

FIRST PRINT

COAL MINING (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Mining (Amendment) Bill 1986.

The objects of this Bill are—

- (a) to amend the Coal Mining Act 1973 so as to allow the transfer of parts of coal leases; and
- (b) to make other miscellaneous amendments to that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedules of amendments.

SCHEDULE 1—AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO THE TRANSFER OF PARTS OF COAL LEASES

Schedule 1 (1) inserts proposed section 104A which authorises, with the Minister's approval, the transfer of part of a coal lease. In particular, the proposed section—

- (a) applies to the transfer of part of a lease the same laws as apply to the transfer of a whole lease;
- (b) deems a new lease to have been granted over the transferred part for the balance of the term of the original lease and on the conditions determined by the Minister;
- (c) excludes, from the area of the original lease, the part transferred;

- (d) authorises the Minister to make any alterations to the conditions of the original lease made necessary by the transfer of the part;
- (e) requires, as a condition precedent to the transfer, that the Minister and the proposed transferee sign a document setting out the terms of the lease and that the Minister and the proposed transferor sign a document setting out the terms of any proposed amendments of the original lease;
- (f) provides that where the boundaries of the transferred part have not been surveyed, or satisfactorily surveyed, the Minister may approve the transfer subject to an alteration of areas, rents and conditions having regard to any subsequent survey of the land; and
- (g) authorises the making of regulations of a savings or transitional nature consequent on the transfer.

Schedule 1 (2) gives a warden's court jurisdiction to hear questions or disputes in connection with certain interests and provisions for compensation arising because of the transfer of a lease or other concession under the Principal Act or of a part of a lease.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT 1973

Schedule 2 (1) requires a copy of every notice served on an owner or occupier of land in connection with an application for a renewal of a coal lease to be lodged with the application.

Schedule 2 (2) requires certain objections to the grant of a coal lease to be referred to an inspector appointed under section 183 of the Mining Act 1973 for investigation and report instead of to the Chief Inspector of Mines or the Chief Inspector of Coal Mines.

Schedule 2 (3) removes an unnecessary reference from the provisions relating to the cancellation of existing leases included in a consolidated coal lease.

COAL MINING (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 81, 1973

SCHEDULE 1—AMENDMENTS TO THE COAL MINING ACT 1973 RELATING
TO THE TRANSFER OF PARTS OF COAL LEASES

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973



COAL MINING (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Coal Mining Act 1973 to allow the transfer of parts of coal leases, and for other purposes.

Coal Mining (Amendment) 1986

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 1986".

Amendment of Act No. 81, 1973

2. The Coal Mining Act 1973 is amended in the manner set forth in Schedules 1 and 2.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES

(1) Section 104A—

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After section 104, insert:

Transfer of part of coal lease

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104A. (1) Section 104 and any other provision of this Act or any other law applying to the transfer of a coal lease shall, subject to this section, apply to the transfer of part of a coal lease as if the part were a whole lease.

(2) On approval by the Minister of the transfer of part of a coal lease—

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- (a) the coal lease (in this section referred to as "the original coal lease") shall be deemed to have been cancelled as to the area of the part transferred;

SCHEDULE 1—*continued*AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES—*continued*

- 5 (b) a lease over the part transferred (in this section referred to as “the new coal lease”) shall be deemed to have been granted under this Act to the transferee for the period ending on the date of expiry of the original coal lease and on the conditions determined by the Minister in granting approval of the transfer; and
- 10 (c) if the Minister considers that it is necessary to do so as a result of the transfer, the conditions to which the original coal lease is subject shall be amended in the manner determined by the Minister in granting approval of the transfer.
- (3) It is a condition precedent to the granting of approval by the Minister of the transfer of part of a coal lease that—
- 15 (a) the Minister and the proposed transferee sign a document setting out the terms of the proposed new coal lease; and
- (b) the Minister and the proposed transferor sign a document setting out the terms of any proposed amendments of the original coal lease.
- 20 (4) The provisions of section 42 apply to the granting of approval by the Minister of the transfer of part of a coal lease in the same way as those provisions apply to the granting of a coal lease.
- 25 (5) The regulations may make provisions of a savings and transitional nature consequent on the transfer of parts of coal leases.
- (2) Section 109 (**Additional jurisdiction of warden’s court**)—
- (a) Section 109 (n)—
Omit “and” .
- (b) Section 109 (o), (p)—
30 At the end of section 109 (o), insert:
; and

Coal Mining (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES—*continued*

(p) any question or dispute in connection with—

(i) an interest (whether legal or equitable) in, or affecting, an authorisation or concession; or

(ii) an assessment or agreement in respect of compensation under section 97,

arising because of the transfer of an authorisation or concession or of a part of a coal lease.

SCHEDULE 2

(Sec. 2)

10 MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973

(1) Section 50 (**Application for renewal of concession**)—

Section 50 (11)—

Omit “Where a notice has been served in accordance with subsection (7) in respect of the area or part of the area of the land to which an application for the renewal of a concession relates, a copy of the notice”, insert instead “A copy of every notice served in accordance with subsection (7) in respect of an area or part of an area of land to which an application for the renewal of a coal lease relates”.

Coal Mining (Amendment) 1986

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973—*continued*

(2) Section 65 (**Restriction on grant of coal lease over land subject to exploration permit**)—

Section 65 (4)—

Omit the subsection, insert instead:

- 5 (4) If an objection is made, the Minister shall refer the application and the objection to an inspector appointed under section 183 of the Mining Act 1973 for investigation and report, and the coal lease applied for shall not be granted until the Minister has considered that report.

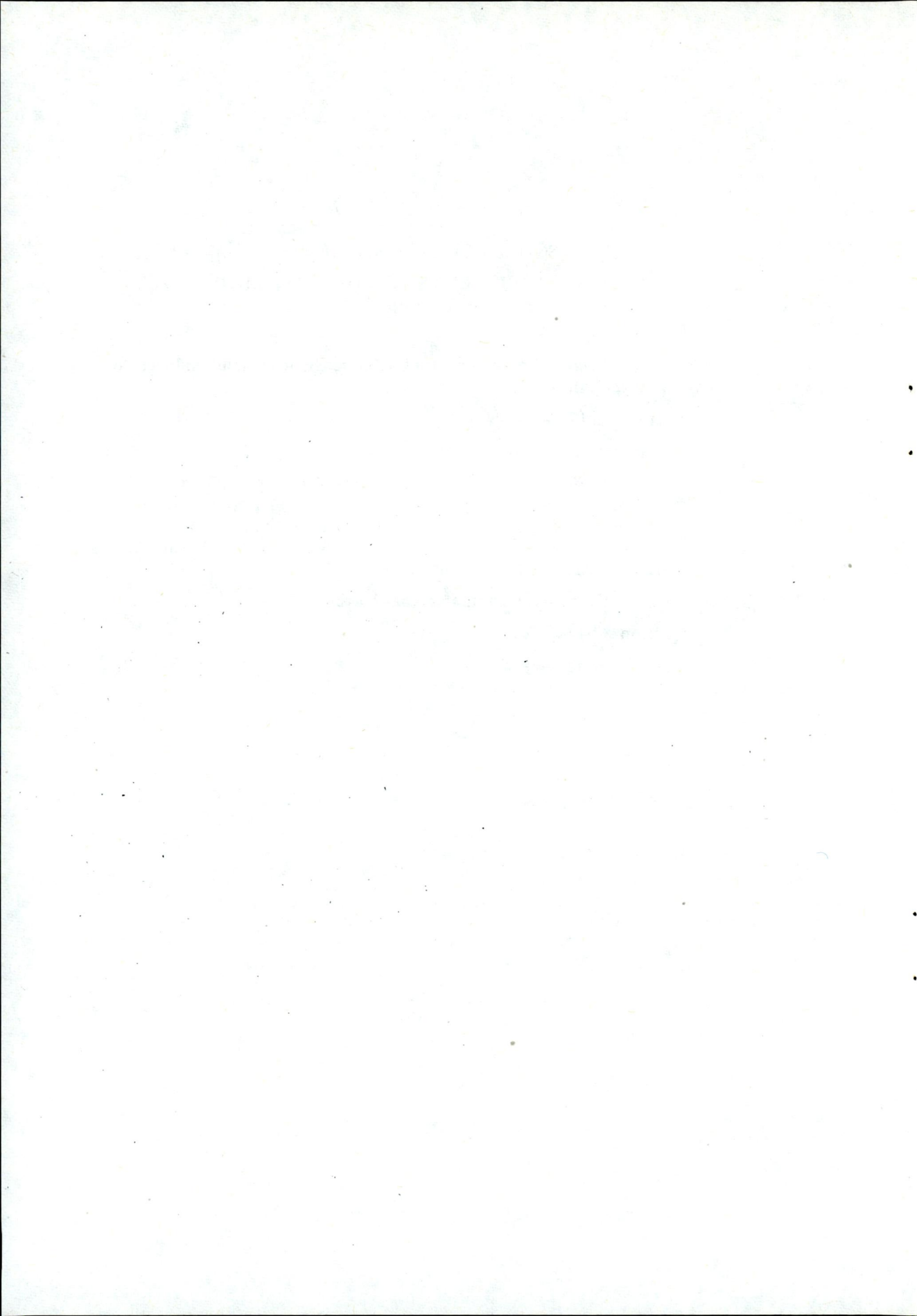
10 (3) Section 82H (**Grant of consolidated coal lease**)—

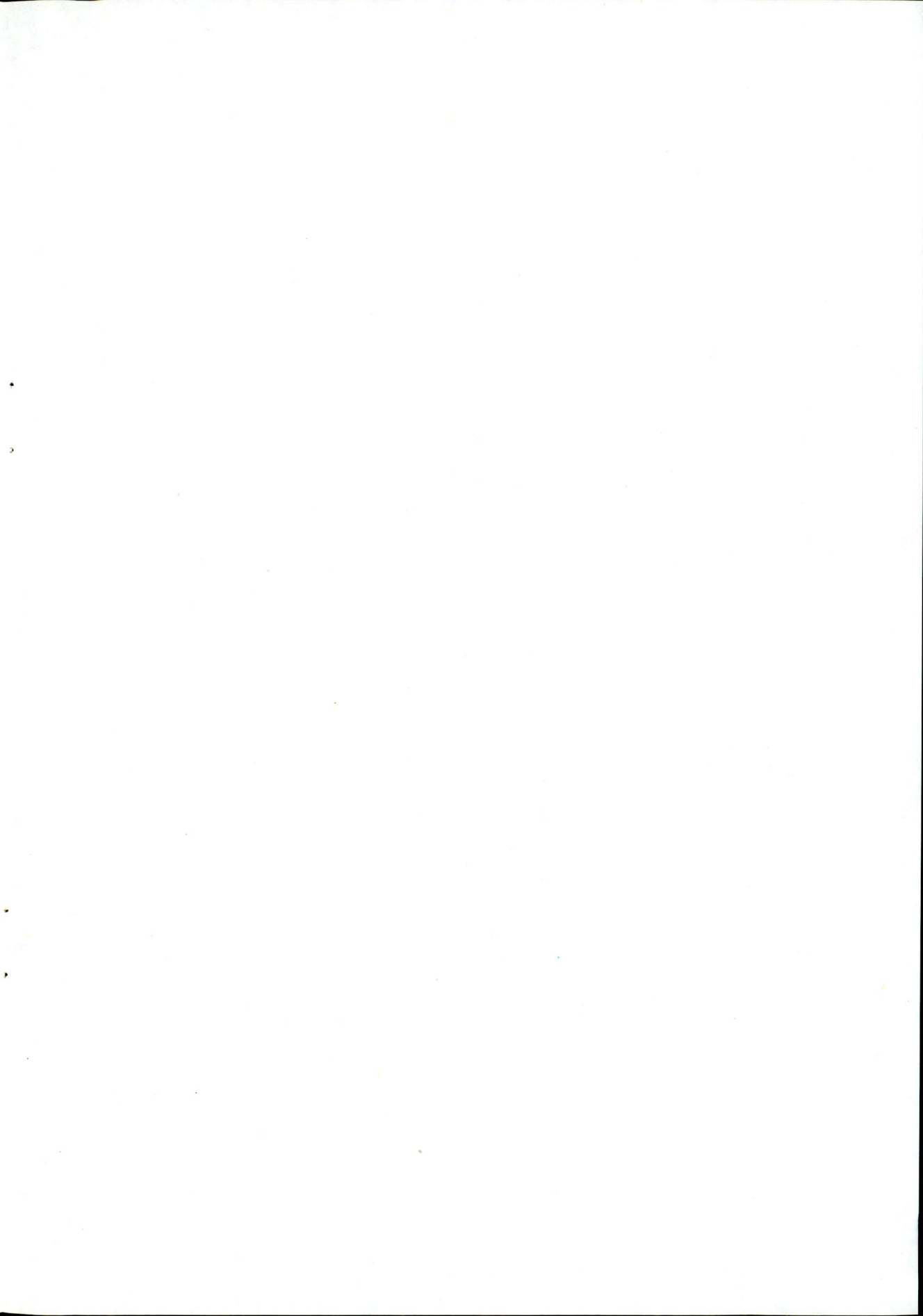
Section 82H (4)—

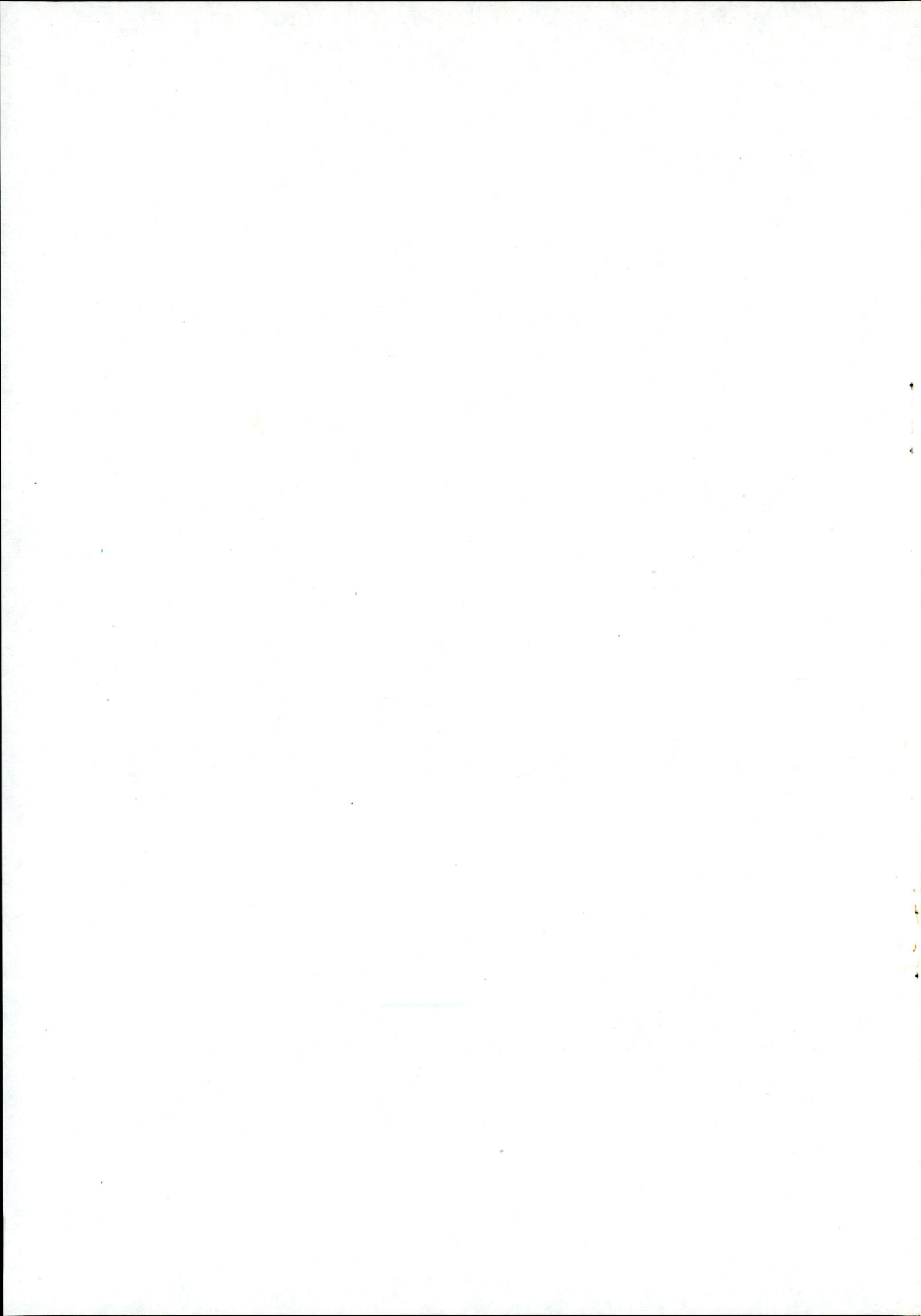
Omit “under section 59” .

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986







COAL MINING (AMENDMENT) ACT 1986 No. 15

NEW SOUTH WALES

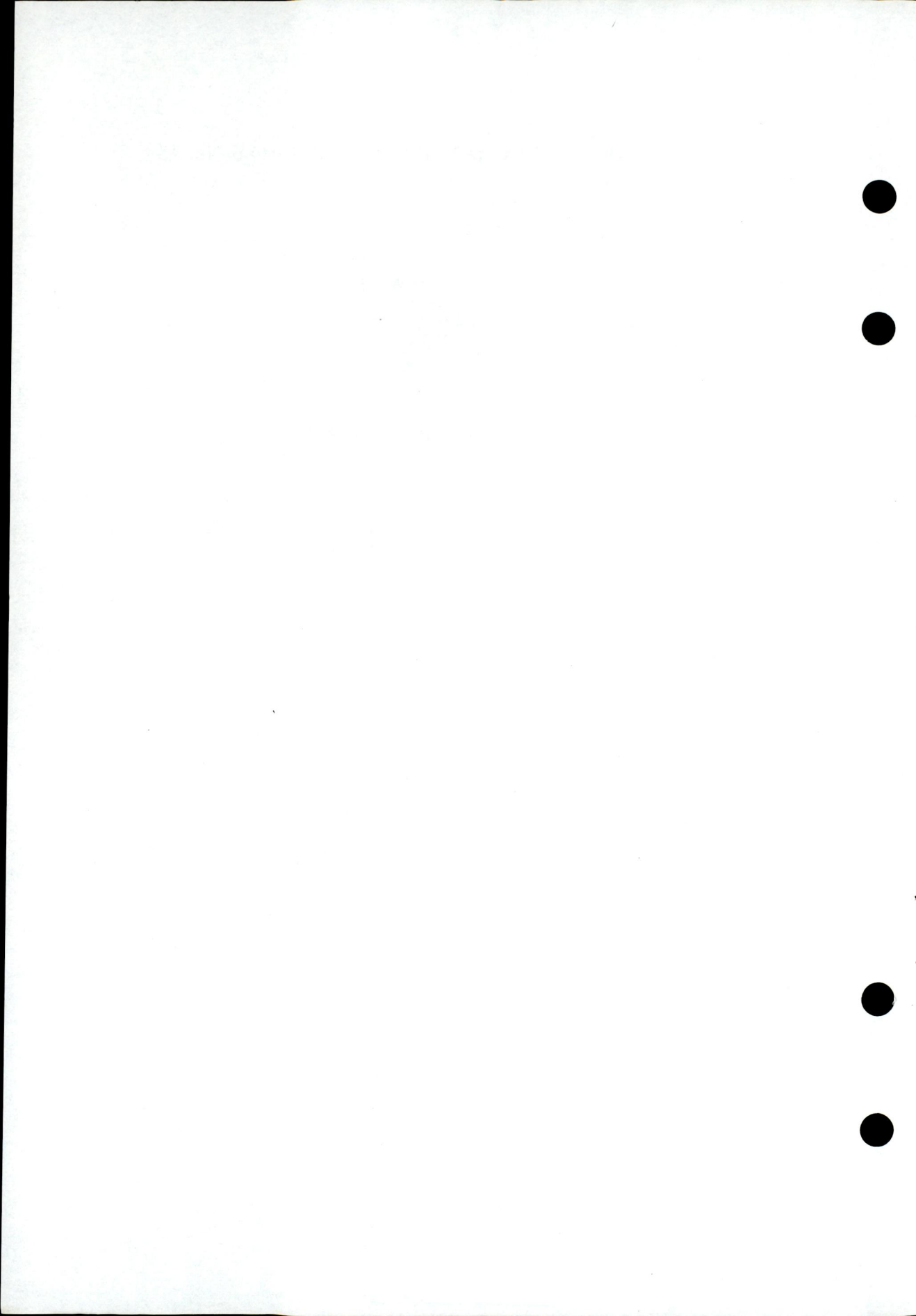


TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 81, 1973

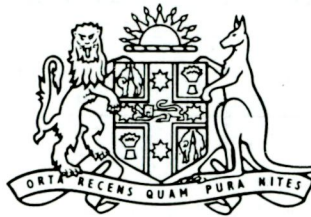
SCHEDULE 1—AMENDMENTS TO THE COAL MINING ACT 1973 RELATING
TO THE TRANSFER OF PARTS OF COAL LEASES

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973



COAL MINING (AMENDMENT) ACT 1986 No. 15

NEW SOUTH WALES



Act No. 15, 1986

An Act to amend the Coal Mining Act 1973 to allow the transfer of parts of coal leases, and for other purposes. [Assented to 29 April 1986.]

Coal Mining (Amendment) 1986

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 1986".

Amendment of Act No. 81, 1973

2. The Coal Mining Act 1973 is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1

(Sec. 2)

**AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES**

(1) Section 104A—

After section 104, insert:

Transfer of part of coal lease

104A. (1) Section 104 and any other provision of this Act or any other law applying to the transfer of a coal lease shall, subject to this section, apply to the transfer of part of a coal lease as if the part were a whole lease.

(2) On approval by the Minister of the transfer of part of a coal lease—

- (a) the coal lease (in this section referred to as "the original coal lease") shall be deemed to have been cancelled as to the area of the part transferred;

SCHEDULE 1—*continued*AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES—*continued*

- (b) a lease over the part transferred (in this section referred to as “the new coal lease”) shall be deemed to have been granted under this Act to the transferee for the period ending on the date of expiry of the original coal lease and on the conditions determined by the Minister in granting approval of the transfer; and
 - (c) if the Minister considers that it is necessary to do so as a result of the transfer, the conditions to which the original coal lease is subject shall be amended in the manner determined by the Minister in granting approval of the transfer.
- (3) It is a condition precedent to the granting of approval by the Minister of the transfer of part of a coal lease that—
- (a) the Minister and the proposed transferee sign a document setting out the terms of the proposed new coal lease; and
 - (b) the Minister and the proposed transferor sign a document setting out the terms of any proposed amendments of the original coal lease.
- (4) The provisions of section 42 apply to the granting of approval by the Minister of the transfer of part of a coal lease in the same way as those provisions apply to the granting of a coal lease.
- (5) The regulations may make provisions of a savings and transitional nature consequent on the transfer of parts of coal leases.
- (2) Section 109 (**Additional jurisdiction of warden’s court**)—
- (a) Section 109 (n)—
Omit “and” .
 - (b) Section 109 (o), (p)—
At the end of section 109 (o), insert:
; and

Coal Mining (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE COAL MINING ACT 1973 RELATING TO
THE TRANSFER OF PARTS OF COAL LEASES—*continued*

- (p) any question or dispute in connection with—
- (i) an interest (whether legal or equitable) in, or affecting, an authorisation or concession; or
 - (ii) an assessment or agreement in respect of compensation under section 97,

arising because of the transfer of an authorisation or concession or of a part of a coal lease.

SCHEDULE 2

(Sec. 2)

MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973

(1) Section 50 (**Application for renewal of concession**)—

Section 50 (11)—

Omit “Where a notice has been served in accordance with subsection (7) in respect of the area or part of the area of the land to which an application for the renewal of a concession relates, a copy of the notice”, insert instead “A copy of every notice served in accordance with subsection (7) in respect of an area or part of an area of land to which an application for the renewal of a coal lease relates” .

Coal Mining (Amendment) 1986

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE COAL MINING ACT
1973—*continued*

- (2) Section 65 (**Restriction on grant of coal lease over land subject to exploration permit**)—

Section 65 (4)—

Omit the subsection, insert instead:

(4) If an objection is made, the Minister shall refer the application and the objection to an inspector appointed under section 183 of the Mining Act 1973 for investigation and report, and the coal lease applied for shall not be granted until the Minister has considered that report.

- (3) Section 82H (**Grant of consolidated coal lease**)—

Section 82H (4)—

Omit “under section 59” .

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

