

**COAL MINING (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**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

*Coal Mining (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by **No. 76, 1974**  
 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:—

**1.** This Act may be cited as the “Coal Mining (Amend- Short title.  
 ment) Act, 1974”.

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

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

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

Amendment  
 of Act No.  
 81, 1973.

(a) (i) by omitting from section 77 (1) (a) the words Sec. 77.  
 “prescribed rate” and by inserting instead the (Rate of  
 words “rate prescribed for the purposes of royalty.)  
 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)

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

Sec. 77A.

Variation  
of liability  
for royalty  
in respect  
of certain  
leases.

77A. Notwithstanding anything in this Act—

(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.

Sec. 78.  
(Returns.)

(c) (i) by inserting in section 78 (1) after the word “intervals” the words “, in respect of such periods”;

(ii)

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- (ii) by inserting in section 78 (2) after the words **No. 76, 1974** "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";
- (d) by omitting section 81 and by inserting instead the **Sec. 81.** following section :—

## 81. (1) Royalty is payable—

Payment of  
royalty.

- (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.

AMENDMENT

(3)

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(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.

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

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

Commence-  
ment of  
certain  
regulations.

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.

Compensa-  
tion not  
payable.

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—

- (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.

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**EXPLOSIVES:**