



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 1 August 2008 as the day on which the following provisions of that Act commence:

- (a) the long title and sections 1–6,
- (b) Schedule 1 [16], [20], [28], [32], [35], [37], [42], [51], [54], [57], [62] and [68],
- (c) so much of Schedule 1 [69] as substitutes section 73 (2) and inserts section 73 (9),
- (d) Schedule 1 [71], [78], [81], [96], [97], [98], [101], [116], [117], [118], [121], [122], [134], [138], [141], [142], [147], [148], [149], [172], [174], [175], [177] and [178],
- (e) so much of Schedule 1 [179] as substitutes section 217,
- (f) Schedule 1 [182], [188], [196], [197], [199], [200], [202], [203], [222], [237], [238], [244], [246] and [247],
- (g) so much of Schedule 1 [248] as substitutes section 296 (v) and inserts section 296 (y),
- (h) Schedule 1 [249], [252], [255], [256], [260], [261], [262], [265], [266], [268] and [269],
- (i) so much of Schedule 1 [273] as inserts into Schedule 6 the Part heading and the clauses entitled “Definition”, “Existing disputes subject to a warden’s inquiry” and “Limitation of challenges to decisions with respect to authorities and opal prospecting licences”,
- (j) Schedule 1 [277], [278] and [280],

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Explanatory note

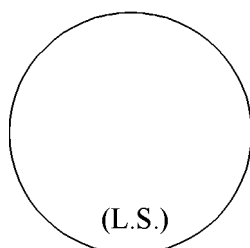
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(k) so much of Schedule 1 [285] as inserts the definitions of *environment protection legislation, land, related corporation* and *reserved land*,

(l) Schedule 2.2 [2], Schedule 2.5, Schedule 2.6 and Schedule 2.8 [1].

Signed and sealed at Sydney, this 30th day of July 2008.

By His Excellency's Command,



IAN MACDONALD, M.L.C.,

Minister for Mineral Resources

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the machinery provisions of the *Mining Amendment Act 2008* and other provisions of that Act, including provisions making the following amendments:

- (a) to remove the requirement for an existing prior applicant for an exploration licence to consent to the grant of an exploration licence, if the application does not relate to a group of minerals covered by the licence to be granted and to make similar changes in relation to assessment leases, mining leases and mineral claims,
- (b) to make it clear that an exploration licence may be granted for all or part of the land the subject of the application for the licence and to make similar changes in relation to mining leases and mineral claims,
- (c) to clarify that a holder of an exploration licence, or a related corporation, that is the owner of a dwelling-house, garden or improvement on land on which rights under an exploration licence are exercised is not required to consent to the exercise of those rights and to make similar changes with respect to assessment leases and mineral claims,
- (d) to enable wardens, rather than inspectors, to investigate and report on objections by holders of existing exploration licences to applications for assessment leases over the same land and to make similar changes in relation to applications for mining leases and mineral claims,
- (e) to extend the limitation on challenges with respect to authorities to challenges on refusals of applications and notices of withdrawal of an application for an authority and to make a similar change in relation to refusals and withdrawals of applications for mineral claims,
- (f) to make it an offence to fail to provide substantial gates or grids at the intersection of fences with a right of way of a holder of an exploration licence, assessment lease or mining lease or to fail to provide rabbit-proof, marsupial-proof or dog-proof gates for any such fences and to make similar changes in relation to the holders of mineral claims and opal prospecting licences,

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- (g) to confer on a Warden's Court, rather than a warden and the Minister, jurisdiction to determine disputes between the holder of an authority and a landholder regarding the landholder's access to water and to make a similar change in relation to land subject to a mineral claim,
- (h) to confer on a Warden's Court, rather than a warden and the Minister, jurisdiction relating to a dispute between the holders of 2 or more authorities concerning rights in relation to land or minerals,
- (i) to make it clear that all activities authorised by section 195 of the *Mining Act 1992* are subject to the conditions of the mineral claim concerned,
- (j) to prevent a challenge to the cancellation or grant or refusal of an opal prospecting licence later than 3 months after the relevant decision,
- (k) to remove references to securities for the payment of royalties and to make it an offence to fail to establish a trust fund to meet royalty payments if required to do so by the Minister,
- (l) to make it an offence to fail to pay royalty,
- (m) to permit the disclosure of information obtained in connection with the *Mining Act 1992* to officers or authorities engaged in administering or executing the environment protection legislation, the *Environmental Planning and Assessment Act 1979*, the occupational health and safety legislation and any other legislation prescribed by the regulations,
- (n) to provide that a mining lease or mineral claim in respect of a substance that was a mineral under the Act continues in force and that the holder remains bound by its conditions,
- (o) to make certain statute law revision amendments.