

1993—No. 510

MINING ACT 1992—REGULATION

(Relating to fossicking, the aggregation of conditions of mining leases and the imposition of fees)

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.

I. R. CAUSLEY M.P.
Minister for Mines.

Commencement

1. This Regulation commences on 1st November 1993.

Amendment of Mining (General) Regulation 1992

2. The Mining (General) Regulation 1992 is amended:
 - (a) by omitting from clause 10 (2) (d) the words “10 grams” and by inserting instead the words “30 grams”;
 - (b) by inserting after clause 16 the following clause:

Aggregation of labour and expenditure conditions

16A. (1) The Minister may, by order, declare that 2 or more mining leases are taken to be a single mining lease for the purpose of enabling the labour and expenditure conditions of those leases to be aggregated.

(2) A declaration is subject to such conditions (if any) as the Minister thinks fit to impose.

(3) The effect of a declaration is to allow the holder or holders of the mining leases concerned to comply with the labour and expenditure conditions of those leases, subject to any conditions

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on which the declaration is made, as if they were the conditions of a single mining lease over the whole of the land the subject of those mining leases.

(4) An application for a declaration is to be accompanied by the fee specified in Schedule 5 in relation to such an application.

(5) For the purpose of calculating the application fee, any mining leases whose labour and expenditure conditions are currently aggregated as a result of a previous declaration are taken to be a single mining lease.

(6) An order under this clause takes effect on the date on which written notice of the order is served on the holder or holders of the mining leases concerned or on such later date as may be specified in the notice.

(c) by omitting from Part 1 of Schedule 5 (Fees) the following matter:

Application for mineral claim (Sec. 178)	\$50
Renewal of mineral claim (Sec. 197)	\$75

and by inserting instead the following matter:

Application for mineral claim (Sec. 178):	
for claims within a mineral claims district	\$50
for claims outside a mineral claims district	\$250
Renewal of mineral claim (Sec. 197):	
for claims within a mineral claims district	\$75
for claims outside a mineral claims district	\$125

(d) by inserting in Part 2 of Schedule 5 (Fees), after the matter relating to an application for amendment of a mining lease, the following matter:

Application for aggregation of the labour and expenditure conditions of two or more mining leases (Cl. 16A)	\$75 per mining lease
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Amendment of Mining (Savings and Transitional) Regulation 1992

3. The Mining (Savings and Transitional) Regulation 1992 is amended by inserting after clause 6 the following clause:

Saving of aggregation of labour and expenditure conditions of certain mining leases

7. (1) The labour and expenditure conditions of any mining leases whose labour or expenditure conditions were aggregated, immediately before the commencement of the Mining Act 1992,

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pursuant to Regulation 43 of the Mining Regulations 1974 are taken to be aggregated for the purposes of this clause.

(2) The effect of the aggregation of the labour and expenditure conditions of any such mining leases is to allow the holder or holders of the mining leases to comply with those conditions, subject to any conditions on which the relevant application under Regulation 43 of the Mining Regulations 1974 was granted, as if they were the conditions of a single mining lease over the whole of the land the subject of those mining leases.

(3) The aggregation of the labour and expenditure conditions of any such mining leases may be varied or revoked as if those mining leases were the subject of a declaration under clause 16A of the Mining (General) Regulation 1992.

(4) Pursuant to clause 1 of Schedule 6 to the Mining Act 1992, this clause takes effect from the commencement of that Act.

EXPLANATORY NOTE

The object of this Regulation is to amend the Mining (General) Regulation 1992 so as:

- (a) to increase, from 10 grams to 30 grams, the quantity of gold that a fossicker may lawfully take during any period of 48 hours; and
- (b) to enable the holder of two or more mining leases to aggregate the conditions of those leases with respect to labour and expenditure so that, for the purpose of complying with those conditions, the leases can be regarded as a single lease; and
- (c) to distinguish, for the purpose of imposing fees, mineral claims that are within a mineral claims district from mineral claims that are outside a mineral claims district, and to provide that the application and renewal fees for mineral claims outside a mineral claims district are to rise from \$50 and \$75 to \$250 and \$125, respectively.

The Regulation also amends the Mining (Savings and Transitional) Regulation 1992 so as to save aggregations of labour and expenditure conditions in force immediately before the commencement of the Mining Act 1992.

This Regulation is made under the Mining Act 1992, including section 388 (the general regulation making power), sections 178 and 197 and clause 1 of Schedule 6.
