

CONCURRENCE COPY

COAL MINING (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

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

This Bill is cognate with the Coal Mines Regulation Bill, 1982.

The objects of this Bill are—

- (a) to make provision in the Coal Mining Act, 1973, for the registration of colliery holdings in place of the provisions of the Coal Mines Regulation Act, 1912, relating to registration of colliery holdings which are to be repealed by the proposed Miscellaneous Acts (Coal Mines Regulation) Repeal and Amendment Act, 1982;
 - (b) to provide for applications for the registration of colliery holdings, for the inclusion of land in existing colliery holdings, for the cancellation of the registration of colliery holdings or for the exclusion of land from colliery holdings;
 - (c) to allow the Minister to register land as a colliery holding, include land in an existing colliery holding, cancel the registration of a colliery holding or exclude land from a colliery holding, whether or not an application has been made as referred to in paragraph (b); and
 - (d) to make other provisions of a minor, consequential or ancillary nature.
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Coal Mining (Amendment)
COAL MINING (AMENDMENT) BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend the Coal Mining Act, 1973, to make provision with respect to the registration of colliery holdings.

[MR HILLS—11 *March*, 1982.]

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:—

5 Short title.

1. This Act may be cited as the "Coal Mining (Amendment) Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette (being a day that is before the day appointed and notified under section 2 (2) of the Coal Mines Regulation Act, 1982).

15 Principal Act.

3. The Coal Mining Act, 1973, is referred to in this Act as the Principal Act.

Amendment of Act No. 81, 1973.

4. The Principal Act is amended in the manner set forth in Schedule 1.
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Coal Mining (Amendment).

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 6 (1), definition of "colliery holding"—

5 Omit the definition, insert instead:—

"colliery holding" means—

- 10 (a) subject to section 115A, a colliery holding recorded in the register kept in accordance with section 35A of the Coal Mines Regulation Act, 1912, immediately before the commencement of Schedule 1 to the Coal Mining (Amendment) Act, 1982; or
- (b) a colliery holding registered in accordance with section 115A;

(2) Section 67 (2), (3)—

15 Omit the subsections.

(3) Section 115A—

After section 115, insert:—

Colliery holdings.

20 115A. (1) The Secretary shall cause to be kept a register of colliery holdings (hereinafter in this section referred to as "the register") in such form as may be prescribed.

(2) The register kept in accordance with section 35A of the Coal Mines Regulation Act, 1912, shall be deemed to be part of the register kept under this section.

Coal Mining (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) The Secretary shall record in the register—

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- (a) such particulars as are necessary to give effect to a direction given by the Minister under this section; and
- (b) such other particulars as may be prescribed.

(4) A person who has a right to mine for coal or carry out mining purposes in connection with mining for coal on land may apply to have the land—

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- (a) registered as a colliery holding; or
- (b) recorded on the register as part of a colliery holding already appearing on the register.

(5) A person who has an interest in a colliery holding may apply to have the registration of the colliery holding—

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- (a) cancelled; or
- (b) amended so as to exclude land from the colliery holding.

(6) An application under subsection (4) or (5) shall be—

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- (a) lodged with the Secretary;
- (b) made in writing or, if a form is prescribed, in or to the effect of that form; and
- (c) accompanied by such particulars and plans, if any, as may be prescribed.

(7) The Minister may, by instrument in writing, direct that land specified in the instrument (being land in which a person has, in the Minister's opinion, a right to mine for coal or carry out mining purposes in connection with mining for coal) be—

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- (a) registered as a colliery holding; or
- (b) recorded on the register as part of a colliery holding already appearing on the register.

Coal Mining (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8) The Minister may, by instrument in writing, direct that the registration of a colliery holding be—

- 5 (a) cancelled; or
- (b) amended so as to exclude from the colliery holding land specified in the instrument.

10 (9) The Minister may give a direction under subsection (7) or (8) in respect of land or a colliery holding, as the case may be, whether or not an application has been made under subsection (4) or (5) in respect of the land or colliery holding.

15 (10) Where the Minister executes an instrument under subsection (7) or (8) in respect of land or a colliery holding, the Secretary shall serve copies of the instrument on such persons as appear to him to have a right to mine for coal or carry out mining purposes in connection with mining for coal in the land or colliery holding, as the case may be.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

Confidential (Amendment)

SCHEDULE 1—Continued

ARRANGING FOR THE FEDERAL ACT—Continued

(14) The Minister may, by instrument in writing, direct that the provisions of this section shall apply to—

(a) any part of the land;

(b) any person who is or who has been a party to the collision holding land.

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(15) The Minister may give a direction under subsection (14) or (15) in respect of land or a collision holding, as the case may be, whether or not an application has been made under subsection (1) or (2) for a determination of land or collision holding.

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(16) Where the Minister exercises an instrument under subsection (7) or (8) in respect of land or a collision holding, the Minister shall, as soon as practicable, give notice in writing to the person in whose favour a right is given or to carry out mining operations in connection with mining operations on the land or collision holding, as the case may be.

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COAL MINING (AMENDMENT) ACT, 1982, No. 68

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 68, 1982.

An Act to amend the Coal Mining Act, 1973, to make provision with respect to the registration of colliery holdings. [Assented to, 20th May, 1982.]

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, 1982".

Commencement.

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

- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette (being a day that is before the day appointed and notified under section 2 (2) of the Coal Mines Regulation Act, 1982).

Principal Act.

3. The Coal Mining Act, 1973, is referred to in this Act as the Principal Act.

Amendment of Act No. 81, 1973.

4. The Principal Act is amended in the manner set forth in Schedule 1.
-

Coal Mining (Amendment).

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 6 (1), definition of "colliery holding"—

Omit the definition, insert instead:—

"colliery holding" means—

- (a) subject to section 115A, a colliery holding recorded in the register kept in accordance with section 35A of the Coal Mines Regulation Act, 1912, immediately before the commencement of Schedule 1 to the Coal Mining (Amendment) Act, 1982; or
- (b) a colliery holding registered in accordance with section 115A;

(2) Section 67 (2), (3)—

Omit the subsections.

(3) Section 115A—

After section 115, insert:—

Colliery holdings.

115A. (1) The Secretary shall cause to be kept a register of colliery holdings (hereinafter in this section referred to as "the register") in such form as may be prescribed.

(2) The register kept in accordance with section 35A of the Coal Mines Regulation Act, 1912, shall be deemed to be part of the register kept under this section.

Coal Mining (Amendment)

SCHEDULE 1—*continued*.AMENDMENTS TO THE PRINCIPAL ACT—*continued*.

(3) The Secretary shall record in the register—

- (a) such particulars as are necessary to give effect to a direction given by the Minister under this section; and
- (b) such other particulars as may be prescribed.

(4) A person who has a right to mine for coal or carry out mining purposes in connection with mining for coal on land may apply to have the land—

- (a) registered as a colliery holding; or
- (b) recorded on the register as part of a colliery holding already appearing on the register.

(5) A person who has an interest in a colliery holding may apply to have the registration of the colliery holding—

- (a) cancelled; or
- (b) amended so as to exclude land from the colliery holding.

(6) An application under subsection (4) or (5) shall be—

- (a) lodged with the Secretary;
- (b) made in writing or, if a form is prescribed, in or to the effect of that form; and
- (c) accompanied by such particulars and plans, if any, as may be prescribed.

(7) The Minister may, by instrument in writing, direct that land specified in the instrument (being land in which a person has, in the Minister's opinion, a right to mine for coal or carry out mining purposes in connection with mining for coal) be—

- (a) registered as a colliery holding; or
- (b) recorded on the register as part of a colliery holding already appearing on the register.

Coal Mining (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8) The Minister may, by instrument in writing, direct that the registration of a colliery holding be—

- (a) cancelled; or
- (b) amended so as to exclude from the colliery holding land specified in the instrument.

(9) The Minister may give a direction under subsection (7) or (8) in respect of land or a colliery holding, as the case may be, whether or not an application has been made under subsection (4) or (5) in respect of the land or colliery holding.

(10) Where the Minister executes an instrument under subsection (7) or (8) in respect of land or a colliery holding, the Secretary shall serve copies of the instrument on such persons as appear to him to have a right to mine for coal or carry out mining purposes in connection with mining for coal in the land or colliery holding, as the case may be.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 20th May, 1982.*

REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE

LEGISLATURE

ON

APRIL 10, 1900

AND

APRIL 10, 1901

AND

APRIL 10, 1902

AND A REPORT ON THE LANDS BELONGING TO THE STATE

IN 1900

AND

IN 1901

AND

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