

COAL MINING (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 19, 1975.

An Act relating to the making of applications under the Coal Mining Act, 1973, and the payment of rent under coal leases; to make further provision with respect to applications for certain leases made under the Mining Act, 1906; for these and other purposes to amend the Coal Mining Act, 1973; to amend the Coal Mines Regulation Act, 1912, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

Coal Mining (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 19, 1975**
 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 Short title.
 (Amendment) Act, 1975".

2. (1) Except as provided in subsections (2) and (3), Commence-
 this Act shall commence on the date of assent to this Act. ment.

(2) Sections 5 (b), 5 (c) (i), (ii), (iv) and (v),
 5 (l), 5 (s), 11 (c) and 12 (a) shall commence on such day
 or days as may be appointed by the Governor in respect
 thereof and as may be notified by proclamation published in
 the Gazette.

(3) Sections 5 (k), 5 (t) and 13 shall be deemed to
 have commenced on 29th March, 1974.

3. Part I of the Coal Mining Act, 1973, is amended—

Amendment
 of Act No.
 81, 1973.
 (Part I.—
 Preliminary
 and Interpre-
 tation.)

- (a) by omitting from the matter relating to Division 3 Sec. 2.
 of Part IV in section 2 the matter "60" and by (Division
 inserting instead the matter "60A"; of Act.)
- (b) by omitting from section 9 the word "required" Sec. 9.
 wherever occurring and by inserting instead the (Service of
 words "authorised or required". documents.)

4.

*Coal Mining (Amendment).***No. 19, 1975 4. Part III of the Coal Mining Act, 1973, is amended—**

Further
amendment
of Act No.
81, 1973.
(Part III.—
Authorisa-
tions.)

Sec. 21.
(Grant of
authorisa-
tion to
owner of
coal, etc.)

- (a) (i) by omitting from section 21 (4) the words
“, by instrument in writing” and by inserting
instead the words “cause to be”;
- (ii) by omitting from section 21 (4) the word
“, require” and by inserting instead the words
“an instrument in writing requiring”;

Sec. 23.
(Restriction
on grant of
authorisa-
tion.)

- (b) by omitting from section 23 (4) the word
“authority” where secondly occurring and by
inserting instead the word “authorisation”.

Further
amendment
of Act No.
81, 1973.
(Part IV.—
Conces-
sions.)

5. Part IV of the Coal Mining Act, 1973, is amended—

Sec. 27.
(Minister
may invite
tenders for
exploration
permit.)

- (a) by omitting from section 27 (2) (b) the word
“district” and by inserting instead the word
“locality”;

Sec. 29.
(Intending
for coal
applicant
lease over
private
lands, etc.,
to give
notice to
owner, etc.)

- (b) (i) by omitting from section 29 (1) the word
“seven” and by inserting instead the word
“twenty-one”;
- (ii) by omitting section 29 (1) (b) and by
inserting instead the following paragraph :—
 - (b) containing particulars sufficient to lead
to the ready identification of the area
of land over which the lease is, or is to
be, sought, consisting of a plan and a
description of that area.

(iii)

Coal Mining (Amendment).

- (iii) by omitting section 29 (2) and by inserting No. 19, 1975
instead the following subsection :—

(2) Where the application made, or intended to be made, for a coal lease under section 30 does not or will not relate to the surface of any private lands or to the surface of any Crown lands held under a Crown lease for pastoral purposes or a special lease for pastoral purposes, the applicant, or the person intending to apply, may, instead of serving any notice required by subsection (1) to be served, cause to be published, either before, or within twenty-one days after, lodging the application under section 30, in a newspaper circulating generally in the State and in a newspaper, or more than one newspaper, circulating in the locality in which is situated the area of land over which the lease is, or is to be, sought, a notice—

- (a) stating that an application for the grant of a lease has been, or will be, lodged, as the case may be; and
- (b) containing particulars sufficient to lead to the ready identification of that area, consisting of a plan and a description of that area.

- (c) (i) by omitting section 30 (2) (d) and by inserting instead the following paragraph :—

- (d) be accompanied by—

- (i) a copy of every notice relating to the application served on an owner or occupier of land pursuant to section 29 (1) before the application was lodged; and

Sec. 30.
(Applica-
tion for coal
lease by
holder of
exploration
permit.)

- (ii)

Coal Mining (Amendment).

No. 19, 1975

- (ii) a written statement to the effect that each such notice was served on such an owner or occupier and setting out the name and address of each such owner or occupier,
or by a copy of every notice relating to the application published pursuant to section 29 (2) before the application was lodged; and
- (ii) by omitting from section 30 (4) the word "seven" wherever occurring and by inserting instead the word "twenty-one";
- (iii) by omitting from section 30 (4) the word "district" and by inserting instead the word "locality";
- (iv) by omitting section 30 (4) (b) and by inserting instead the following paragraph :—
 - (b) containing particulars sufficient to lead to the ready identification of that area, consisting of a plan and a description of that area,
- (v) by omitting section 30 (6) and by inserting instead the following subsections :—

(6) A copy of every notice relating to an application lodged under this section and served pursuant to section 29 (1) after the application was lodged shall be lodged with the Under Secretary within twenty-one days of the date of the notice, together with a written statement to the effect that each such notice was served on an owner or occupier of land pursuant to section 29 (1) and setting out the name and address of each such owner or occupier.

(6A)

Coal Mining (Amendment).

(6A) A copy of every notice relating to an application lodged under this section and published pursuant to section 29 (2) after the application was lodged shall be lodged with the Under Secretary within twenty-one days of the date of publication of the notice.

- (d) by omitting from section 31 (1) the word "district" and by inserting instead the word "locality";

Sec. 31.
(Minister to publish notice of intention to invite tenders for coal lease, etc.)

- (e) by omitting from section 32 (3) (b) the word "district" and by inserting instead the word "locality";

Sec. 32.
(Minister may invite tenders for coal lease.)

- (f) by omitting from section 33 (2) (c) the word "permit" and by inserting instead the word "lease";

Sec. 33.
(Tender for coal lease.)

- (g) by omitting from section 34 (1) the words "served on any person, invite that person" and by inserting instead the words "invite any person";

Sec. 34.
(Minister may invite persons to apply for coal lease.)

- (h) (i) by omitting from section 36 the words ", by instrument in writing served on an applicant or a tenderer for the grant of a concession, require" and by inserting instead the words "cause to be served on an applicant or a tenderer for the grant of a concession an instrument in writing requiring";

Sec. 36.
(Minister may require further information from applicant or tenderer.)

(ii)

Coal Mining (Amendment).

No. 19, 1975

- (ii) by omitting from section 36 (b) the word "Australia." and by inserting instead the following words :—

"Australia,

and the applicant or the tenderer, as the case may be, shall comply with the requirement.";

Sec. 41.
(Power of Governor in relation to application for coal lease.)

- (i) by omitting from section 41 (1) the words "under section 30 or 35";

Sec. 42.
(Grant of coal lease subject to amendment.)

- (j) (i) by omitting from section 42 (1) the words "under section 30 or 35";
- (ii) by omitting from section 42 (3) (c) the words "relating to expenditure or";

Sec. 44.
(Exercise of powers under this Act.)

- (k) (i) by inserting in section 44 (2) after the word "Act" the words "or the Mining Act, 1906, and the regulations under that Act";
- (ii) by inserting in section 44 (5) after the word "not" the words "in every respect";
- (iii) by inserting in section 44 (5) after the word "regulations" the words "or the regulations under the Mining Act, 1906";

Sec. 50.
(Lodging of application for renewal of concession with Under Secretary.)

- (l) by inserting after section 50 (6) the following subsections :—

(7) Subject to subsection (8), where the registered holder of a coal lease applies after the commencement of this subsection, or intends so to

apply

Coal Mining (Amendment).

apply, for the renewal of the lease over any private lands or Crown lands held under a Crown lease for pastoral purposes or a special lease for pastoral purposes, he shall, either before, or within twenty-one days after, lodging the application, serve on every owner and occupier of private lands and on every occupier of Crown lands, a notice—

- (a) stating that an application for the renewal of a lease has been, or will be, lodged, as the case may be; and
- (b) containing particulars sufficient to lead to the ready identification of the area of land to which the application relates, consisting of a plan and a description of that area.

(8) Where the application made, or intended to be made, for the renewal of a coal lease does not or will not relate to the surface of any private lands or to the surface of any Crown lands held under a Crown lease for pastoral purposes or a special lease for pastoral purposes, the applicant, or the person intending to apply, may, instead of serving any notice required by subsection (7) to be served, cause to be published, either before, or within twenty-one days after, lodging the application under this section, in a newspaper, or more than one newspaper, circulating in the locality in which is situated the area of land over which the renewal of the lease is, or is to be, sought, a notice—

- (a) stating that an application for the renewal of a coal lease has been, or will be, lodged, as the case may be; and
- (b) containing particulars sufficient to lead to the ready identification of that area, consisting of a plan and a description of that area.

(9)

No. 19, 1975

(9) Where the registered holder of an exploration permit applies after the commencement of this subsection, or intends so to apply, for the renewal of the permit, he shall, either before, or within twenty-one days after, lodging the application, cause to be published in a newspaper, or more than one newspaper, circulating in the locality in which is situated the area of land over which the renewal of the permit is, or is to be, sought, a notice—

- (a) stating that an application for the renewal of an exploration permit has been, or will be, lodged, as the case may be; and
- (b) containing particulars sufficient to lead to the ready identification of that area, consisting of a plan and a description of that area.

(10) An application for the renewal of a concession shall be accompanied by a copy of every notice served or published under subsection (7), (8) or (9) in relation to the application before the application was lodged.

(11) A copy of every notice relating to an application for the renewal of a coal lease and served pursuant to subsection (7) after the application was lodged shall be lodged with the Under Secretary within twenty-one days of the date of the notice, together with a written statement to the effect that each such notice was served on an owner or occupier of land pursuant to subsection (7) and setting out the name and address of each such owner or occupier.

(12)

Coal Mining (Amendment).

(12) A copy of every notice relating to an application for the renewal of a concession published pursuant to subsection (8) or (9) after the application was lodged shall be lodged with the Under Secretary within twenty-one days of the date of publication of the notice. No. 19, 1975

- (m) by inserting after section 53 (4) the following subsection :— Sec. 53.
(Powers of Minister or Governor on application for renewal of concession.)
- (4A) The period for which a coal lease is renewed shall not on any one occasion exceed twenty-one years.

- (n) (i) by omitting from section 54 (1) (b) the word “and”; Sec. 54.
(Notice of renewal, etc., to be served on registered holder of concession.)
- (ii) by omitting from section 54 (1) (c) the word “renewed.” and by inserting instead the words “renewed; and”;

- (iii) by inserting after section 54 (1) (c) the following paragraph :—

(d) if the area of land over which the concession is renewed differs from the area that was subject to the concession immediately before the renewal—containing a description of the land over which the concession is renewed.

- (o) (i) by omitting from section 56 (2) the words “served on the registered holder of the concession”; Sec. 56.
(Concession to have effect until application for renewal dealt with.)

(ii)

No. 19, 1975

(ii) by omitting from section 56 (2) the words “, and the amendment shall have effect from and including the date on which the instrument is so served”;

(iii) by inserting after section 56 (2) the following subsection :—

(3) Where the Minister amends the conditions of a concession under subsection (2), he shall cause to be served on the registered holder of the concession a notice informing him of the amendment, and the amendment has effect from and including the date on which the notice is served.

Sec. 60.
(Suspension
of con-
ditions of
concession.)

(p) (i) by omitting from section 60 (2) the words “served on the registered holder of the concession”;

(ii) by inserting after section 60 (2) the following subsection :—

(2A) Where the Minister suspends any of the conditions of a concession under this section, he shall cause to be served on the registered holder of the concession a notice informing him of the suspension.

Sec. 60A.

(q) by inserting after section 60 the following section :—

Amendment
of coal
lease in
respect of
certain
con-
ditions.

60A. (1) The Governor may, during the currency of a coal lease containing a condition relating to labour, amend the lease so as to allow the registered holder of the lease to comply with a condition relating to expenditure instead of the condition relating to labour.

(2)

Coal Mining (Amendment).

(2) The Minister shall cause to be served No. 19, 1975
 on the registered holder of a coal lease an instru-
 ment in writing setting out any amendment made
 under subsection (1) to the lease, and the amend-
 ment has effect as from the date on which the
 instrument is served.

- (r) (i) by omitting from section 70 (4) the words Sec. 70.
 “served on the registered holder of a coal (Rights of
 lease”; registered
holder of
coal lease.)
- (ii) by inserting in section 70 (4) (a) after the
 word “holder” the words “of the coal lease to
 which the order relates”;
- (iii) by inserting in section 70 (4) after the words
 “the coal lease” the words “to which the order
 relates”;
- (iv) by inserting after section 70 (4) the following
 subsection :—

(4A) The Minister shall cause to be served
 on the registered holder of a coal lease to
 which an order under subsection (4) relates
 an instrument in writing setting out the details
 of the order, and the order has effect as from
 the date on which the instrument is served.

- (s) by omitting from section 72 (5) the word “fourteen” Sec. 72.
 and by inserting instead the word “twenty-one”; (Addition
of mineral
to lease.)

- (t) (i) by omitting section 75 (4) and by inserting Sec. 75.
 instead the following subsections :— (Rent.)

(4) The Governor may, by instrument in
 writing, increase or decrease, or waive payment
 of, the rent payable in respect of a coal lease
 for any period when the lease has effect under
 section 56 (being a period that is before or
 after, or partly before and partly after, the
 date of the instrument).

(4A)

Coal Mining (Amendment).

No. 19, 1975

(4A) Where the rent payable for a period in respect of a coal lease is increased or decreased, or payment thereof is waived, under subsection (4), the Minister shall cause to be served on the person who was or is, as the case may be, the registered holder of the lease an instrument in writing setting out the details of the increase, decrease or waiver, and—

- (a) as from the date on which the instrument is served, the increase, decrease or waiver has effect in relation to that period (whether that period is before or after, or partly before and partly after, that date);
 - (b) where the rent is increased or decreased—the rent as so increased or decreased is payable by that person or, if when the instrument is served the rent for the period has been paid, the amount of any increase is payable by, or the amount of any decrease is payable to, that person; and
 - (c) where payment of the rent is waived—the rent for the period is not payable by that person and, if when that instrument is served the rent for the period has been paid, the amount of that rent so paid is payable to that person.
- (ii) by inserting in section 75 (6) after the word “increase” the words “or decrease”;
 - (iii) by inserting in section 75 (6) after the word “renewed” the words “or waive payment of the rent payable during that period”;

Sec. 77.
(Rate of
royalty.)

- (u) (i) by omitting from section 77 (5) the words “served on the registered holder of the lease”;

(ii)

Coal Mining (Amendment).

(ii) by omitting from section 77 (5) the words No. 19, 1975 "that notice is so served" and by inserting instead the words "notice of the rate so fixed is served pursuant to subsection (5A)";

(iii) by inserting after section 77 (5) the following subsection :—

(5A) The Minister shall cause to be served on the registered holder of a lease to which an instrument under subsection (5) relates a notice in writing setting out the details of the rate fixed thereby, and the rate so fixed is payable as from the date on which the notice is served.

(v) by omitting from section 79 (1) the words " , by instrument in writing served on that person, require" Sec. 79. and by inserting instead the words "cause to be served on that person an instrument in writing requiring". (Minister may require information to be furnished, etc.)

6. Part V of the Coal Mining Act, 1973, is amended by omitting from section 83 (1) the word "within" wherever occurring and by inserting instead the words "before or within". Further amendment of Act No. 81, 1973.

(Part V.—
Objection
to Grant
of Con-
cession Over,
or the
Exercise of
Powers
Under an
Authorisa-
tion or an
Explora-
tion Permit
In, Agricul-
tural Land.)
Sec. 83.
(Objection
to grant
of con-
cession, etc.)

No. 19, 1975 **7. Part VI of the Coal Mining Act, 1973, is amended—**

Further
amendment
of Act
No. 81,
1973.
(Part VI.—
Objections
to Grant-
ing Coal
Leases, and
References
of Appli-
cations to
Government
Depart-
ments and
Other
Authorities.)

Sec. 86.
(Objection
to grant
of coal
lease,
etc.)

- (a) by omitting from section 86 (2) the words “within thirty days after” and by inserting instead the words “either before, or within thirty days after,”;

Sec. 88.
(Granting
of coal
lease,
etc., if
objection
made under
sec. 87.)

- (b) (i) by omitting from section 88 (4) the words “served on the registered holder of the lease”;
- (ii) by inserting after section 88 (4) the following subsection :—

(4A) The Minister shall cause to be served on the registered holder of a coal lease amended under subsection (4) a notice in writing setting out the details of the amendment, and the amendment has effect from the date on which the notice is served.

Sec. 91.
(Grant of
coal lease
applied
for over
land
subject to
a scheme.)

- (c) (i) by omitting from section 91 (1) the words “by instrument in writing served” and by inserting instead the words “cause an instrument in writing to be served”;
- (ii) by omitting from section 91 (1) (a) the word “require” and by inserting instead the word “requiring”;

(iii)

Coal Mining (Amendment).

- (iii) by omitting from section 91 (1) (b) the word "notify" and by inserting instead the word "notifying";
- (iv) by omitting from section 91 (1) (b) the word "state" and by inserting instead the word "stating";
- (v) by omitting from section 91 the words "by the Minister" wherever occurring;
- (vi) by omitting from section 91 (4) (a) the words "of the Minister".

8. Part VII of the Coal Mining Act, 1973, is amended—

Further amendment of Act No. 81, 1973.
(Part VII.—Protection of the Environment.)

- (a) by inserting in section 93 after the word "sought" the words ", and may cause such studies (including environmental impact studies) to be carried out as he may deem necessary to enable him to decide whether or not to invite tenders or an application or to grant a concession";
Sec. 93. (Need to protect natural resources, etc., to be taken into account.)
- (b) by omitting from section 95 (2) the words "require the person to whom it is proposed to grant the lease to lodge with him, within such time as he may require" and by inserting instead the words "cause to be served on the person to whom it is proposed to grant the lease an instrument in writing requiring that person to lodge with him, within such time as is specified in the instrument";
Sec. 95. (Rehabilitation, etc., of area damaged by mining.)

(c)

*Coal Mining (Amendment).***No. 19, 1975****Sec. 96.**

(Direction to comply with conditions of concession for protection of environment.)

(c) (i) by omitting from section 96 (1) the words “, by instrument in writing” and by inserting instead the words “cause to be”;

(ii) by omitting from section 96 (1) the word “, direct” and by inserting instead the words “an instrument in writing directing”.

Further amendment of Act No. 81, 1973.

(Part VIII.—Compensation.)

Sec. 98.

(Assessment of compensation.)

9. Part VIII of the Coal Mining Act, 1973, is amended by omitting section 98 (1) (a) and by inserting instead the following paragraphs :—

(a) shall be made in the manner prescribed ;

(a1) shall not be made until after either—

(i) if there are ten or more persons who appear to the warden to be interested in the assessment—notice in the approved form is published in a newspaper circulating generally in the State and in a newspaper, or more than one newspaper, circulating in the locality in which the land concerned is situated ; or

(ii) in any case—notice in the approved form is served on each person who appears to the warden to be interested in the assessment.

Further amendment of Act No. 81, 1973.

(Part IX.—Records and Registration.)

Sec. 103.

(Interest in concession to be created by instrument in writing.)

10. Part IX of the Coal Mining Act, 1973, is amended by omitting from section 103 (2) the word “authority” and by inserting instead the word “concession”.

*Coal Mining (Amendment).***11. Part XI of the Coal Mining Act, 1973, is amended— No. 19, 1975**

Further
amendment
of Act No.
81, 1973.
(Part XI.—
Miscellane-
ous.)

- (a) (i) by omitting from section 114 the words “, by instrument in writing, direct the applicant or the registered holder of the concession, as the case may be,” and by inserting instead the words “cause to be served on the applicant or the registered holder of the concession, as the case may be, an instrument in writing directing him”;
- (ii) by inserting in section 114 after the word “concerned” the words “, and the applicant or the registered holder, as the case may be, shall comply with the direction”;

Sec. 114.
(Minister
may direct
survey to be
carried out.)

- (b) (i) by omitting from section 115 (2) (b) the words “served on him”;
- (ii) by inserting after section 115 (2) the following subsection :—

Sec. 115.
(Removal
of mining
plant.)

(2A) Where the Minister gives a direction to a person under subsection (2) (b), the Minister shall cause to be served on that person a notice setting out the details of the direction, and the direction has effect from the date on which notice is served.

- (c) by inserting after section 128 (3) the following subsection :—

Sec. 128.
(Disposal
of certain
moneys.)

(4) Where any amount authorised to be refunded under the regulations is credited to the account referred to in subsection (1), the amount is payable from the account.

(d)

Coal Mining (Amendment).

No. 19, 1975

Sec. 129.
(Purchase
of coal
not owned
by or
reserved
to Crown.)

- (d) by inserting in section 129 after the word "Crown" the words "and land containing any such seams or containing seams of coal owned by or reserved to the Crown".

Further
amendment
of Act No.
81, 1973.
(Part XII.—
Regula-
tions.)

12. Part XII of the Coal Mining Act, 1973, is amended—

Sec. 135.
(Regula-
tions.)

- (a) by omitting section 135 (2) (n) and by inserting instead the following paragraphs :—

(n) authorising the refund of the whole or any part of—

(i) any fee paid under this Act, other than a fee paid in respect of a tender for the grant of an exploration permit lodged under section 28 or for the grant of a coal lease under section 33;

(ii) any moneys referred to in section 128 (1) (b); or

(iii) any fee, deposit or rent paid under the Mining Act, 1906, other than a fee, deposit or rent paid in connection with an application deemed by the Mining Act, 1973, to be an application for an authority;

(n1) determining the person to whom a refund referred to in paragraph (n) is payable, and, in particular, providing that such a refund of any fee, moneys, deposit or rent referred to in paragraph (n) (i), (ii) or

(iii)

Coal Mining (Amendment).

(iii) and paid in connection with an application for the grant of a concession is payable to the applicant for the concession; No. 19, 1975

- (b) by inserting after section 136 (2) the following subsection :— Sec. 136.
(Exercise of power under sec. 135.)

(3) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

13. The Second Schedule to the Coal Mining Act, 1973, is amended— Further amendment of Act No. 81, 1973. (Second Schedule.)

- (a) by omitting from paragraph 8 (5) the word “duly” wherever occurring; Para. 8.
(Authority to prospect and prospecting license under 1906 Act.)

- (b) (i) by omitting from paragraph 9 the word “duly” wherever occurring; Para. 9.
(Coal and shale leases, etc., under the 1906 Act.)
- (ii) by inserting after paragraph 9 (11) the following subparagraphs :—

(11A) The provisions of section 43 (1) and section 62 (8) do not apply to an application deemed under subparagraph (7) to be an application for a coal lease.

(11B)

No. 19, 1975

(11B) For the purposes of section 62, the prescribed date is, in the case of an application deemed under subparagraph (7) to be an application for a coal lease that was—

- (a) made by a person when he was the holder of an authority to enter or an authority to prospect granted under the 1906 Act in respect of the land the subject of the application—the date when the application for the authority was made; or
- (b) made by any other person—the date when the marking out of the land the subject of the application for the lease was carried out.

(iii) by inserting after paragraph 9 (12) the following subparagraph :—

(13) The Minister may modify an application deemed under subparagraph (7) to be an application for a coal lease so as to include within the land applied for any land—

- (a) that adjoins, or is within the boundaries of, the land applied for; and
- (b) that, in the opinion of the Minister, is of so limited an area as may only be practicably worked for the winning of coal by the applicant for the lease,

but the application shall not be so modified so as to include that land without the consent of every owner of that land (to the extent to

which

Coal Mining (Amendment).

which it is comprised of private lands) and of every occupier (to the extent to which it is comprised of Crown lands held under a Crown lease for pastoral purposes or a special lease for pastoral purposes).

14. The Coal Mines Regulation Act, 1912, is amended—

(a) by omitting from section 35A (3) (c) the words “Mining Act, 1906, as amended by subsequent Acts” and by inserting instead the words “Coal Mining Act, 1973”;

Amendment
of Act No.
37, 1912.
Sec. 35A.
(Plans to be
furnished.)

(b) by omitting section 35A (3) (d) and by inserting instead the following paragraph:—

(d) upon any order under section 67 (4) of the Coal Mining Act, 1973, taking effect; or.

15. (1) An amendment made by section 5 (section 5 (k) excepted) does not affect, or apply to or in respect of, an application lodged or made under the Coal Mining Act, 1973, before the commencement of that amendment.

Savings and
transitional
provisions.

(2) Nothing in section 5 (k) applies to an application that was made under the Mining Act, 1906, and was refused after the commencement of the Coal Mining Act, 1973 (section 139 (1) excepted), but before the date of assent to this Act.

(3) An amendment made by this Act does not affect, or apply to or in respect of, a direction, order, requirement, notice or instrument given, made, served, published or lodged before the commencement of that amendment.

(4)

Coal Mining (Amendment).

- No. 19, 1975** (4) Nothing in section 13 applies to an application
—¹ that was made under the Mining Act, 1906, and was refused
after the commencement of the Coal Mining Act, 1973
(section 139 (1) excepted), but before the date of assent to
this Act.
-