



New South Wales

Commencement Proclamation

under the

Mining Amendment Act 2008 No 19

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Mining Amendment Act 2008*, do, by this my Proclamation, appoint 15 November 2010 as the day on which the uncommenced provisions of that Act commence, except for the following provisions:

- (a) so much of Schedule 1 [21] as inserts section 22 (2) (c) (including the note to that paragraph),
- (b) so much of Schedule 1 [22] as inserts section 23 (3) (c) (including the note to that paragraph),
- (c) Schedule 1 [27], [41], [64], [70], [125], [127], [133], [183], [204], [267], [276] and [279],
- (d) so much of Schedule 1 [38] as inserts section 41 (2) (c) (including the note to that paragraph),
- (e) so much of Schedule 1 [58] as inserts section 63 (2) (c) (including the note to that paragraph),
- (f) so much of Schedule 1 [61] as inserts section 64 (3) (c) (including the note to that paragraph),
- (g) so much of Schedule 1 [69] as inserts section 73 (3)–(8),
- (h) so much of Schedule 1 [82] as inserts section 114 (2) (d) (including the note to that paragraph),
- (i) so much of Schedule 1 [85] as inserts section 121 (2) (c) (including the note to that paragraph),
- (j) so much of Schedule 1 [88] as inserts section 125 (1) (b3),
- (k) so much of Schedule 1 [143] as inserts section 190 (2) (c) (including the note to that paragraph),

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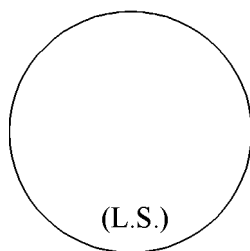
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Explanatory note

- (l) so much of Schedule 1 [152] as inserts section 198 (2) (d) (including the note to that paragraph),
- (m) so much of Schedule 1 [155] as inserts section 201 (2) (c) (including the note to that paragraph),
- (n) so much of Schedule 1 [159] as inserts section 203 (1) (c3),
- (o) so much of Schedule 1 [191] as inserts section 228 (2) (c) (including the note to that paragraph),
- (p) so much of Schedule 1 [194] as inserts section 233 (1) (b3),
- (q) so much of Schedule 1 [213] as substitutes sections 245 and 246 and inserts sections 246A–246L,
- (r) so much of Schedule 1 [215] as inserts section 248K,
- (s) Schedule 1 [217], [228], [229], [231]–[235], [240] and [246C],
- (t) so much of Schedule 1 [258] as inserts section 378J,
- (u) so much of Schedule 1 [273] as inserts the clause titled “Environmental management conditions and directions”,
- (v) so much of Schedule 1 [285] as inserts the definition of “Mineral Claims Districts Compensation Fund”,
- (w) Schedule 2.4A, 2.8 [2] and 2.9.

Signed and sealed at Sydney, this 3rd day of November 2010.

By His Excellency’s Command,



STEVE WHAN, MP

Minister for Primary Industries

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence certain uncommenced provisions of the *Mining Amendment Act 2008*. The effect of those provisions is as follows:

- (a) to make it an offence to carry out certain mining purposes without an authorisation,
- (b) to require mining of private minerals to be carried out under the authority of an authorisation and to create a new class of authority for mineral owners (a mineral owner authority) and to make other provisions relating to such authorities,
- (c) to enable the Director-General (rather than the mining registrar) to grant mineral claims, opal prospecting licences and mineral owner authorities and to confer functions currently exercised by mining registrars on the Director-General,

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- (d) to remove the current limitations on the area of land over which an exploration licence may be granted and to enable regulations to be made with respect to the shape and size of areas for licences,
- (e) to enable conditions relating to cores and samples obtained in the course of mining operations to be imposed on mining leases, assessment leases and exploration licences,
- (f) to require mining subleases to be registered for the purposes of recognition under the *Mining Act 1992* (the *Principal Act*) and to make other provision with respect to the registration of mining subleases and the payment of royalties by holders of mining subleases,
- (g) to provide that fees under the Principal Act are to be prescribed by regulation rather than determined by the Minister,
- (h) to extend the grounds on which an application for renewal or transfer of a mining lease, assessment lease or exploration licence may be granted or refused or on which such authorities may be cancelled,
- (i) to require coal miners to apply for registration of colliery holdings and to make other provision with respect to the registration of colliery holdings,
- (j) to provide for the amendment of authorisations to remove inconsistencies with subsequent development approvals,
- (k) to require mineral claims to be situated within mineral claims districts,
- (l) to enable conditions relating to mandatory audits to be imposed on authorisations,
- (m) to empower the Director-General and inspectors to issue directions requiring compliance with the conditions of an authorisation and work to be done to address the adverse environmental impact of activities carried out under an authorisation,
- (n) to expand the powers of the Director-General to suspend an authorisation,
- (o) to establish the Derelict Mine Sites Fund and to establish a scheme for the declaration and rehabilitation of derelict mine sites,
- (p) to re-enact provisions conferring powers on, and providing for the appointment of, inspectors under the Principal Act,
- (q) to expand provisions relating to requirements for security deposits,
- (r) to make it clear that an agreement as to compensation of landholders is required before compensable work can be undertaken under a mining lease or an assessment lease,
- (s) to insert offences relating to other matters, including providing false or misleading information and contravening conditions of authorisations,
- (t) to re-enact provisions relating to the liability of directors and other persons for offences committed by corporations under the Principal Act,
- (u) to make other provision relating to proceedings for offences and enforcement of the Principal Act,
- (v) to enact savings and transitional provisions consequent on the commencement of the *Mining Amendment Act 2008*,
- (w) to make certain statute law revision amendments.