



New South Wales

Mining Amendment (Licences for Operational Allocation Purposes) Regulation 2015

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 Industry, Resources and Energy

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the operational allocation purposes for which an existing holder of an exploration licence, assessment lease or mining lease can make an application for an exploration licence for coal under section 13C of the *Mining Act 1992* (as inserted by the *Mining and Petroleum Legislation Amendment (Grant of Coal and Petroleum Prospecting Titles) Act 2015*), and
- (b) to specify the maximum surface area of land to which an application for such a licence can relate, and
- (c) to allow for exploration licences to be offered for coal only, rather than for both coal and oil shale, by transferring oil shale into a new group (Group 9A) within the groups of minerals prescribed by the *Mining Regulation 2010* and to make amendments that are consequential on that transfer.

This Regulation is made under the *Mining Act 1992*, including sections 13C (2) and 388 (the general regulation-making power) and the definition of **group of minerals** in the Dictionary.

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1 Name of Regulation

This Regulation is the *Mining Amendment (Licences for Operational Allocation Purposes) Regulation 2015*.

2 Commencement

This Regulation commences on 18 December 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Mining Regulation 2010

[1] Clause 19A

Insert after clause 19:

19A Licences for operational allocation purposes

- (1) For the purposes of section 13C (2) (a) of the Act, the following are prescribed as *operational allocation purposes*:
 - (a) in relation to applications by holders of exploration licences or assessment leases—the purpose of both developing a better mine design proposal and recovering coal resources that would otherwise be likely to be sterilised,
 - (b) in relation to applications by holders of mining leases, each of the following:
 - (i) the purpose of extending the life of a mine,
 - (ii) the purpose of developing a better mine design,
 - (iii) the purpose of recovering coal resources that would otherwise be likely to be sterilised,
 - (iv) the purpose of obtaining an exploration licence for coal over the subsoil above or below the stratum to which the mining lease concerned relates or over the surface above the land to which that mining lease relates.
- (2) For the purposes of section 13C (2) (b) of the Act, if the operational allocation purpose for which the relevant application under section 13C (1) of the Act is made is:
 - (a) one referred to in subclause (1) (a) or (b) (i), (ii) or (iii)—the area of land to which the application relates must not exceed an area equivalent to 33% of the area of the land to which the exploration licence, assessment lease or mining lease concerned relates, or
 - (b) one referred to in subclause (1) (b) (iv)—the boundary of subsoil or the surface area of the land to which the application relates must not exceed the boundary of the area of land to which the mining lease concerned relates.

[2] Schedule 2 Groups of minerals

Omit Group 9. Insert instead:

Group 9 (Coal)

coal

Group 9A (Oil shale)

oil shale

[3] Schedule 10 Fees

Omit “section 13” wherever occurring in items 1 and 3. Insert instead “Division 1 of Part 3”.

[4] Schedule 10, item 2

Omit “Group 9 minerals (section 13 of the Act)”.

Insert instead “Groups 9 and 9A minerals (Division 1 of Part 3 of the Act)”.

[5] Schedule 10, item 4

Insert “, 9A” after “8”.

[6] Schedule 10, items 5 and 9

Omit “Group 9” wherever occurring. Insert instead “Groups 9 and 9A”.

[7] Schedule 12 Savings and transitional provisions

Insert after Part 5:

**Part 6 Provisions consequent on making of Mining
Amendment (Licences for Operational Allocation
Purposes) Regulation 2015**

17 References to Group 9 minerals—oil shale

- (1) On and from the commencement of the amendment made by the *Mining Amendment (Licences for Operational Allocation Purposes) Regulation 2015* to Schedule 2 to the *Mining Regulation 2010*:
 - (a) a reference in any mining document to a Group 9 mineral, to the extent that the reference applies in respect of oil shale, is to be read as a reference to a Group 9A mineral, and
 - (b) a reference in any mining document prepared before that commencement to Group 9 minerals generally is to be read as a reference to Group 9 minerals and Group 9A minerals, generally.
- (2) In this clause, *mining document* means any authorisation or other document that has any operation in connection with the Act or an authorisation.