

IN THE WARDEN'S COURT, SYDNEY
ON 26TH FEBRUARY, 1988
BEFORE J.L. McMAHON.
CHIEF MINING WARDEN.

In the matter of objections lodged by Mary's Mount Landholders Association and Mr. & Mrs. Douglas to a Notice of Intention to Invite Gunnedah Coal Company Limited to apply for coal leases in the Gunnedah district.

APPEARANCES: By arrangement, no appearance of any party.

BENCH: On 5th November, 1987 I held a preliminary hearing at the Court House, Gunnedah, into objections lodged by the Mary's Mount Landholders Association and the Douglas's against a Notice of Intention which had been published in newspapers on behalf of the Minister for Mineral Resources as to Invitations which he proposed to issue the Gunnedah Coal Company Limited to apply for certain coal leases in that district. The matter was adjourned for full hearing on 2nd February, 1988 and subsequent days and a programme for exchange of particulars and discussion to settle issues, was laid down in the interim to encourage communication between the parties.

When the Court was reconvened on 2nd February, 1988 the main parties had reached formal agreement and had reduced the effect of their agreement into writing which was tendered before me as Exhibit 1. The effect of their agreement was that there would be incorporated in any coal leases issued as a result of the acceptance of the Invitations certain additional conditions as outlined in Exhibit 1. In order to strictly comply with Section 86(12) the matter has been re-listed today to allow for formal announcement of the finding and I would add that Mrs. Douglas who appeared before the Court on 2nd February, 1988 sought to raise matters about the past conduct of the Gunnedah Coal Company Limited and particulars of those matters have already been furnished to the Minister. However, Mrs. Douglas did not seek to detract from

the terms of the agreement reached between the parties as in Exhibit 1.

Accordingly today I announced my findings. These are:

1. That I recommend to the Minister that should the Invitations be accepted and the coal leases issued there be incorporated in them conditions along the lines of the spirit and intent of those matters set out in Exhibit 1.
2. Any renewal of the above leases also have incorporated in them the above extra conditions.
3. Any transferee of the leases also be subjected to the same conditions.

Pursuant now to Section 86(12) of the Act, I shall now forward to the Minister my above findings, the evidence herein and the exhibits which were tendered which consist of Exhibit 1 the terms of agreement, Exhibit 2 which is a plan of the proposal with some mis-described drillholes as raised by Mrs. Donaldson, and Exhibit 3 which is a formal submission prepared on behalf of the Mary's Mount Landholders Association. On the basis of the agreement between the parties, the Association has indicated that it is willing to withdraw its objections to the Notices of Invitation.

Finally I would respectfully invite the attention of the Minister to my comments in the report dated 4th February, 1988 as to the matters raised by Mrs. Douglas. It appears apparent that Mrs. Douglas will have to raise the matter herself either in the Mining Warden's Court in a compensation hearing or in another court of competent jurisdiction.

I find as follows:

- (A) Inclusion in any coal lease the matters agreed to by the parties as set out in Exhibit 1, on the basis as set out in 1, 2 and 3 above.

- (B) On that inclusion, the objections by the Mary's Mount Landholders Association be deemed to be withdrawn.

I shall forward to the Minister my findings as above, the transcript and the exhibits.


J.L. McMahon,

Chief Warden.