



New South Wales

Mining (General) Amendment (Electronic Lodgment) Regulation 2001

under the

Mining Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

HARRY WOODS, M.P.,

Minister for Mineral Resources

Explanatory note

The object of this Regulation is to provide for applications for exploration licences to be lodged electronically (for example, over the Internet) and for other applications under the *Mining Act 1992* to be lodged by facsimile.

This Regulation is made under the *Mining Act 1992*, including sections 382 (2) and 388 (the general regulation-making power).

2001 No 122

Clause 1 Mining (General) Amendment (Electronic Lodgment) Regulation 2001

Mining (General) Amendment (Electronic Lodgment) Regulation 2001

1 Name of Regulation

This Regulation is the *Mining (General) Amendment (Electronic Lodgment) Regulation 2001*.

2 Amendment of Mining (General) Regulation 1997

The *Mining (General) Regulation 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 44

Omit the clause. Insert instead:

44 Applications generally: section 382

- (1) An application under the Act may be lodged either in person, by facsimile or by post. An application for an exploration licence may also be lodged electronically.
- (2) An application that is required to be lodged with the Director-General may be lodged instead (in person, by facsimile or by post) with any other person that the Director-General may from time to time nominate as a person who may receive such an application.
- (3) An application that is required to be lodged with a mining registrar may be lodged instead (in person, by facsimile, by post or, in the case of an exploration licence, electronically) with any other person that the mining registrar may from time to time nominate as a person who may receive such an application.
- (4) An application that is lodged in person with the Director-General or any other person nominated under this clause may be lodged on any day (other than a Saturday, Sunday or public holiday) between the hours of 9:30 am and 4:00 pm.
- (5) An application that is lodged in person with a mining registrar or any other person nominated under this clause may be lodged on any day (other than a Saturday, Sunday, public holiday or other day on which the mining registrar's office is closed) between the hours of 9:30 am and 4:00 pm.
- (6) An application that is lodged in person is to be endorsed by the person with whom it is lodged, with the date and time of its lodgment.

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Schedule 1 Amendment

- (7) If a valid and complete application is lodged by post, the application is presumed to have been lodged at 9:30 am on the day on which it is received by the Director-General, by a mining registrar or by a person nominated under subclause (2) or (3).
- (8) If a valid and complete application is lodged by facsimile and the receiving facsimile machine records its receipt at a particular date and time, the application is presumed to have been lodged at that time on that date.
- (9) An application for an exploration licence may be lodged electronically only if:
 - (a) the information recorded in the application is capable, at any time, of being reproduced in a written form, and
 - (b) the application is lodged in an information system designated by the Director-General for the purpose of receiving such an application.
- (10) The Director-General must ensure that every application that is lodged electronically in accordance with subclause (9) is allocated an application number as soon as practicable after entry in the designated information system.
- (11) If a valid and complete application is lodged electronically and is allocated an exploration licence application number, the application is presumed to have been lodged at the time and on the date on which the number was allocated.
- (12) In this clause:
information system means a system for generating, sending, receiving, storing or otherwise processing electronic communications.

BY AUTHORITY
