



New South Wales

Mining Legislation Amendment (Saving of Existing Conditions) Regulation 2016

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 modify savings provisions made consequent on the enactment of the *Mining and Petroleum Legislation Amendment (Harmonisation) Act 2015* to provide that each condition of certain existing approvals of activities (which the savings provisions deem to be activity approvals required under the amended Act) is taken to be a term of the deemed activity approval, and
- (b) to provide that land over which an exploration (mineral owner) licence or an exploration licence is granted in respect of a Group 9A mineral (oil shale) may be of any shape or size (in the same way as for Group 9 minerals).

The amendments to the savings provisions are taken to have commenced on 1 March 2016, the date of commencement of the relevant provisions of the *Mining and Petroleum Legislation Amendment (Harmonisation) Act 2015*. (Such operation is authorised by clause 1 (2) of Schedule 6 to the *Mining Act 1992*.)

This Regulation is made under the *Mining Act 1992*, including section 388 (the general regulation-making power) and clause 1 of Schedule 6 (Savings, transitional and other provisions).

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1 Name of Regulation

This Regulation is the *Mining Legislation Amendment (Saving of Existing Conditions) Regulation 2016*.

2 Commencement

- (1) This Regulation is taken to have commenced on 1 March 2016, except as provided by subclause (2), and is required to be published on the NSW legislation website.
- (2) Clause 4 commences on the date on which this Regulation is published on the NSW legislation website.

3 Amendment of Mining Act 1992 No 29

(1) Schedule 6 Savings, transitional and other provisions

Insert after clause 161 (2):

- (2A) Each of the conditions of such an approval is taken to be a term of that activity approval and can be varied accordingly.

(2) Schedule 6, clause 161 (5A)

Insert after clause 161 (5):

- (5A) Each of the conditions of such an approval is taken to be a term of that activity approval and can be varied accordingly.

4 Amendment of Mining Regulation 2010

Clause 16 Size and shape of land subject to exploration licence

Insert “or Group 9A” after “Group 9” in clause 16 (2).