

# Mining (General) Regulation 1997

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New South Wales

## Status Information

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### Authorisation

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# Mining (General) Regulation 1997



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Mining (General) Regulation 1997*.

### 2 Commencement

This Regulation commences on 1 September 1997.

### 3 Definitions

(1) In this Regulation:

**agricultural lime** means crushed or ground limestone suitable for use in improving the condition of soil.

**approved form**, in relation to an application, means the form approved for the application under section 382 of the Act.

**chief inspector of mines** means the chief inspector of mines appointed for the purposes of the *Mines Inspection Act 1901*.

**clay/shale** means clay or shale other than structural clay, but does not include clay or shale used in road making or as fill.

**dimension stone** means any rock, other than sandstone, that is quarried in blocks or slabs for building, decorative or other purposes.

**Geocentric Datum of Australia** has the same meaning as it has in section 4 of the *Survey (Geocentric Datum of Australia) Act 1999*.

**land identification map** means:

(a) in the case of land within the Eastern or Central Division of New South Wales, the relevant County, Parish, Town or Village map kept at the local office of the Department of Land and Water Conservation, or

(b) in the case of land in the Western Division of New South Wales, the relevant

1:100,000 cadastral map kept at the Dubbo office of the Western Lands Commissioner.

**Map Grid of Australia** means a rectangular co-ordinate system using a Transverse Mercator projection with zones 6 degrees wide and based on the Geocentric Datum of Australia.

**standard map** means a map that complies with the provisions of clause 8.

**statutory surveying requirements** means the requirements of the [Surveyors Act 1929](#) and the regulations under that Act.

**structural clay** means clay or shale used in the manufacture of fired clay building or construction products, such as bricks, pipes and quarry tiles.

**survey mark** includes a survey mark placed in accordance with the statutory surveying requirements and includes any other mark in the nature of a survey mark that has been placed for the purposes of the Act by, or at the direction of, a mining registrar.

**the Act** means the [Mining Act 1992](#).

(2) In this Regulation, a reference to a form is a reference to a form set out in Schedule 6.

#### 4 Meaning of “mineral” and “geothermal substance”

- (1) The substances referred to in Schedule 1 are prescribed as minerals for the purposes of the definition of **mineral** in the Dictionary at the end of the Act.
- (2) A reference in Schedule 1 or 2 to a **geothermal substance**, such as hot dry rock, is a reference to any substance occurring naturally or artificially underground that is heated by the natural processes of the earth to a temperature in excess of 100 degrees Celsius (other than any other substance referred to in those Schedules, and other than petroleum, coal, oil shale and uranium).

#### 5 Meaning of “group of minerals”

The groups of minerals referred to in Schedule 2 are prescribed as groups of minerals for the purposes of the definition of **group of minerals** in the Dictionary at the end of the Act.

#### 6 Meaning of “mining purpose”

The following purposes are prescribed as mining purposes for the purposes of the definition of **mining purpose** in the Dictionary at the end of the Act:

- (a) the construction, maintenance or use (in or in connection with mining operations) of:
  - (i) any building or mining plant,

- (ii) any road, railway, tramway, bridge or jetty,
  - (iii) any reservoir, dam, drain or water race,
  - (iv) any cable, conveyor, pipeline, telephone line or signalling system,
  - (v) any bin, magazine or fuel chute,
  - (vi) any plant nursery,
  - (vii) (Repealed)
- (b) opal puddling,
  - (c) the stockpiling or depositing of overburden, ore or tailings,
  - (d) the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations,
  - (e) the generation and transmission of electricity for use in or in connection with mining operations,
  - (f) the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for:
    - (i) drainage of gas, or
    - (ii) drainage or conveyance of water, or
    - (iii) ventilation, or
    - (iv) conveyance of electricity, or
    - (v) conveyance of materials, or
    - (vi) communications, or
    - (vii) emergency access to underground workings.

## **7 Meaning of “landholder”**

- (1) Persons who are recognised by the Director-General as being landholders of a particular parcel of land are landholders for the purposes of the definition of **landholder** in the Dictionary at the end of the Act.
- (2) Any person may apply to the Director-General for recognition as a landholder of specified land.
- (3) The application must indicate the grounds on which the applicant claims to be a landholder of the land.



- (4) The Director-General may require the application to be verified by statutory declaration.
- (5) The Director-General must decide whether or not to recognise the applicant as a landholder of the land and must cause written notice of the decision to be given to the applicant as soon as practicable after it is made.
- (6) The Director-General may at any time, by notice in writing served on the person, withdraw a person's recognition as a landholder of specified land.
- (7) The Director-General must cause a register to be maintained in which the following particulars are to be recorded:
  - (a) particulars identifying each parcel of land in respect of which the Director-General recognises any person as being a landholder,
  - (b) the name and address of each such person.
- (8) The register is to be kept available at the head office of the Department for inspection, free of charge, by members of the public.
- (9) A person who, immediately before the commencement of the *Mining (General) Amendment Regulation 2000*, was recognised by the Director-General as an occupier of any land is taken, subject to this clause, to be recognised by the Director-General as a landholder of that land.

## **8 Standard map**

A map is a standard map for the purposes of this Regulation if it is:

- (a) a standard topographic-cadastral map at the scale of:
  - (i) 1:25,000, or
  - (ii) if a map at the scale of 1:25,000 is not available, 1:50,000, or
  - (iii) if maps at the scale of 1:25,000 or 1:50,000 are not available, 1:100,000,published by the Department of Land and Water Conservation, the Department of Mineral Resources or the Australian Surveying and Land Information Group, or
- (b) if a map referred to in paragraph (a) is not available, a cadastral map published by a Government Department or public authority, whether of New South Wales or of the Commonwealth, or
- (c) if maps referred to in paragraphs (a) and (b) are not available, an aerial photograph or a topographic map of a standard acceptable to the Director-General.

## **Part 2 Prospecting and mining generally**

### **9 Mining for privately owned minerals: section 8**

- (1) For the purposes of section 8 (1) (b) of the Act, the security to be lodged with the Director-General:
  - (a) must be:
    - (i) in the form of cash, or
    - (ii) in the form of a security instrument of a kind approved by the Minister, being an instrument issued by a bank, building society, credit union or other financial institution so approved, or
    - (iii) in such other form as the Director-General may approve, and
  - (b) is to be of an amount determined by the Minister.
- (2) For the purposes of section 8 (1) (c) of the Act, the conditions in accordance with which a person must prospect for or mine privately owned minerals are the conditions set out in Schedule 3.
- (3) For the purposes of section 8 (2) (c) of the Act, the prescribed manner for describing the land on which prospecting or mining operations are to be carried on is by means of:
  - (a) a plan drawn in accordance with the statutory surveying requirements, or
  - (b) a standard map showing the land to which the relevant notice relates by means of distinctive marking or colouring, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark.

### **10 Fossicking: section 12**

- (1) A person must not:
  - (a) fossick for minerals using explosives, power-operated equipment or any other equipment except a hand-held (not power-driven) implement, or
  - (b) (Repealed)
  - (c) in the course of fossicking for minerals:
    - (i) excavate or clear any land or waters, or
    - (ii) damage or remove any bushrock, or
  - (d) in the course of fossicking for minerals, remove more than:
    - (i) 25 kilograms of minerals (other than gold or gemstones), or

- (ii) 50 grams of gold (except where found as nuggets of 10 grams or greater), or
  - (iii) 100 grams of gemstones
- during any single period of 48 hours, or
- (e) fail to replace any soil, rock or other material that has been disturbed in the course of fossicking for minerals.

Maximum penalty: 50 penalty units.

- (2) In this clause, **gemstone** means a Group 6 or Group 7 mineral.

### **10A Activities taken not to be prospecting or mining**

- (1) For the purposes of section 11A of the Act, any activity carried out on the following land by Alkane Exploration NL for or in connection with the construction of an earth embankment (including the extraction of material for the purpose of recovering minerals from the material) is taken not to be prospecting or mining:

The wedge shaped piece of land having an area of approximately 600 square metres marked in a green colour on the map of Mining Lease Application No 141 at Peak Hill (Mining Lease 6389) being plan No M24296 deposited at the principal office of the Department of Mineral Resources.

- (1A) For the purposes of section 11A of the Act, any activity carried out on the following land by Pacific Waste Management Pty Ltd (ACN 002 902 560) for or in connection with the use of the land for waste disposal (including the extraction of material for the purpose of recovering minerals from the material) is taken not to be prospecting or mining:

The land within Reserve No 3228 (constituted under section 367 of the Act by an order published in Gazette No 141 of 17 November 1995 at page 7866), being land situated at Badgerys Creek and having an area of approximately 56.7 hectares.

- (2) A person who carries out any activity described in subclause (1) or (1A) must pay royalty to the Minister in respect of any publicly owned minerals recovered as a consequence of the carrying out of that activity.

## **Part 3 Authorities**

### **Division 1 Exploration licences**

#### **11 Applications: section 13**

- (1) For the purposes of section 13 (3) (a) of the Act, the prescribed manner for describing the land over which an exploration licence is sought is by means of:

- (a) except as provided by paragraph (b), the area, block and unit references identifying the land, as determined in accordance with Schedule 4, or
  - (b) in the case of an application for an exploration licence for a Group 9 mineral, a standard map showing the co-ordinates (either by reference to Map Grid of Australia co-ordinates or by reference to latitude and longitude determined by reference to the Geocentric Datum of Australia) of all points where there is a change in direction of the boundaries of the land.
- (2) The description of land must be accompanied by a diagram, of a size and quality appropriate for newspaper publication, indicating the general location of the land and its boundaries.
- (3) The requirements of this clause that an application be accompanied by a standard map or diagram are satisfied if the map or diagram (accompanied by particulars of the application to which it relates) is lodged, in the same manner as an application is lodged under clause 44, so as to be received by the Director-General, or other person nominated by the Director-General as referred to in clause 44 (2), within 10 working days after lodgment of the application.

#### **11A Applications for low-impact licences: section 32D**

- (1) A low-impact exploration licence is not to be granted during the period of 4 months following service of notice of the application for the licence on the representative bodies referred to in section 32D (1) (c) of the Act.
- (2) This clause extends to applications made, but not granted, before the commencement of this clause.

## **Division 2 Assessment leases**

#### **12 Applications: section 33**

- (1) For the purposes of section 33 (3) (a) of the Act, the prescribed manner for describing the land over which an assessment lease is sought is by means of:
- (a) except as provided by paragraph (b):
    - (i) a plan drawn in accordance with the statutory surveying requirements, or
    - (ii) a standard map showing the land to which the application relates by means of distinctive marking or colouring, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark, or
    - (iii) a plan (certified by a registered surveyor as being accurate) showing co-ordinate values at each point at which the boundaries of the land concerned change direction and indicating the land to which the application relates by

means of distinctive marking or colouring, or

(iv) the area, block and unit references identifying the land, as determined in accordance with Schedule 4, or

(b) in the case of an application for an assessment lease for coal, a standard map showing the co-ordinates (either by reference to Map Grid of Australia co-ordinates or by reference to latitude and longitude determined by reference to the Geocentric Datum of Australia) of all points where there is a change in direction of the boundaries of the land.

(2) The description of land must be accompanied by:

(a) a diagram, of a size and quality appropriate for newspaper publication, indicating the general location of the land and its boundaries, and

(b) a plan, prepared on the basis of the current land identification maps, showing all matters required by the relevant application form.

## **Division 3 Mining leases**

### **13 Applications: section 51**

(1) For the purposes of section 51 (3) (a) and (5) (a) of the Act, the prescribed manner for describing the land over which a mining lease is sought is by means of:

(a) except as provided by paragraph (b):

(i) a plan drawn in accordance with the statutory surveying requirements, or

(ii) a standard map showing the land to which the application relates by means of distinctive marking or colouring, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark, or

(iii) a plan (certified by a registered surveyor as being accurate) showing co-ordinate values at each point at which the boundaries of the land concerned change direction and indicating the land to which the application relates by means of distinctive marking or colouring, or

(b) in the case of an application for a mining lease for coal, a standard map showing the co-ordinates (either by reference to Map Grid of Australia co-ordinates or by reference to latitude and longitude determined by reference to the Geocentric Datum of Australia) of all points where there is a change in direction of the boundaries of the land.

(2) The description of land must be accompanied by:

(a) a diagram, of a size and quality appropriate for newspaper publication, indicating

the general location of the land and its boundaries, and

- (b) a plan, prepared on the basis of the current land identification maps, showing all matters required by the relevant application form.

#### **14 Aggregation of labour and expenditure conditions**

- (1) The Minister may, by order, declare that 2 or more mining leases are taken to be a single mining lease for the purpose of enabling the labour and expenditure conditions of those leases to be aggregated.
- (2) A declaration is subject to such conditions (if any) as the Minister thinks fit to impose.
- (3) The effect of a declaration is to allow the holder or holders of the mining leases concerned to comply with the labour and expenditure conditions of those leases, subject to any conditions on which the declaration is made, as if they were the conditions of a single mining lease over the whole of the land the subject of those mining leases.
- (4) For the purpose of calculating the application fee, any mining leases whose labour and expenditure conditions are currently aggregated as a result of a previous declaration are taken to be a single mining lease.
- (5) An order under this clause takes effect on the date on which written notice of the order is served on the holder or holders of the mining leases concerned or on such later date as may be specified in the notice.

### **Division 4 Consolidation of mining leases**

#### **15 Preparation of proposed lease: section 86**

For the purposes of section 86 (2) of the Act, the prescribed manner for describing the land over which a consolidated mining lease is proposed to be granted is by means of a compilation of the various plans relating to the leases to be consolidated.

### **Division 5 Renewal, transfer and cancellation of authorities**

#### **16 Applications: section 113**

- (1) For the purposes of section 113 (5) of the Act, the prescribed manner for describing the land over which the renewal of an authority is sought is by means of:
  - (a) if the renewal is sought in respect of the whole of the land to which the existing authority relates, a statement to that effect, or
  - (b) in any other case, a description, prepared in accordance with clause 11, 12 or 13, as the case requires, of the land over which the renewal is sought.
- (2) For the purposes of section 113 (6) of the Act, 5 is the maximum number of parts of

an exploration area over which an application for renewal of an exploration licence may be made.

**17 Transfers: section 120**

For the purposes of section 120 (2) (c) of the Act, the particulars to accompany an application are the particulars required by the approved form for such an application.

**18 Grounds of cancellation: section 125**

For the purposes of section 125 (2) (b) of the Act, the land to which a request for cancellation of an authority (in relation to part only of that land) relates must be identified in a manner that clearly indicates the extent of that land, for example:

- (a) by means of a plan drawn in accordance with the statutory surveying requirements, or
- (b) by means of a map on which the land is shown in some distinctive manner, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark.

**Division 6 Authorities generally**

**19 Records: section 159**

For the purposes of section 159 (2) of the Act, the records required to be kept:

- (a) must be kept in written form or by means of computer equipment, and
- (b) must contain the following particulars:
  - (i) the type of authority and the identifying number or code allocated to it,
  - (ii) the date on which the authority was first granted,
  - (iii) the name and address of each person who is a holder of the authority,
  - (iv) a description of the land over which the authority is in force,
  - (v) the mineral or minerals, or the group or groups of minerals, to which the authority relates,
  - (vi) the mining purpose or mining purposes to which the authority relates (in the case of a mining lease granted in respect of a mining purpose or mining purposes),
  - (vii) the period for which the authority is to have effect,
  - (viii) the current status of the authority (that is, “current”, “expired” or “cancelled”),
  - (ix) any interest registered under section 161 of the Act in relation to the authority.

## **20 Colliery holdings: section 163**

- (1) For the purposes of section 163 (1) of the Act, the register required to be kept must be kept in written form or by means of computer equipment.
- (2) For the purposes of section 163 (2) (b) of the Act, the register required to be kept must contain the following particulars for each colliery holding:
  - (a) the name of the colliery holding,
  - (b) the name and address of each person who is an owner of the colliery holding,
  - (c) a description of the land comprised in the colliery holding,
  - (d) the current status of the land (that is, “subject to mining lease” or “not subject to mining lease”).
- (3) For the purposes of section 163 (5) (b) of the Act, the prescribed particulars to accompany an application for registration of land as a colliery holding or as part of an existing colliery holding are the particulars required by the approved form for such an application.

## **21 Rights of way: section 164**

- (1) For the purposes of section 164 (1) of the Act, a right of way to which the holder of an authority is entitled under that section is to be marked out with:
  - (a) steel star pickets, or
  - (b) other posts having a diameter of at least 75 millimetres,along the route of the right of way.
- (2) The pickets or posts are to be fixed into the ground:
  - (a) at intervals of not more than 150 metres, and
  - (b) at each point where the route of the right of way changes direction,and must project at least one metre above the ground.
- (3) The holder of the authority who is entitled to the right of way must ensure that any such picket or post is properly maintained.

Maximum penalty: 20 penalty units.
- (4) For the purposes of section 164 (5) of the Act, the exercise of a right of way conferred by that section is subject to the following conditions:
  - (a) the holder of the authority who is entitled to the right of way is to pay to the the landholder such amount, by way of compensation, as a warden may determine,



(b) if the right of way passes over:

(i) any garden, orchard or land under cultivation, or

(ii) any land on which is situated any improvement, being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work or structure,

being land that was, when the right of way was marked out, land of that nature, the holder of the authority who is entitled to the right of way is not to exercise the right of way otherwise than in accordance with the consent of the the landholder.

(5) The amount determined for the purposes of subclause (4) (a) may be a fixed amount or an amount calculated at a fixed rate.

## **Part 4 Mineral claims**

### **22 Marking out of proposed claim area: section 176**

(1) For the purposes of section 176 (1) of the Act, a proposed claim is to be marked out with:

(a) steel star pickets, or

(b) other posts having a diameter of at least 75 millimetres,

along the boundaries of the proposed claim area.

(2) The pickets or posts are to be fixed into the ground at each point where the boundaries change direction and must project at least one metre above the ground.

(3) The boundaries of the proposed claim are to be indicated:

(a) by means of trenches at least 150 millimetres in depth, or

(b) if the cutting of trenches is impracticable, by means of stone walls at least 150 millimetres in height,

extending along the boundaries for a distance of at least one metre from each post or picket.

(4) There is to be attached to:

(a) the picket or post indicating the northernmost corner of the proposed claim, or

(b) if there are 2 or more such pickets or posts, the easternmost of them,

a board or plate (made of wood or metal) to which is fixed a notice of the proposed claim.

- (5) The notice is to contain the following particulars:
- (a) the words "MINERAL CLAIM" in block letters prominently displayed at the head of the notice,
  - (b) the dimensions of the land over which the proposed claim has been marked out,
  - (c) the date on which the proposed claim was marked out,
  - (d) the name and address of the applicant for the proposed claim.
- (6) As soon as practicable after a mineral claim is granted, the holder of the claim must include the following particulars on the notice:
- (a) the date on which the claim was granted,
  - (b) the number of the claim.
- (7) The requirements of subclause (6) are satisfied if the holder of the claim replaces the notice with a new notice containing the particulars required by subclauses (5) and (6).
- (8) The applicant for a mineral claim must ensure that any such picket or post, and any such notice, is properly maintained until the application is determined and, if the claim is granted, while the claim is in force.
- Maximum penalty: 20 penalty units.
- (9) For the purposes of section 176 (2) of the Act:
- (a) the area marked out for a proposed mineral claim must, as far as practicable, be square or rectangular in shape, and
  - (b) no side of the area may exceed 200 metres in length.

### **23 Notice of intention to apply for mineral claim: section 177**

For the purposes of section 177 (2) of the Act, the land to which an application for a mineral claim relates must be identified in a manner that clearly indicates the extent of that land, for example:

- (a) by means of a plan drawn in accordance with the statutory surveying requirements, or
- (b) by means of a map on which the land is shown in some distinctive manner, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark.

### **24 Application for granting of mineral claim: section 178**

For the purposes of section 178 (2) (a) of the Act, the land to which an application for a mineral claim relates must be identified in a manner that clearly indicates the extent of

that land, for example:

- (a) by means of a plan drawn in accordance with the statutory surveying requirements, or
- (b) by means of a map on which the land is shown in some distinctive manner, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark.

**25 Power of mining registrar in relation to applications: section 190**

- (1) For the purposes of section 190 (4) (b) of the Act, the security to be lodged with the mining registrar:
  - (a) must be:
    - (i) in the form of cash, or
    - (ii) in the form of a security instrument of a kind approved by the Minister, being an instrument issued by an authorised deposit-taking institution, or
    - (iii) in such other form as the Director-General may approve, and
  - (b) must be of such amount as the Director-General may determine.
- (2) For the purposes of section 190 (6) of the Act, the prescribed manner of determining the order in which simultaneous applications for mineral claims are to be dealt with is for the mining registrar to conduct a ballot in accordance with the following provisions:
  - (a) the names of each of the applicants are to be written on separate tickets, each of the same size and shape,
  - (b) the tickets are to be placed in a box or other receptacle and thoroughly mixed,
  - (c) the mining registrar is then, without looking, to select each of the tickets, one by one, from the box or receptacle.
- (3) The ballot is to be conducted in the presence of such of the applicants as wish to be present.
- (4) The applications are to be dealt with in the order in which the tickets bearing the applicants' names are drawn from the box or receptacle.

**26 Conditions of mineral claim: section 192**

For the purposes of section 192 (1) (b) of the Act, the conditions to which a mineral claim referred to in that paragraph is to be subject:

- (a) must include:
  - (i) such conditions as to mining safety as the chief inspector of mines may require, and

(ii) such conditions as the Director-General may require, and

(iii) in the case of land within an exempted area, such conditions as the controlling body for the area may require, and

(b) must not, except to the extent required by paragraph (a), include conditions other than those approved by the Director-General.

## **27 Determination of application for renewal: section 198**

For the purposes of section 198 (3) (b) of the Act, the conditions to which a renewed mineral claim is to be subject:

(a) must include:

(i) such conditions as to mining safety as the chief inspector of mines may require, and

(ii) such conditions as the Director-General may require, and

(iii) in the case of land within an exempted area, such conditions as the controlling body for the area may require, and

(b) must not, except to the extent required by paragraph (a), include conditions other than those approved by the Director-General.

## **28 Determination of application for transfer: section 201**

For the purposes of section 201 (3) (b) of the Act, the conditions to which a transferred mineral claim is to be subject:

(a) must include:

(i) such conditions as to mining safety as the chief inspector of mines may require, and

(ii) such conditions as the Director-General may require, and

(iii) in the case of land within an exempted area, such conditions as the controlling body for the area may require, and

(b) must not, except to the extent required by paragraph (a), include conditions other than those approved by the Director-General.

## **29 Grounds of cancellation: section 203**

For the purposes of section 203 (2) (b) of the Act, the land to which a request for cancellation of a mineral claim (in relation to part only of that land) relates must be identified in a manner that clearly indicates the extent of that land, for example:

- (a) by means of a plan drawn in accordance with the statutory surveying requirements, or
- (b) by means of a map on which the land is shown in some distinctive manner, indicating the distance and bearing of each side of the area and a connection, by distance and bearing, to a survey mark.

### **30 Mining registrar to keep records**

- (1) A mining registrar is to keep a record of:
  - (a) every application for a mineral claim that is received by the mining registrar, and
  - (b) every mineral claim granted, renewed, transferred or cancelled by the mining registrar.
- (2) Such a record must be kept in written form or by means of computer equipment and must contain the particulars required by the Director-General.
- (3) The record must be kept available at the mining registrar's office for inspection, free of charge, by members of the public.

### **31 Rights of way: section 211**

- (1) For the purposes of section 211 (1) of the Act, a right of way to which the holder of a mineral claim is entitled under that section is to be marked out with:
  - (a) steel star pickets, or
  - (b) other posts having a diameter of at least 75 millimetres, along the route of the right of way.
- (2) The pickets or posts are to be fixed into the ground:
  - (a) at intervals of not more than 150 metres, and
  - (b) at each point where the route of the right of way changes direction, and must project at least one metre above the ground.
- (3) The holder of the mineral claim who is entitled to the right of way must ensure that any such picket or post is properly maintained.

Maximum penalty: 20 penalty units.

- (4) For the purposes of section 211 (5) of the Act, the exercise of a right of way conferred by that section is subject to the following conditions:
  - (a) the holder of the mineral claim who is entitled to the right of way is to pay to the landholder such amount, by way of compensation, as a warden may determine,

(b) if the right of way passes over:

(i) any garden, orchard or land under cultivation, or

(ii) any land on which is situated any improvement, being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work or structure,

being land that was, when the right of way was marked out, land of that nature, the holder of the mineral claim who is entitled to the right of way is not to exercise the right of way otherwise than in accordance with the consent of the landholder.

(5) The amount determined for the purposes of subclause (4) (a) may be a fixed amount or an amount calculated at a fixed rate.

### **31A Compensation arising under mineral claim**

For the purposes of section 266 (4) (c) of the Act, the prescribed amount is \$10.

## **Part 5 Opal prospecting licences**

### **32 Objections: section 222**

For the purposes of section 222 (1) (b) of the Act, the prescribed grounds of objection to the constitution of land as an opal prospecting area, or to the addition of the land to an existing opal prospecting area, are as follows:

(a) that the land to which the objection relates is a garden or orchard or is within 50 metres of a garden or orchard,

(b) that on the land, or within 200 metres of the land, there is a dwelling-house or a woolshed or shearing shed,

(c) that the land is, or is within 200 metres of, a watering place,

(d) that on the land, or within 50 metres of the land, there is an improvement (being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work or structure) other than an improvement constructed or used for mining purposes and for no other purposes.

### **33 (Repealed)**

### **34 Applications: section 226**

(1) For the purposes of section 226 (3) of the Act, the prescribed manner of determining the order in which simultaneous applications for opal prospecting licences are to be dealt with is for the mining registrar to conduct a ballot in accordance with the following provisions:

- (a) the names of each of the applicants are to be written on separate tickets, each of the same size and shape,
  - (b) the tickets are to be placed in a box or other receptacle and thoroughly mixed,
  - (c) the mining registrar is then, without looking, to select each of the tickets, one by one, from the box or receptacle.
- (2) The ballot is to be conducted in the presence of such of the applicants as wish to be present.
- (3) The applications are to be dealt with in the order in which the tickets bearing the applicants' names are drawn from the box or receptacle.

**34A Compensation arising under opal prospecting licence**

For the purposes of section 267 (4) (c) of the Act, the prescribed amount is \$10.

**34B Securities to be lodged: section 228**

For the purposes of section 228 (4) of the Act, the security to be lodged with the mining registrar:

- (a) must be:
  - (i) in the form of cash, or
  - (ii) in the form of a security instrument of a kind approved by the Minister, being an instrument issued by an authorised deposit-taking institution, or
  - (iii) in such other form as the Director-General may approve, and
- (b) must be of such amount as the Director-General may determine.

**Part 6 Powers of entry**

**35 Certificates of authority: section 248**

For the purposes of section 248 (2) of the Act:

- (a) an inspector's certificate of authority is to be in Form 1, and
- (b) a royalty officer's certificate of authority is to be in Form 1A.

**36 Form of permit: section 260**

For the purposes of section 260 of the Act, a permit is to be in Form 2.

## Part 7 Compensation

### 37 Compensation arising under mining lease: section 265

For the purposes of section 265 (3) of the Act, the prescribed period is the period of 28 days beginning on the date on which the mining lease takes effect.

### 38 Assessment of compensation: section 272

For the purposes of section 272 (a) of the Act, the prescribed manner of assessing compensation is by making an assessment that has regard to the following factors:

- (a) the nature, quality, area and particular characteristics of the land concerned,
- (b) the proximity of the land to any building, structure, road, track or other facility,
- (c) the purpose for which the land is normally used.

## Part 8 Royalty

### 39 Rate of royalty: section 283

- (1) For the purposes of section 283 (1) (a) of the Act:
  - (a) the base rate of royalty payable in respect of a mineral specified in Schedule 5 is the rate per tonne so specified of the quantity of mineral recovered, and
  - (b) the base rate of royalty payable in respect of any other mineral is 4 per cent of the value of mineral recovered.
- (2) For the purposes of section 283 (1) (b) of the Act, the additional rate of royalty payable in respect of coal recovered pursuant to a lease that contains a condition requiring the payment of additional royalty in accordance with this clause is 50 cents per tonne.
- (3) For the purposes of section 283 (4) of the Act, the quantity of minerals (other than coal) recovered during any particular period is to be calculated in accordance with the following formula:

$$R = D + S_2 - S_1$$

where:

- (a) **R** represents the quantity of minerals recovered by the holder of the mining lease during that period,
- (b) **D** represents the quantity of minerals disposed of by the holder of the mining lease during that period as determined by the Minister, having regard to any records kept by the holder of the mining lease,



- (c) **S<sub>1</sub>** represents the quantity of minerals held (in the form in which they are disposed of) by the holder of the mining lease at the beginning of that period as determined by the Minister, having regard to any records kept by the holder of the mining lease,
  - (d) **S<sub>2</sub>** represents the quantity of minerals held (in the form in which they are disposed of) by the holder of the mining lease at the end of that period as determined by the Minister, having regard to any records kept by the holder of the mining lease.
- (4) For the purposes of section 283 (4) of the Act, the quantity of coal recovered during any particular period is the quantity of coal disposed of by the holder of the mining lease during that period, as determined by the Minister on the basis of the records kept by the holder of the mining lease.
- (5) In calculating the quantity of coal disposed of, the residual quantity of any water used in the mining or washing of the coal (as determined in accordance with guidelines issued by the Director-General) is to be disregarded.

#### **40 Returns: section 289**

- (1) For the purposes of section 289 (1) of the Act:
- (a) royalty returns must be in a form that shows:
    - (i) in the case of a mineral specified in Schedule 5, the quantity of the mineral recovered by the holder of the mining lease during the period to which the return relates, and
    - (ii) in the case of any other mineral, the value of the mineral recovered by the holder of the mining lease during the period to which the return relates, and
  - (b) royalty returns must be furnished:
    - (i) at the time at which royalty is payable, in the case of minerals other than coal, and
    - (ii) monthly, and in any case not later than the 21st day of the following month, in the case of coal.
- (2) The holder of a mining lease must keep records of all minerals recovered under the lease, including:
- (a) records of the quantity of minerals recovered during each return period, and
  - (b) records of the quantity of minerals disposed of, whether by sale or otherwise, during each return period, and
  - (c) records of the quantity of minerals held (in the form in which they are disposed of)

by the holder of the mining lease at the beginning and at the end of that period,  
and

- (d) records of all royalty that became payable during each return period in connection with the disposal of minerals.

Maximum penalty:

- (a) 100 penalty units, in the case of an offence committed by a corporation, or
- (b) 50 penalty units, in the case of an offence committed by an individual.

#### **41 Payment of royalty: section 291**

- (1) This clause prescribes the times at which, and the periods in respect of which, royalty is payable to the Minister under the Act, except to the extent that a determination under section 291 (1) (b) of the Act is in force.
- (2) In the case of minerals other than coal, royalty is payable on or before 31 July in each year in respect of the period of 12 months ending on the last preceding 30 June, unless subclause (3) applies.
- (3) In the case of a person by whom, in respect of the last preceding period of 12 months that ended on 30 June, an amount of royalty greater than \$50,000 was payable in respect of minerals (other than coal), royalty on minerals (other than coal) recovered during the succeeding period of 12 months is payable:
  - (a) on or before 31 October, in respect of the period of 3 months ending on 30 September, and
  - (b) on or before 31 January, in respect of the period of 3 months ending on 31 December, and
  - (c) on or before 30 April, in respect of the period of 3 months ending on 31 March, and
  - (d) on or before 31 July, in respect of the period of 3 months ending on 30 June.
- (4) In the case of coal, royalty is payable within 21 days after the beginning of each month.

## **Part 9 Miscellaneous**

#### **42 Fees for services**

- (1) The Director-General may determine the fee payable for any service provided in connection with the administration or execution of the Act for which a fee is not prescribed by this Regulation.

- (2) An appropriate lodgment fee is payable with respect to the following matters:
- (a) an application for the amendment of a mining lease under section 79 of the Act,
  - (b) an application under section 168 of the Act for the suspension of any of the conditions of an authority,
  - (c) an application for a certificate under section 172 of the Act,
  - (d) an application under section 215 of the Act for the suspension of any of the conditions of a mineral claim,
  - (e) an application for a certificate under section 219 of the Act,
  - (f) an application for a certificate under section 236 of the Act,
  - (g) an application for a permit under section 252 of the Act,
  - (h) an application for a permit under section 254 of the Act,
  - (i) an objection under clause 26 of Schedule 1 to the Act,
  - (j) an application for a declaration under clause 14,
  - (k) an application for registration of a change in the name of the holder of an authority,
  - (l) an application for registration of a change in the name of the holder of a mineral claim.

#### **43 Waiver and refund of fees**

The Minister may waive or refund any fees payable under the Act or this Regulation in such circumstances as the Minister may consider appropriate.

#### **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.
- (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.

#### **45 Notification of owners and occupiers of certain land: Schedule 1, clause 21**

For the purposes of clause 21 (4) (b) of Schedule 1 to the Act, the prescribed manner for describing the land over which a mining lease is sought is by means of a plan or map prepared in accordance with clause 13.

#### **46 Mining statistics, returns**

- (1) The Director-General may direct the holder of an authority:
  - (a) to keep such statistics in relation to the conduct of prospecting operations and mining operations, and to the treatment and disposal of minerals recovered, under the authority, and
  - (b) to furnish to the Director-General such returns in connection with those statistics, as the Director-General may reasonably require in connection with the administration of the Act.
- (2) Any statistics required to be kept are to be kept in such form as the Director-General may determine.
- (3) Any returns required to be furnished are to be furnished at such times and in respect of such periods as the Director-General may determine.
- (4) The holder of an authority must not fail to comply with a direction under this clause or, in purported compliance with a direction under this clause, furnish false or misleading information.

Maximum penalty (subclause (4)):

- (a) 100 penalty units, in the case of an offence committed by a corporation, or
- (b) 50 penalty units, in the case of an offence committed by an individual.

#### **47 Repeal**

- (1) The *Mining (General) Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Mining (General) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

#### **48 Service of documents on the Crown: section 383**

For the purposes of section 383 (6) of the Act, the prescribed manner of service is by sending the document to the head office or regional office of the Government Department or public authority responsible for administration of the land.

#### **49 Penalty notices for contraventions of conditions of mining title: section 375A**

- (1) For the purposes of section 375A (2) of the Act, the prescribed penalty for an offence under section 374A of the Act that consists of a contravention of or failure to comply with a condition described in Column 2 of Schedule 7 in respect of a mining title referred to in Column 1 of that Schedule is:

- (a) in the case of a penalty payable by an individual, the penalty specified in Column 4 of that Schedule opposite the description of the condition, and
  - (b) in the case of a penalty payable by a corporation, the penalty specified in Column 5 of that Schedule opposite the description of the condition.
- (2) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence under section 374A of the Act that consists of a contravention of or failure to comply with a condition described in Column 2 of Schedule 7 in respect of a mining title referred to in Column 1 of that Schedule is:
- (a) the expression specified in Column 3 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

#### **49A References to officers in mining titles**

Pursuant to section 390 of the Act, a reference in any authority, mineral claim or opal prospecting licence to any of the following officers is, for the purpose of the performance of a function involving rehabilitation or environmental requirements, taken to be a reference to the Minister:

Chief Inspector of Mines,  
Chief Inspector of Coal Mines,  
Senior Inspector of Mines,  
Regional Inspector of Mines,  
District Inspector of Mines,  
Mining Occupations Officer,  
Regional Mining Officer,  
Mine Safety Officer,  
Regional Mining Engineer,  
Mining Registrar,  
Opal Field Management Officer.

#### **50 Savings**

A reference in an exploration licence, mining lease or mineral claim (as in force on 1 July 2001):

- (a) to a mineral specified in Column 1 of the Table to this clause is, on and from that date, taken to include a reference to the mineral specified opposite in Column 2, and
- (b) to group 1 minerals specified in Schedule 2 is, on and from that date, taken to include a reference to group 10 minerals specified in that Schedule, and
- (c) to group 4 minerals specified in Schedule 2 is, on and from that date, taken to include a reference to group 2 minerals specified in that Schedule.

<b>Column 1</b>	<b>Column 2</b>
barytes	barite
bentonite fuller's earth	bentonite (including fuller's earth)
beryllium and its ores	beryllium minerals
bloating clay brick clay pipeclay	structural clay
clay shale	structural clay clay/shale
diatomaceous earth	diatomite
feldspar	feldspathic materials
fire clay pottery clay	kaolin
fluorspar	fluorite
geothermal substances	geothermal substances (including hot dry rock)
granite slate syenite	dimension stone
iron iron ore ironstone oxide of iron laterite	iron minerals
platinoid minerals	platinum group minerals

## **Schedule 1 Minerals**

(Clause 4)



agate	marine aggregate
agricultural lime	mercury
antimony	mica
apatite	mineral pigments
arsenic	molybdenite
asbestos	monazite
barite	nephrite
bauxite	nickel
bentonite (including fuller's earth)	niobium
beryllium minerals	oil shale
bismuth	olivine
borates	opal
cadmium	ores of silicon
caesium	peat
calcite	perlite
chalcedony	phosphates
chert	platinum group minerals
chlorite	platinum
chromite	potassium minerals
clay/shale	potassium salts
coal	pyrophyllite
cobalt	quartz crystal
columbium	quartzite
copper	rare earth minerals
corundum	reef quartz
cryolite	rhodonite
diamond	rubidium
diatomite	ruby
dimension stone	rutile
dolomite	sapphire
emerald	scandium and its ores
emery	selenium
feldspathic materials	serpentine
fluorite	sillimanite-group minerals
galena	silver
garnet	sodium salts
geothermal substances	staurolite
germanium	strontium minerals
gold	structural clay
graphite	sulphur
gypsum	talc
halite (including solar salt)	tantalum
ilmenite	thorium
indium	tin
iron minerals	topaz
jade	tourmaline
kaolin	tungsten and its ores
lead	turquoise
leucoxene	vanadium
limestone	vermiculite
lithium	wollastonite
magnesite	zeolites
magnesium salts	zinc

manganese  
marble

zircon  
zirconia

## Schedule 2 Groups of minerals

(Clause 5)

### Group 1 (Metallic minerals)

antimony  
arsenic  
bismuth  
cadmium  
caesium  
chromite  
cobalt  
columbium  
copper  
galena  
germanium  
gold  
indium  
iron minerals  
lead  
lithium  
manganese  
mercury

molybdenite  
nickel  
niobium  
platinum group minerals  
platinum  
rare earth minerals  
rubidium  
scandium and its ores  
selenium  
silver  
sulphur  
tantalum  
thorium  
tin  
tungsten and its ores  
vanadium  
zinc  
zirconia

**Group 2 (Non-metallic minerals)**

agricultural lime	magnesium salts
apatite	marble
asbestos	mica
barite	mineral pigments
bauxite	olivine
beryllium minerals	ores of silicon
borates	peat
calcite	perlite
chert	phosphates
chlorite	potassium minerals
cryolite	potassium salts
diatomite	pyrophyllite
dimension stone	quartzite
dolomite	reef quartz
emerald	serpentine
emery	sillimanite-group minerals
feldspathic materials	sodium salts
fluorite	staurolite
garnet	strontium minerals
graphite	talc
gypsum	topaz
halite (including solar salt)	vermiculite
limestone	wollastonite
magnesite	zeolites

**Group 3 (Semi-precious stones)**

agate	quartz crystal
chalcedony	rhodonite
jade	tourmaline
nephrite	turquoise

**Group 4 (Marine aggregate)**

marine aggregate

**Group 5 (Clay minerals)**

bentonite (including fuller's earth)	kaolin
clay/shale	structural clay

**Group 6 (Diamond, corundum, ruby and sapphire)**

corundum	ruby
diamond	sapphire

**Group 7 (Opal)**

opal

**Group 8 (Geothermal substances)**

geothermal substances

**Group 9 (Coal and oil shale)**

coal

oil shale

**Group 10 (Mineral sands)**

ilmenite

leucoxene

monazite

rutile

zircon

**Schedule 3 Conditions for prospecting for and mining privately owned minerals**

(Clause 9)

**1 Maximum area over which operations may be conducted**

- (1) The maximum area over which prospecting operations or mining operations may be conducted at any one time is the area determined by the Minister and notified to the person conducting the operations.
- (2) Prospecting operations or mining operations are taken to continue to be carried on until any rehabilitation work required to be carried out (whether by this Schedule or otherwise) has been completed.

**2 Safety**

- (1) Prospecting operations and mining operations are not to be carried out in a manner that endangers the safety of any persons or any stock in the vicinity of the location of the operations.
- (2) In particular, all shafts and excavations are to be appropriately protected to ensure that access to them by persons and stock is restricted.
- (3) Abandoned shafts and excavations are to be filled in or otherwise rendered safe.

**3 Restoration of land that has been drilled**

Any drillhole is to be filled or plugged as soon as it ceases to be used and the land in its immediate vicinity is to be left in a clean and tidy condition.

**4 Topsoil and vegetation**

- (1) Any topsoil that is removed in the course of prospecting operations and mining operations is to be set aside for replacement when the operations have come to an end.

- (2) Other soil, rock and tailings are to be used to fill abandoned shafts and excavations and to be covered by topsoil.
- (3) The land over which the prospecting operations or mining operations have been carried on:
  - (a) is to be appropriately landscaped to ensure that the land is properly drained and protected from soil erosion, and
  - (b) is to be planted with vegetation appropriate to the area.

## **5 Soil erosion**

- (1) Prospecting operations and mining operations are to be carried on in such a manner as to avoid soil erosion.
- (2) Particular regard is to be given to preventing water run-off from causing or contributing to soil erosion.

## **6 Water pollution**

Prospecting operations and mining operations are to be carried out in a manner that avoids the pollution of water or the siltation of any watercourse.

## **7 Protection of fisheries**

Prospecting operations and mining operations are not to be carried out in or adjacent to any waters that are closed to fishing pursuant to the [Fisheries Management Act 1994](#) unless at least 7 days' notice of the commencement of those operations have been given to the Director of NSW Fisheries.

## **8 Security for rehabilitation**

- (1) If it appears to the Minister that any security lodged by a miner or prospector under section 8 (1) (b) of the Act is inadequate to secure observance of the conditions prescribed by clauses 2, 3 and 4, the Minister may, by notice in writing, require the miner or prospector to give and maintain further security for compliance with those conditions.
- (2) A security lodged under section 8 (1) (b) of the Act or given under this clause may be retained by the Minister until the Minister is satisfied that the conditions prescribed by clauses 2, 3 and 4 have been observed.
- (3) Such part of any such security as the Minister may determine is to be forfeited to the Crown if the miner or prospector fails to observe any of the conditions prescribed by clauses 2, 3 and 4.
- (4) Money realised from the forfeiture of any such security is to be applied for the purpose of rehabilitating the land affected by prospecting or mining operations.

- (5) The functions of the Minister under this clause may be exercised with or without the benefit of a finding by a court or tribunal that the miner or prospector has failed to observe any of the conditions prescribed by clauses 2, 3 and 4.

## **Schedule 4 Land identification**

(Clauses 11, 12)

### **1 Areas**

The area of land over which an exploration licence or assessment lease, or a renewal of such a licence or lease, is sought is to be identified in relation to the following 1:1,000,000 areas within which it is situated:

- (a) the Broken Hill 1:1,000,000 area, being that area bounded by portions of meridians of longitude 138 degrees east and 144 degrees east, and by portions of parallels of latitude 28 degrees south and 32 degrees south,
- (b) the Bourke 1:1,000,000 area, being that area bounded by portions of meridians of longitude 144 degrees east and 150 degrees east, and by portions of parallels of latitude 28 degrees south and 32 degrees south,
- (c) the Armidale 1:1,000,000 area, being that area bounded by portions of meridians of longitude 150 degrees east and 156 degrees east, and by portions of parallels of latitude 28 degrees south and 32 degrees south,
- (d) the Adelaide 1:1,000,000 area, being that area bounded by portions of meridians of longitude 138 degrees east and 144 degrees east, and by portions of parallels of latitude 32 degrees south and 36 degrees south,
- (e) the Canberra 1:1,000,000 area, being that area bounded by portions of meridians of longitude 144 degrees east and 150 degrees east, and by portions of parallels of latitude 32 degrees south and 36 degrees south,
- (f) the Sydney 1:1,000,000 area, being that area bounded by portions of meridians of longitude 150 degrees east and 156 degrees east, and by portions of parallels of latitude 32 degrees south and 36 degrees south,
- (g) the Melbourne 1:1,000,000 area, being that area bounded by portions of meridians of longitude 144 degrees east and 150 degrees east, and by portions of parallels of latitude 36 degrees south and 40 degrees south,
- (h) the Bodalla 1:1,000,000 area, being that area bounded by portions of meridians of longitude 150 degrees east and 156 degrees east, and by portions of parallels of latitude 36 degrees south and 40 degrees south.

## 2 Blocks

The blocks in each 1:1,000,000 area are to be identified by numbering consecutively from west to east, commencing with 1 in the northwestern corner, and concluding with 3456 in the southeastern corner, of the 1:1,000,000 area.

## 3 Units

The units in each block are to be identified, from west to east, by letters commencing with "a" in the northwestern corner of the block, omitting the letter "i", and finishing with "z" in the southeastern corner of the block.

## Schedule 5 Rate of royalty

(Clause 39)

<b>Mineral</b>	<b>\$ per tonne</b>
agricultural lime	\$0.35
barite	\$0.70
bauxite	\$0.35
bentonite (including fuller's earth)	\$0.70
borates	\$0.70
calcite	\$0.40
chert	\$0.35
chlorite	\$0.70
clay/shale	\$0.35
coal	\$1.70
diatomite	\$0.70
dimension stone	\$0.70
dolomite	\$0.40
feldspathic materials	\$0.70
fluorite	\$0.70
gypsum	\$0.35
halite (including solar salt)	\$0.40
kaolin	\$0.70
limestone	\$0.40
magnesite	\$0.70

magnesium salts	\$0.40
marble	\$0.70
mica	\$0.70
mineral pigments	\$0.70
olivine	\$0.70
peat	\$0.70
perlite	\$0.70
phosphates	\$0.70
potassium minerals	\$0.70
potassium salts	\$0.40
pyrophyllite	\$0.70
quartzite	\$0.70
reef quartz	\$0.70
serpentine	\$0.70
sillimanite-group minerals	\$0.70
sodium salts	\$0.40
staurolite	\$0.70
structural clay	\$0.35
talc	\$0.70
vermiculite	\$0.70
wollastonite	\$0.70
zeolites	\$0.70

## Schedule 6 Forms

(Clause 3)

### Form 1 Certificate of authority

(Clause 35)

(Mining Act 1992)

This certifies that .....,

*(insert name of inspector)*

whose photograph and signature appear below, is an inspector appointed under the *Mining Act 1992*.

\_\_\_\_\_



<i>(affix photograph here)</i>	..... <i>(signature of inspector)</i>
	..... <i>(Minister for Mineral Resources)</i>

The inspector named above is authorised to exercise the following powers:

- (a) the power to enter land the subject of an authority or a mineral claim, or the subject of an application for an authority or a mineral claim, and land in an opal prospecting area,
- (b) the power to inspect that land and any mine, works, operations, buildings or structures on that land,
- (c) the power to remove samples of ore or other mineral deposits from that land,
- (d) the power to direct the person in charge of any mine, works, operations, buildings or structures on that land to provide the inspector with all reasonable facilities and assistance.

**Form 1A Certificate of authority**

(Clause 35)

[\(Mining Act 1992\)](#)

This certifies that .....,

*(insert name of royalty officer)*

whose photograph and signature appear below, is a royalty officer appointed under the [Mining Act 1992](#).

<i>(affix photograph here)</i>	..... <i>(signature of royalty officer)</i>
	..... <i>(Minister for Mineral Resources)</i>

The royalty officer named above is authorised to exercise the following powers:

- (a) the power to enter:
  - (i) any premises occupied by the holder of an authority or mineral claim, or
  - (ii) any premises where the royalty officer reasonably believes documents, of the kind referred to in paragraph (b), of or relating to the holder are kept,
- (b) the power to inspect, and take extracts or copies from, any documents that are found on those premises and that appear to the royalty officer to relate to minerals recovered under the authority or mineral claim,
- (c) the power to direct the person in charge of any such premises to provide the royalty officer with all reasonable facilities and assistance.

**Form 2 Permit**

(Clause 36)

[\(Mining Act 1992\)](#)

This certifies that .....,

*(insert name of holder of permit)*

whose signature appears below, is authorised to exercise the powers conferred by section ..... of the [Mining Act](#)

1992.

.....(Signature of holder of permit)

That section confers the following powers on the holder of a permit:

.....  
 .....

This permit is granted in respect of the following land:

.....  
 .....

This permit is granted subject to the following conditions:

.....  
 .....

This permit has effect for the period commencing on the ..... day of ..... 19..... and ending on the ..... day of ..... 19.....

Dated:

.....(Minister/warden/mining registrar)

### Schedule 7 Penalty notice offences

(Clause 49)

<b>Column 1 Type of mining title</b>	<b>Column 2 Nature of condition</b>	<b>Column 3 Short description of contravention or failure to comply</b>	<b>Column 4 Penalty for individual's contravention or failure to comply</b>	<b>Column 5 Penalty for corporation's contravention or failure to comply</b>
Mineral claim	Requirement to maintain marks defining area of claim	Not maintain area marks	\$550	\$550
Mineral claim	Prohibition on keeping more than one dog on claim	Keep more than one dog on claim	\$550	\$550
Mineral claim	Requirement to comply with direction given by Mining Registrar, Inspector of Mines, Mine Safety Officer or Environmental Officer	Not comply with direction of Registrar/ Inspector/Officer	\$2,200	\$2,200

Mineral claim	Requirement to dispose of soil, rock and tailings in accordance with Opal Field Management Plan or as directed	Disposal not in accordance with plan/ direction	\$2,200	\$2,200
Mineral claim	Requirement to maintain claim in clean and tidy condition	Claim not clean/tidy	\$2,200	\$2,200
Mineral claim	Prohibition on erection of unauthorised structures	Unauthorised structure	\$5,500	\$5,500
Mineral claim	Requirement to ensure operations are conducted so as to provide safety to persons and stock	Unsafe operations	\$5,500	\$5,500
Mineral claim	Requirement to fill in or make safe shafts and excavations	Unsafe shaft/ excavation	\$5,500	\$5,500
Exploration licence or assessment lease	Requirement to lodge report of exploration activity	Not report exploration	\$2,750	\$5,500
Exploration licence or assessment lease	Requirement to leave exploration site in clean and tidy condition	Site not clean/tidy	\$2,750	\$5,500
Exploration licence or assessment lease	Requirement to make safe any drillholes or other excavations	Unsafe excavation	\$2,750	\$5,500
Exploration licence or assessment lease	Requirement to comply with direction given by Inspector or Environmental Officer	Not comply with direction of Inspector/ Officer	\$5,500	\$5,500

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Mining lease	Requirement to prevent slurry or silt flowing outside lease boundary	Not contain slurry/silt	\$5,500	\$5,500
Mining lease	Requirement to lodge report	Not report	\$2,750	\$5,500
Mining lease	Requirement to comply with direction given by Inspector or Environmental Officer	Not comply with direction of Inspector/ Officer	\$5,500	\$5,500
Mining lease	Prohibition on erection of unauthorised structures	Unauthorised structure	\$5,500	\$5,500
Mining lease	Requirement to ensure operations are conducted so as to provide safety to persons and stock	Unsafe operations	\$5,500	\$5,500
Mining lease	Requirement to fill in or make safe shafts and excavations	Unsafe shaft/ excavation	\$5,500	\$5,500
Mining lease	Requirement to maintain lease area in clean and tidy condition	Area not clean/tidy	\$5,500	\$5,500
Mining lease	Requirement to mine in accordance with mining operations plan	Not mine in accordance with plan	\$5,500	\$5,500