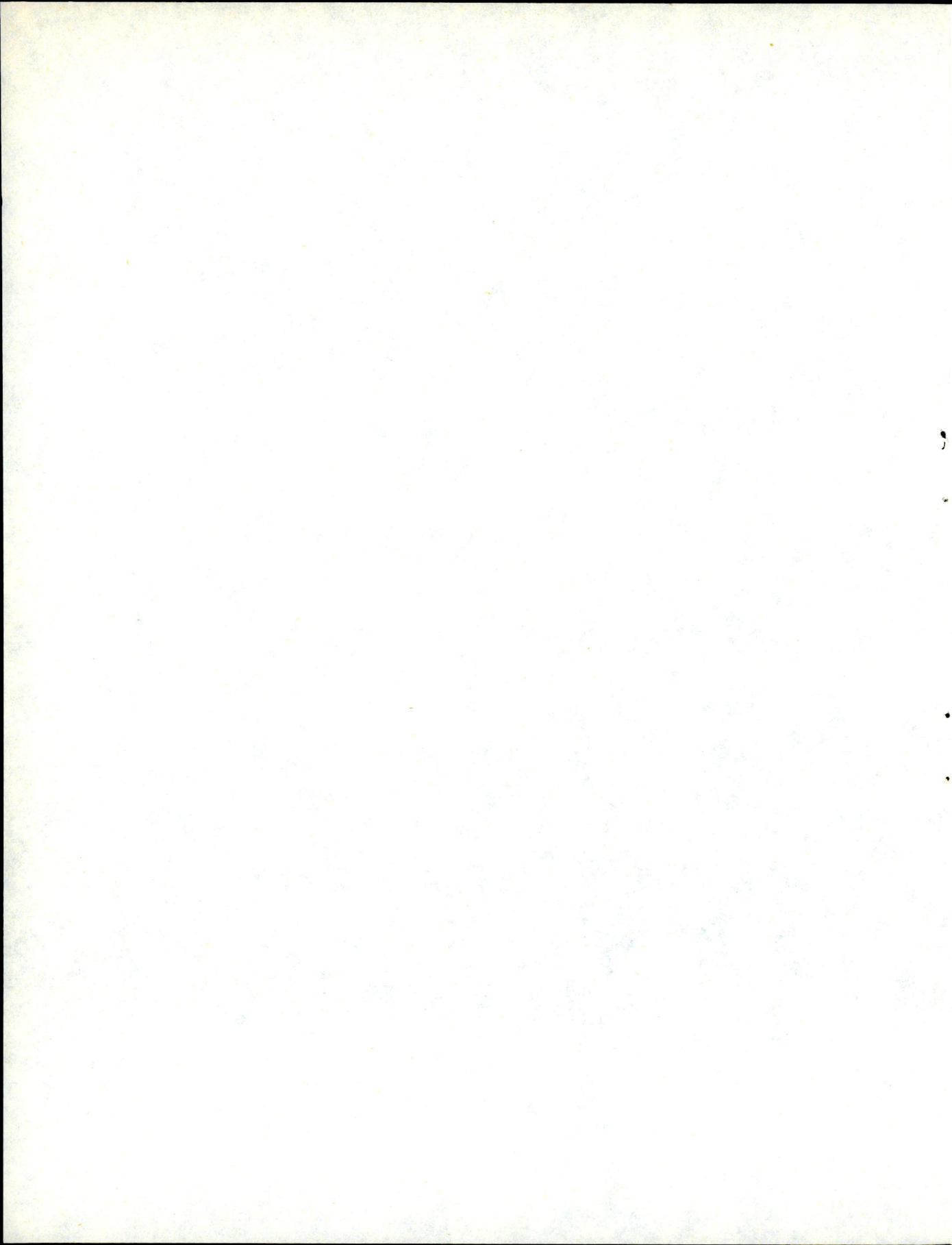
(f) Section 87 (4) (b)—

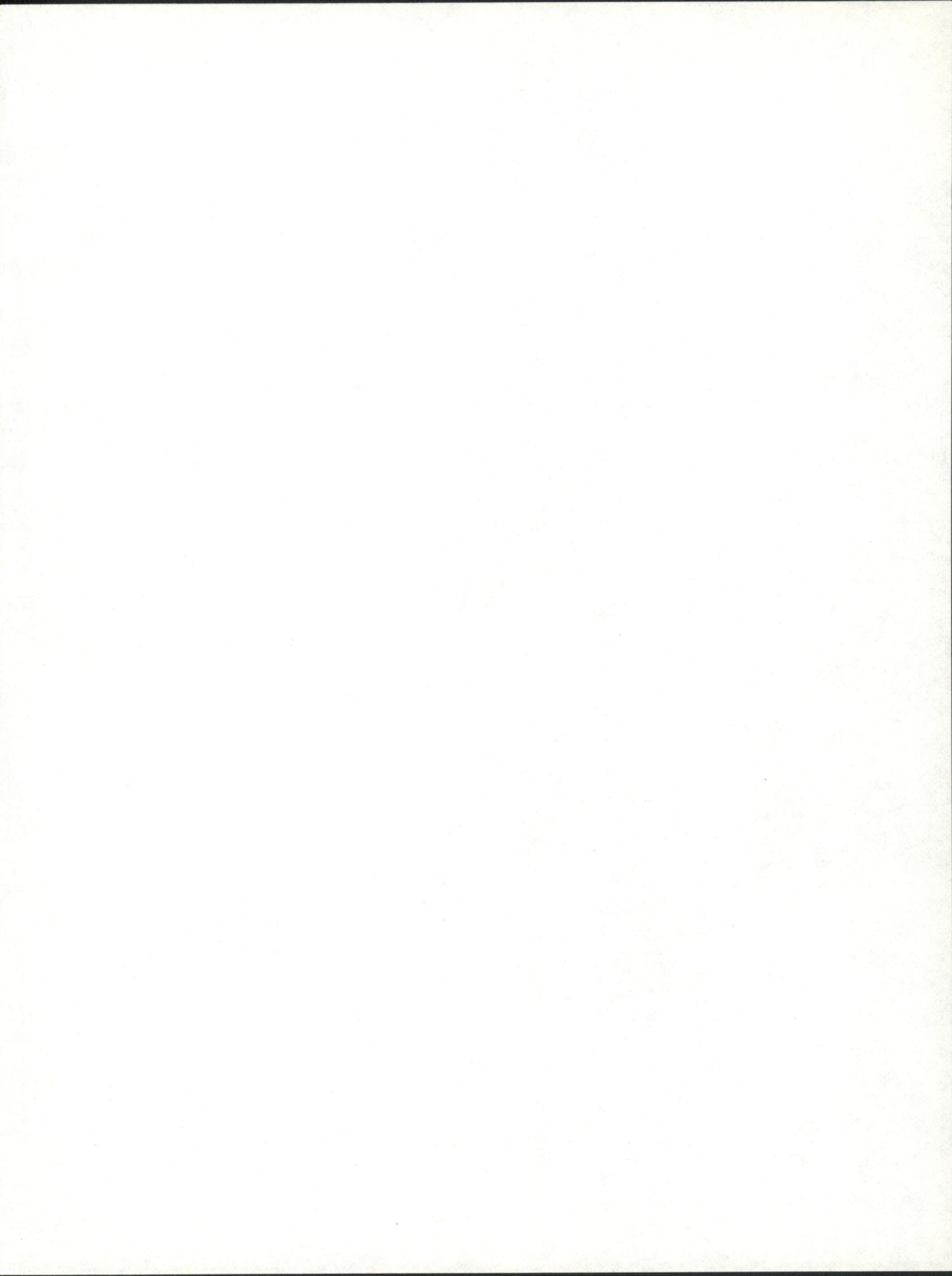
15 After “instrument”, insert “, not being conditions relating to the safety of a prescribed dam,”.

BY AUTHORITY

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







**COAL MINING (DAMS SAFETY) AMENDMENT
ACT, 1979, No. 18**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 18, 1979.

An Act to amend the Coal Mining Act, 1973, with respect to the grant and renewal of authorisations to mine coal, and coal leases, affecting land under, or in the vicinity of, certain dams. [Assented to, 24th April, 1979.]

See also Metropolitan Water, Sewerage, and Drainage (Coal Mining) Amendment Act, 1979; Hunter District Water, Sewerage and Drainage (Coal Mining) Amendment Act, 1979; Broken Hill Water and Sewerage (Coal Mining) Amendment Act, 1979.

Coal Mining (Dams Safety) 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 (Dams Safety) Amendment Act, 1979".

**Commence-
ment.** **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—

(a) the date of assent to this Act; or

(b) the day appointed and notified under section 2 (2) of the Dams Safety Act, 1978,

whichever is the later.

**Amendment
of Act No.
81, 1973.** **3.** The Coal Mining Act, 1973, is amended in the manner set forth in Schedule 1.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE COAL MINING ACT, 1973.

- (1) (a) Section 6 (1), definitions of “dam”, “Dams Safety Committee”—

After the definition of “Crown lease for pastoral purposes”, insert :—

“dam” includes the water or other material impounded by the dam;

“Dams Safety Committee” means the Dams Safety Committee constituted by section 7 of the Dams Safety Act, 1978;

- (b) Section 6 (1), definition of “notification area”—

After the definition of “mining purpose”, insert :—

“notification area”, in relation to a prescribed dam, means the land for the time being declared under section 17A to be the notification area for the dam;

- (c) Section 6 (1), definition of “prescribed dam”—

After the definition of “owner”, insert :—

“prescribed dam” has the same meaning as it has in the Dams Safety Act, 1978;

- (2) Section 17A—

After section 17, insert :—

17A. The Dams Safety Committee may, by order published in the Gazette in relation to a prescribed dam, declare that the land described in the order, excluding land under the dam, is the notification area for the dam.

Notification area for prescribed dam.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(3) Section 21 (6), (7), (8)—

After section 21 (5), insert :—

(6) An application for an authorisation to mine for coal—

- (a) under a prescribed dam; or
- (b) in or under the notification area for a prescribed dam,

shall not be granted unless subsection (7) has been complied with in relation to the application.

(7) This subsection is complied with in relation to an application for an authorisation to mine for coal if—

- (a) the Dams Safety Committee and the owner of the dam have been notified in writing of the application and of a period within which recommendations may be made to the Minister by the Dams Safety Committee in connection with the application;
- (b) the notification under paragraph (a) is accompanied by a description or plan of the area to which the application relates;
- (c) the Under Secretary has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the application;
- (d) the Dams Safety Committee has, within the period specified in the notification referred to in paragraph (a), or within such further period as the Under Secretary in special circumstances may allow, made its recommendations concerning the

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

application or has informed the Minister in writing that it does not propose to make any such recommendations; and

- (e) where the Dams Safety Committee has made recommendations under paragraph (d), the application is dealt with—
 - (i) in accordance with those recommendations; or
 - (ii) where the Minister does not accept those recommendations or any of them—in accordance with a determination under subsection (8).

(8) Where the Minister does not accept the recommendations of the Dams Safety Committee made as provided by subsection (7), or where the Dams Safety Committee has failed to make any such recommendations and has not informed the Minister in writing that it does not propose to make any such recommendations, the application shall be dealt with by the Minister in relation to matters dealing with the safety of a prescribed dam—

- (a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act, 1978; or
- (b) in the event of failure to reach agreement under paragraph (a)—as determined by the Premier.

(4) Section 24 (6A)—

After section 24 (6), insert :—

(6A) Subsection (6) does not operate to permit the grant of an authorisation to mine for coal—

- (a) under a prescribed dam; or

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(b) in or under the notification area for a prescribed dam.

(5) Section 25 (10A)—

After section 25 (10), insert :—

(10A) The provisions of section 21 (6), (7) and (8) apply to and in respect of an application for renewal of an authorisation to mine for coal in the same way as they apply to and in respect of an application for such an authorisation.

(6) Section 50 (3A)—

After section 50 (3), insert :—

(3A) The provisions of section 61A apply to and in respect of an application for renewal of a coal lease in the same way as they apply to and in respect of an application for a coal lease made otherwise than pursuant to an invitation under section 34.

(7) Section 61A—

After section 61, insert :—

61A. (1) In this section “prescribed land” means land that is—

- (a) under a prescribed dam; or
- (b) in or under the notification area for a prescribed dam.

Restriction
on grant of
certain
coal
leases.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(2) A coal lease shall not be granted over prescribed land pursuant to an application under section 30 or 35 or a tender under section 33 unless—

- (a) in the case of an application under section 30—before the coal lease is granted;
- (b) in the case of an application under section 35—before the invitation to apply is served under section 34; or
- (c) in the case of a tender—before the invitation to tender is published in the Gazette under section 32,

subsection (3) has been complied with in relation to the application or tender.

(3) This subsection is complied with in relation to an application or tender referred to in subsection (2) if—

- (a) the Dams Safety Committee and the owner of the dam have been notified in writing—
 - (i) of the application under section 30;
 - (ii) of the proposal to invite tenders under section 32; or
 - (iii) of the proposal to invite an application under section 34, as the case may be;
- (b) the notification referred to in paragraph (a)—
 - (i) is accompanied by a description or plan of the area to which the application or the proposal relates; and

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

- (ii) specifies a period within which recommendations may be made to the Minister by the Dams Safety Committee in connection with the application or the proposal;
 - (c) the Under Secretary has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the application or the proposal;
 - (d) the Dams Safety Committee has, within the period specified under paragraph (b) (ii), or within such further period as the Under Secretary in special circumstances may allow, made its recommendations concerning the application or the proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and
 - (e) where the Dams Safety Committee has made recommendations under paragraph (d), the application is dealt with, or the proposal is in terms that are—
 - (i) in accordance with those recommendations; or
 - (ii) where the Minister does not accept those recommendations or any of them—in accordance with a determination under subsection (4).
- (4) Where the Minister does not accept the recommendations of the Dams Safety Committee made as provided by subsection (3), or where the Dams Safety Committee has failed to make any such recommendations

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

and has not informed the Minister in writing that it does not propose to make any such recommendations, the application shall be dealt with, or the proposal shall be in terms that are, in relation to matters dealing with the safety of a prescribed dam—

- (a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act, 1978; or
- (b) in the event of failure to reach agreement under paragraph (a)—as determined by the Premier.

(8) Section 62 (6A)—

After section 62 (6), insert :—

(6A) Subsection (6) does not operate to permit the grant of a coal lease—

- (a) under a prescribed dam; or
- (b) in or under the notification area for a prescribed dam.

(9) (a) Section 87 (1) (c)—

After “lease” where firstly occurring, insert “(not being an objection relating to the safety of a prescribed dam)”.

(b) Section 87 (1) (c)—

After “condition”, insert “(not being a condition relating to the safety of a prescribed dam)”.

Coal Mining (Dams Safety) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COAL MINING ACT, 1973—*continued.*

(c) Section 87 (3) (c)—

After “lease” where firstly occurring, insert “(not being an objection relating to the safety of a prescribed dam)”.

(d) Section 87 (3) (c)—

After “condition”, insert “(not being a condition relating to the safety of a prescribed dam)”.

(e) Section 87 (4) (a)—

After “object”, insert “, except on grounds relating to the safety of a prescribed dam,”.

(f) Section 87 (4) (b)—

After “instrument”, insert “, not being conditions relating to the safety of a prescribed dam,”.

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

A. R. CUTLER,
Governor.

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



