



New South Wales

# Mining Amendment (Small-Scale Title Compensation) Regulation 2014

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*.

ANTHONY ROBERTS, MP  
Minister for Resources and Energy

## Explanatory note

The objects of this Regulation are as follows:

- (a) to require notice given to a landholder of a proposed application for a mineral claim to include an information sheet prepared by the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services (the *Secretary*),
- (b) to nominate the Secretary as the collection agency for the purposes of collecting standard compensation on behalf of a landholder from an applicant for a small-scale title (an *applicant*),
- (c) to provide that the functions of the collection agency may be delegated to Service NSW,
- (d) to require standard compensation to be paid to the collection agency in cash or any other manner approved by the collection agency,
- (e) to require any such compensation collected on behalf of a landholder to be paid to the landholder as reasonably directed by the landholder,
- (f) to require information to be served on a landholder by an applicant to be served by post,
- (g) to set out the matters that the Secretary can rely on as evidence that certain steps have been taken in relation to compensation payable to a landholder by an applicant,
- (h) to update terminology as a consequence of the enactment of the *Government Sector Employment Act 2013*.

This Regulation is made under the *Mining Act 1992*, including sections 266 and 388 (the general regulation-making power).

## **Mining Amendment (Small-Scale Title Compensation) Regulation 2014**

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### **1 Name of Regulation**

This Regulation is the *Mining Amendment (Small-Scale Title Compensation) Regulation 2014*.

### **2 Commencement**

This Regulation commences on 1 January 2015 and is required to be published on the NSW legislation website.

## **Schedule 1 Amendment of Mining Regulation 2010**

### **[1] The whole Regulation**

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

### **[2] Clause 39 Notice of intention to apply for mineral claim**

Insert after clause 39 (2):

- (3) The notice of the proposed application for a mineral claim that is served on a landholder under section 177 of the Act must include a copy of an information sheet (if any) that:
  - (a) outlines a landholder’s right to object to the application, and
  - (b) has been prepared by the Secretary and made available to proposed applicants for the purposes of this subclause.

### **[3] Clause 74A**

Insert after clause 74:

#### **74A Compensation arising under small-scale title**

- (1) The Secretary is nominated as the collection agency for the purposes of section 266 of the Act.
- (2) All the functions of the collection agency may be delegated by the collection agency to Service NSW as customer service functions.
- (3) Standard compensation is to be paid to the collection agency in cash or in any other manner that is approved by the collection agency.
- (4) The collection agency must pay standard compensation collected on behalf of a landholder to the landholder as reasonably directed by the landholder.
- (5) The notice under section 266 (4) (b) of the Act must be sent by mail to the landholder.
- (6) The Secretary may rely on such evidence as the Secretary sees fit to be satisfied of a matter under section 266 (4) of the Act. However, the following evidence is taken to be sufficient for the purposes of that subsection:
  - (a) for evidence that an applicant for a small-scale title and a landholder have entered into a compensation agreement—a document signed by the landholder that identifies the small-scale title and makes it clear that an agreement has been entered into which excludes the need to pay standard compensation,
  - (b) for evidence that a notice has been sent in the mail to a landholder—a delivery receipt (such as a registered post receipt or a receipt from a courier) showing delivery to the landholder or to the postal address of the landholder.