

MINING ACT 1992—REGULATION
(Mining (Savings and Transitional) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mining Act 1992, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE,
Acting Minister for Natural Resources.

Citation

1. This Regulation may be cited as the Mining (Savings and Transitional) Regulation 1992.

Commencement

2. This Regulation commences on 21st August, 1992.

Saving of existing mineral claims held by minors

3. Any person who, immediately before the commencement of the Mining Act 1992, was the holder of a registered claim under the Mining Act 1973:

- (a) may continue to hold the corresponding mineral claim under the Mining Act 1992; and
- (b) may be granted a renewal of the mineral claim under the Mining Act 1992,

even if the person has not attained the age of 18 years.

Saving of existing residence areas and business areas

4. (1) Any person who, immediately before the commencement of the Mining Act 1992, was in lawful occupation of a residence area or

business area referred to in clause 13 of the Second Schedule to the Mining Act 1973 may continue to occupy the area.

(2) This clause ceases to apply to a residence area or business area if the occupier of the area fails to give written notice, in accordance with subclause (3), that the occupier wishes to continue to occupy the area.

(3) Notice in relation to any calendar year must be given:

(a) to the mining registrar for the mining division within which the residence area or business area is situated; and

(b) during December in the previous calendar year,

and must be accompanied by a fee of \$25.

(4) An authority or mineral claim may not be granted over a residence area or business area to which this clause applies except with the written consent of the occupier of the area.

(5) A written consent given under this clause is irrevocable.

Saving of existing rent

5. Any rent in relation to a mining lease, mining purposes lease or coal lease that was, immediately before the commencement of the Mining Act 1992, payable under the provisions of:

(a) section 95 of the Mining Act 1973; or

(b) section 75 the Cod Mining Act 1973,

in respect of private lands (within the meaning of the Act concerned) remains payable in accordance with those provisions, for the remainder of the term of the corresponding mining lease under the Mining Act 1992, as if those provisions were still in force.

Saving of existing royalty

6. Any royalty that was, immediately before the commencement of the Mining Act 1992, payable under:

(a) a mining lease under the Mining Act 1973; or

(b) a coal lease under the Cod Mining Act 1973,

king royalty payable by virtue of the conditions on which the lease was granted, remains payable in accordance with those conditions for the purposes of the Mining Act 1992.

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EXPLANATORY NOTE

The object of this Regulation is to make provision of a savings nature as a consequence of the repeal, by the Mining Act 1992, of the Mining Act 1973 and the Coal Mining Act 1973. The matters dealt with by the Regulation include:

- (a) the saving of existing mineral claims held by minors; and
 - (b) the saving of existing residence areas and business areas; and
 - (c) the saving of rent payable under existing mining leases, existing mining purposes leases and existing coal leases; and
 - (d) the saving of royalty payable under existing mining leases and existing coal leases.
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