

**1990 - No. 187**

**MINING ACT 1973 - REGULATION**

(Relating to royalty returns for gold mining and other matters)

NEW SOUTH WALES



*[Published in Gazette No. 44 of 30 March 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mining Act 1973, has been pleased to make the Regulation set forth hereunder.

NEIL PICKARD  
Minister for Minerals and Energy.

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**Commencement**

**1.** This Regulation takes effect on 1 July 1990.

**Amendments**

**2.** The Mining Regulations 1974 are amended:

- (a) by inserting after Regulation 8 (2) the following subregulation:  
(3) For the purposes of section 19 (5) of the Act, a function conferred or imposed on the Minister under Regulation 36 (4) may be delegated to the holder of the office of Director General, Director (Minerals) or Royalty Officer.
- (b) by omitting from Regulation 35A (1) the matter "(2), (3) or (4)";
- (c) by omitting Regulation 36 (2)-(5) and by inserting instead the following subregulations:

(2) The registered holder of a mining lease must within 28 days after the end of each return period furnish to the Minister a return in the form in Schedule 9A showing:

- (a) in respect of any mineral for which the rate of royalty payable under the Act is fixed by reference to quantity, the quantity of that mineral; and
- (b) in respect of any mineral for which the rate of royalty payable under the Act is fixed by reference to value, the value of the quantity of that mineral,  
won from the mining area during the return period.

Maximum penalty \$300.

(3) A return period is the period of 12 months commencing on 1 July in each year or such shorter period as the Minister may determine and notify under subregulation (4).

(4) If gold is won from the mining area, the Minister may determine that a specified shorter period is to be the return period for the mining lease and is to notify the registered holder accordingly.

(5) This regulation as in force before 1 July 1990 continues to apply in respect of minerals won from a mining area before that date.

- (d) by omitting Schedule 9;
- (e) by omitting from Schedule 9A the matter "(5)".

#### **Amendments - law revision**

**3.** The Mining Regulations 1974 are further amended:

- (a) by omitting from Regulation 7 (1) and (1A) the word "Secretary" wherever occurring and by inserting instead the words "Director General";
- (b) by omitting from Regulation 7 (1) the words "Department of Mineral Resources" wherever occurring and by inserting instead the words "Department of Minerals and Energy";
- (c) by omitting from Regulation 7 (1) (b) the words "Sydney Office" and by inserting instead the words "Head Office";
- (d) by omitting from Regulation 128 (1) (a) the word "Secretary" and by inserting instead the words "Director General";
- (e) by omitting from Regulation 34 (3) and (4) the word "Secretary" wherever occurring and by inserting instead the words "Director General";
- (f) by omitting from Regulation 37 (2) the word "Secretary" and by inserting instead the words "Director General";

- (g) by omitting from Regulation 44 (1), (2), (3) and (4) the word "Secretary" wherever occurring and by inserting instead the words "Director General";
- (h) by omitting from Regulation 44 (4) the words "Department of Mineral Resources" and by inserting instead the words "Department of Minerals and Energy";
- (i) by omitting from Regulation 46 (5) (a) the words "Department of Mineral Resources" and by inserting instead the words "Department of Minerals and Energy";
- (j) by omitting from Regulation 46 (6) and (9) the word "Secretary" wherever occurring and by inserting instead the words "Director General";
- (k) by omitting from Schedule 2A the words "DEPARTMENT OF MINERAL RESOURCES", "Department of Mineral Resources", "Minister for Mineral Resources" and "Secretary" wherever occurring and by inserting instead the words "DEPARTMENT OF MINERALS AND ENERGY", "Department of Minerals and Energy", "Minister for Minerals and Energy" and "Director General" respectively,
- (l) by omitting from Schedule 5 the words "Secretary, Department of Mineral Resources" and by inserting instead the words "Director General, Department of Minerals and Energy";
- (m) by omitting from Schedule 12 the word "Secretary" and the words "Department of Mineral Resources" wherever occurring and by inserting instead the words "Director General" and "Department of Minerals and Energy" respectively.

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#### **EXPLANATORY NOTE**

The object of this Regulation is to amend the Mining Regulations 1974 so as:

- (a) to allow for royalty returns (and hence royalty payments) to be required for gold mining operations at intervals of less than one year (the returns currently being required for a financial year); and
- (b) to update the Regulations to reflect changed administrative arrangements.

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