



New South Wales

Mining Amendment Regulation 2022

under the

Mining Act 1992

[*The following enacting formula will be included if this Regulation is made—*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

Minister for Regional New South Wales

Explanatory note

The object of this Regulation is to make further provision for matters under the *Mining Act 1992* (*the Act*), mainly as a consequence of the enactment of the *Mining and Petroleum Legislation Amendment Act 2022*.

This Regulation makes provision about applications under the Act, including the following—

- (a) the way in which an application must be made,
- (b) information that must accompany an application,
- (c) the time within which the information must be lodged,
- (d) publishing notice of an application.

This Regulation also makes other miscellaneous amendments to the *Mining Regulation 2016*, including about the following—

- (a) use of the Map Grid of Australia 2020 and Geocentric Datum of Australia 2020,
- (b) fossicking with hand-held metal detectors,
- (c) the content of work programs,
- (d) fees, charges, levies and security deposits,
- (e) declarations about persons not fit and proper,
- (f) prescribing additional minerals as a group of minerals for the Act,
- (g) activities taken not to be prospecting or mining,
- (h) the definitions of *activities* and *mining area* for the purposes of the standard conditions of mining leases,
- (i) the issue of penalty notices.

Mining Amendment Regulation 2022

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1 Name of Regulation

This Regulation is the *Mining Amendment Regulation 2022*.

2 Commencement

This Regulation commences as follows—

- (a) for Schedule 1[5] and [6]—1 year after the day on which this Regulation is published on the NSW legislation website,
- (b) for Schedule 1[40]—on the commencement of the *Mining and Petroleum Legislation Amendment Act 2022*, Schedule 1[120],
- (c) otherwise—on the commencement of [*the relevant regulation-making provisions of the Mining Act 1992, as amended by the Mining and Petroleum Legislation Amendment Act 2022*].

Note— The remaining provisions of this Regulation are expected to commence on the commencement of the *Mining and Petroleum Legislation Amendment Act 2022*, Schedule 1[7], [9], [11], [13], [18], [20], [25], [27], [31], [37]–[40], [42], [46], [54], [59], [60], [64]–[66], [69], [80], [100], [101], [105], [110], [112], [113], [115], [116], [118], [119], [139], [152], [154], [162], [168], [171] and [178] to the extent that it inserts proposed clause 193.

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[1] Clause 3 Definitions

Omit clause 3(1), definition of *environmental performance record*.

Insert in alphabetical order—

excluded helium means helium in a naturally occurring mixture with 1 or more hydrocarbons, whether the mixture is in a gaseous, liquid or solid state.

Note— Because excluded helium is not prescribed as a mineral it is a form of petroleum and is subject to the *Petroleum (Onshore) Act 1991* instead of the *Mining Act 1992*. See—

- (a) the *Mining Act 1992*, Dictionary, definitions of *mineral* and *petroleum*, and
- (b) the *Petroleum (Onshore) Act 1991*, section 3(1), definition of *petroleum*, paragraph (c).

grant anniversary date means the anniversary, each year, of the date on which an authorisation is granted.

minimum deposit has the same meaning as in the Act, Part 12A.

security deposit condition has the same meaning as in the Act, Part 12A.

[2] Clause 3(2) and (3)

Omit clause 3(2). Insert instead—

- (2) In this Regulation, *protected reserve* means a reserve—
 - (a) constituted under the Act, section 367(1), and
 - (b) subject to a direction under the following—
 - (i) for an exploration licence—the Act, section 367(2)(a),
 - (ii) for an assessment lease—the Act, section 367(2)(b),
 - (iii) for a mining lease—the Act, section 367(2)(c),
 - (iv) for a mineral claim—the Act, section 367(2)(d).
- (3) In this Regulation, *protected reserve* also includes a reserve—
 - (a) constituted under the *Mining Act 1973* before its repeal, and
 - (b) taken, under the Act, Schedule 6, clause 34, to be a reserve over which there is taken to be an order prohibiting the granting of—
 - (i) an authority, or
 - (ii) a mineral claim.

[3] Clause 4 Meaning of “environmental performance record”

Omit the clause.

[4] Clause 8

Omit the clause. Insert instead—

8 Meaning of “landholder”

For the Act, Dictionary, definition of *landholder*, paragraph (g)(v), the following persons are prescribed—

- (a) Hunter Water Corporation Limited,
- (b) other persons responsible for the control and management of water supply works in the Tomago Sandbeds Catchment Area, within the meaning of the *Hunter Water Regulation 2015*, Part 2.

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[5] Clause 9 Standard map

Omit “MGA94” from clause 9(1)(a). Insert instead “MGA2020”.

[6] Clause 9(2), definition of “MGA2020”

Omit the definition of *MGA94*. Insert instead—

MGA2020 means the Geocentric Datum of Australia 2020 (GDA2020), using the Map Grid of Australia 2020 (MGA2020) standard map projection expressed in Universal Transverse Mercator (UTM) projection coordinates with zones 6 degrees wide.

[7] Clause 12 Fossicking

Insert after clause 12(2)—

- (2A) Subclause (2) does not apply to the use of hand-held metal detectors or other hand-held equipment for detecting metal or metal objects.

[8] Clause 13

Omit the clause. Insert instead—

13 Activities taken not to be prospecting or mining—the Act, s 11A

- (1) The Minister may, by order published in the Gazette, declare that a specified activity, or a specified class of activity, is not prospecting or mining for the purposes of the Act.
- (2) For the Act, section 11A, an activity is declared not to be prospecting or mining for the purposes of the Act if the activity is specified in Schedule 3.
- (3) A person who carries out an activity that is declared not to be prospecting or mining must pay a royalty to the Crown, in accordance with the Act, for publicly owned minerals recovered as a consequence of the carrying out of the activity.
- (4) Subclause (3) does not apply to an activity specified in Schedule 3, clause 4.

[9] Clause 14 Applications for exploration licences

Omit clause 14(1). Insert instead—

- (1) For the Act, section 13(4)(c), the following information must accompany an application for an exploration licence—
 - (a) a description, set out in the approved form, of the proposed exploration area,
 - (b) a statement that the proposed exploration area—
 - (i) contains no land within a protected reserve, or
 - (ii) contains land within a protected reserve, but the applicant understands that an exploration licence may not be granted over land within the reserve,

Note— See the Act, section 18(b).

 - (c) a specification of the group or groups of minerals in relation to which the licence is sought,
 - (d) if the application is for an exploration licence over land the subject of another exploration licence for the same group or groups of minerals—the written consent of the holder of the other exploration licence,

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- (e) particulars of the financial resources and relevant technical advice available to the applicant,
 - (f) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,
 - (g) particulars of the applicant's technical manager,
 - (h) for an application lodged on behalf of an applicant by an agent—evidence that the agent has authority to act on behalf of the applicant,
 - (i) for an exploration (mineral owner) licence—
 - (i) a specification of the privately owned mineral or minerals in relation to which the licence is sought, and
 - (ii) evidence of the applicant's ownership of the mineral or minerals.
- (1A) If there is more than 1 applicant for the licence, a reference in subclause (1) to the applicant is a reference to each applicant.

[10] Clause 15A

Insert after clause 15—

15A Information to accompany tenders for exploration licences—the Act, s 15

For the Act, section 15(2)(a), a tender for an exploration licence must be accompanied by the following information—

- (a) particulars of the financial resources and relevant technical advice available to the tenderer,
- (b) particulars of the estimated amount of money that the tenderer proposes to expend on prospecting.

[11] Clause 18 Renewal of exploration licences

Insert after clause 18(1)(d)—

- (d1) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,

[12] Clause 18(1)(e)(ia)

Insert after clause 18(1)(e)(ii)—

- (ia) a statement giving reasons the decision-maker should be satisfied of the matters referred to in the Act, section 114A(1)(a) and (b),

[13] Clauses 19, 24 and 29

Omit “cancelled” wherever occurring. Insert instead “retained”.

[14] Clause 21 Applications for assessment leases

Omit clause 21(1). Insert instead—

- (1) For the Act, section 33(4)(c), the following information must accompany an application for an assessment lease—
 - (a) a description, set out in the approved form, of the proposed assessment area,
 - (b) a statement that the proposed assessment area—
 - (i) contains no land within a protected reserve, or

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- (ii) contains land within a protected reserve, but the applicant understands that an assessment lease may not be granted over land within the reserve,
Note— See the Act, section 36(b).
 - (c) an assessment of the mineral bearing capacity of land in the proposed assessment area and of the extent of any mineral deposits in the land,
 - (d) a specification of the mineral or minerals in relation to which the lease is sought,
 - (e) particulars of the financial resources and relevant technical advice available to the applicant,
 - (f) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,
 - (g) for an assessment (mineral owner) lease—
 - (i) a specification of the privately owned mineral or minerals in relation to which the lease is sought, and
 - (ii) evidence of the applicant's ownership of the mineral or minerals.
- (1A) If there is more than 1 applicant for the lease, a reference in subclause (1) to the applicant is a reference to each applicant.

[15] Clause 23 Renewal of assessment leases

Insert after clause 23(1)(d)—

- (d1) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,

[16] Clause 25 Applications for mining leases

Omit clause 25(1). Insert instead—

- (1) For the Act, section 51(4)(c), the following information must accompany an application for a mining lease—
 - (a) a description, set out in the approved form, of the proposed mining area,
 - (b) a statement that the proposed mining area—
 - (i) contains no land within a protected reserve, or
 - (ii) contains land within a protected reserve, but the applicant understands that a mining lease may not be granted over land within the reserve,
Note— See the Act, section 57(b).
 - (c) an assessment of the mineral bearing capacity of land in the proposed mining area and of the extent of any mineral deposits in the land,
 - (d) a specification of the mineral or minerals, or the ancillary mining activity or activities, in relation to which the lease is sought,
 - (e) particulars of the financial resources and relevant technical advice available to the applicant,
 - (f) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,
 - (g) for a mining (mineral owner) lease—

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- (i) a specification of the privately owned mineral or minerals in relation to which the lease is sought, and
 - (ii) evidence of the applicant's ownership of the mineral or minerals.
- (1A) If there is more than 1 applicant for the lease, a reference in subclause (1) to the applicant is a reference to each applicant.

[17] Clause 26A

Insert after clause 26—

26A Prescribed period for providing evidence of development application or development consent—the Act, s 65

For the Act, section 65(5), the following periods are prescribed—

- (a) for evidence that an application for the development consent required by the Act, section 65 has been made—3 years after the date the application for the mining lease is made,
- (b) for evidence that the development consent has been granted and is in force—3 years after the date the application for the development consent is made.

[18] Clause 27 Surface activities in relation to subsurface leases

Insert after clause 27(b)—

- (c) the rehabilitation of surface disturbance.

[19] Clause 28 Renewal of mining leases

Insert after clause 28(1)(c)—

- (c1) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,

[20] Clause 30 Aggregation of labour and expenditure conditions

Omit the clause.

[21] Part 3, Division 4, heading

Insert “, renewal” after “Variation”.

[22] Clauses 32A–32D

Insert after clause 32—

32A Publication requirements to vary prescribed conditions—the Act, Sch 1B, cl 13

For the Act, Schedule 1B, clause 13(1)(a), a notice must be published—

- (a) in at least 1 newspaper circulating generally in the State, and
- (b) on the website of the Department.

32B Prescribed period for applications for renewal of authorities—the Act, s 113

For the Act, section 113(2), an application for the renewal of an authority must be lodged with the Secretary as follows—

- (a) for the renewal of an exploration licence or an assessment lease—within the period of 3 months before the licence or lease ceases to have effect,

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- (b) for the renewal of a mining lease for 1 year or less—within the period of 2 months before the lease ceases to have effect,
- (c) for the renewal of a mining lease for more than 1 year—not earlier than 5 years and not later than 1 year before the lease ceases to have effect.

32C Matters for deciding whether land genuinely required—the Act, s 114A

For the Act, section 114A(3), a decision-maker may have regard to the following matters in deciding whether an area of land is genuinely required to support a proposed work program—

- (a) the applicant’s performance measured against previous work programs for the exploration licence,
- (b) the renewal justification statement mentioned in clause 18(1)(e),
- (c) potential environmental impacts on the area of land over which renewal of the exploration licence is sought,
- (d) information or reports provided under a requirement of—
 - (i) the Act, or
 - (ii) this Regulation, or
 - (iii) a condition of the exploration licence.

32D Information included in notice of renewal of authorities—the Act, s 115

For the Act, section 115(2), a notice of renewal of an authority must include the following information—

- (a) any amendments to the conditions of the authority,
- (b) the period for which the authority is renewed,
- (c) if the area of land over which the authority is renewed differs from the area subject to the authority immediately before the renewal—a description of the land over which the authority is renewed.

[23] Clause 33 Transfer of authorities

Omit “For the purposes of section 120(2) of the Act, the following information is prescribed” from clause 33(1).

Insert instead “For the Act, section 120(2)(b), an application for approval of the transfer of an authority must be accompanied by the following information”.

[24] Clause 33(1)(c) and (d)

Omit the paragraphs. Insert instead—

- (c) the name and written consent of the proposed transferee,
- (d) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the proposed transferee,

[25] Clause 35

Omit the clause. Insert instead—

35 Work programs accompanying applications for authorities and tenders—the Act, s 129A

- (1) For the Act, section 129A, a work program for an application for an authority, or a tender, must—

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- (a) indicate the nature and extent of operations to be carried out under the authority, and
 - (b) set out commitments relating to the conduct of the operations, including the timing of the operations, and
 - (c) provide for the carrying out of activities, including community consultation and environmental management and rehabilitation, in connection with, or ancillary to, the operations, and
 - (d) for an application, or a tender, for an exploration licence or an assessment lease—include particulars of the estimated amount of money that the applicant proposes to spend on carrying out operations and activities in the authority area.
- (2) For an application for a mining lease, the requirements in subclause (1)(a)–(c) may be satisfied by providing a current development consent under the *Environmental Planning and Assessment Act 1979* for the development, within the meaning of that Act, in relation to which the mining lease is being applied for.

[26] Clause 42 Applications for granting of mineral claims

Omit “For the purposes of section 178(2)(a) of the Act” from clause 42(1).

Insert instead “For the Act, section 178(2)(b)”.

[27] Clause 42(3)

Omit “For the purposes of section 178(2)(d) of the Act, the following information must accompany”.

Insert instead “The following information must also be included in”.

[28] Clause 42(3)(e)

Omit the paragraph. Insert instead—

- (e) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,

[29] Clause 42(3)(h)–(j)

Omit clause 42(3)(h). Insert instead—

- (h) a specification of the mineral or minerals, or the ancillary mining activity or activities, in relation to which the mineral claim is sought,
- (i) a statement that the proposed claim area—
 - (i) contains no land within a protected reserve, or
 - (ii) contains land within a protected reserve, but the applicant understands that a mineral claim may not be granted over land within the reserve,

Note— See the Act, section 182(1)(b).

- (j) a copy of the notice required to be given under the Act, section 177 and a statement by the applicant that the notice was given as required.

[30] Clause 44A

Insert after clause 44—

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44A Prescribed period for applications for renewal of mineral claims—the Act, s 197

For the Act, section 197(2)(b), an application for the renewal of a mineral claim must be lodged with the Secretary within 2 months before the day on which the claim would otherwise expire.

[31] Clause 45 Applications for transfer of mineral claims

Omit “For the purposes of section 200(2)(c) of the Act, an application for the transfer of a mineral claim must contain” from clause 45(1).

Insert instead “For the Act, section 200(2)(b), an application for the transfer of a mineral claim must include”.

[32] Clause 45(1)(c)–(d1)

Omit clause 45(1)(c) and (d). Insert instead—

- (c) the name and written consent of the proposed transferee,
- (d) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the proposed transferee,
- (d1) a copy of the notice required to be given under the Act, section 200(2A) and a statement by the applicant that the notice was given as required,

[33] Clause 50 Applications for opal prospecting licences

Omit clause 50(e). Insert instead—

- (e) a statement, set out in the approved form, of the corporate compliance, environmental performance history and financial capability of the applicant,
 - (f) evidence that the notice required to be given under the Act, section 266(4)(b) was given as required.
- (2) For subclause (1)(f), the evidence referred to in clause 92(6)(b) is sufficient.

[34] Clause 59 Annual reports

Omit “(within the meaning of section 292B of the Act)” from section 59(2).

[35] Clause 67 Extension of time to lodge reports

Omit “a report must be lodged under clause 59” from clause 67(1).

Insert instead “an annual report or a partial relinquishment or final report must be lodged”.

[36] Clause 67(1A)

Insert after clause 67(1)—

- (1A) An application for an extension must be lodged with the Secretary not less than the following number of days before the date the report is required to be lodged—
 - (a) for an annual report—30 days, or
 - (b) for a partial relinquishment report or final report—15 days.

[37] Clause 67(2)

Omit “for an extension must be lodged with the Secretary not less than 30 days before the date the report is required to be lodged and”.

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[38] Clause 71 Disclosure of protected documents

Insert after clause 71(a)—

- (a1) the *Dams Safety Act 2015*,

[39] Clause 79A

Insert after clause 79—

79A Late payment of authorisation fees—the Act, s 292R

For the Act, section 292R(1), the late payment fee is calculated at the rate of 15% of the overdue amount per annum compounded quarterly.

[40] Clause 79B

Insert before Part 8, Division 2—

79B Consultation on fee and levy regulations—the Act, s 292RA

For the Act, section 292RA(a), notice of a proposed regulation specifying or varying a method of calculation of a levy or fee must be published on the website of the Department.

[41] Clause 80 Calculation of annual rental fees

Omit clause 80(3).

[42] Clause 80(4)

Omit “or square metre”. Insert instead “, square metre or unit”.

[43] Clause 80(4A)

Insert after clause 80(4)—

- (4A) However, if the annual rental fee area includes a part of a unit outside New South Wales, the part outside New South Wales must be disregarded.

Note— See also the Act, sections 4A and 172A.

[44] Clauses 85 and 85A

Omit clause 85. Insert instead—

85 Subsequent annual rental fees payable during period in which authorisations are automatically extended—the Act, ss 292F, 292O and 382A

- (1) This clause applies to an annual rental fee if—
- (a) the annual rental fee is required to be paid during a period in which the authorisation to which it relates continues to have effect because of the Act, section 117, and
- (b) the decision-maker finally disposes of the application for renewal of the authorisation by rejecting or refusing it.
- (2) The Secretary must reassess the annual rental fee by applying the relevant proportion to the amount of the annual rental fee that, but for this clause, would be payable.
- (3) If necessary, the Secretary must provide a refund in accordance with the reassessment, unless the refund would be \$100 or less.
- (4) In this clause—

relevant proportion means the proportion of the number of days in the period from, and including, the most recent grant anniversary date until, but not including, the date the application is rejected or refused, to 366 days.

85A Payment date for subsequent annual rental fees—the Act, s 292E

For the Act, section 292E(3)(b), the date is 60 days after the grant anniversary date.

[45] Clauses 86–86C

Omit clause 86. Insert instead—

86 Amount of annual administrative levy—the Act, s 292K

- (1) For the Act, section 292K, the amount of an annual administrative levy is the amount calculated in accordance with this clause.
- (2) The amount of the annual administrative levy for an authorisation is—
 - (a) 1% of the security deposit amount for the authorisation, or
 - (b) if a single security deposit is required to be provided and maintained for more than one authorisation—the amount calculated in accordance with subclause (3), or
 - (c) if the amount of the annual administrative levy as calculated under paragraph (a) or (b) is less than \$100—\$100.
- (3) If a single security deposit is required to be provided and maintained for more than one authorisation, the amount of the annual administrative levy is the greater of the following—
 - (a) 1% of the relevant proportion of the security deposit amount,
 - (b) 1% of the minimum deposit for the authorisation on the grant anniversary date.
- (4) The *security deposit amount* is the amount of the security deposit required to be provided and maintained under a security deposit condition that applies to the authorisation on the grant anniversary date.
- (5) A security deposit is taken to be required to be provided and maintained under a security deposit condition even if the condition requires the security deposit to be provided at a future date or within a period ending on a future date.
- (6) If no security deposit is required to be provided and maintained in respect of an authorisation on the grant anniversary date, and there is a minimum deposit for the authorisation at that date, the security deposit amount is taken to be the minimum deposit.
- (7) The *relevant proportion* is the proportion of 1 to the number of authorisations for which the security deposit is required to be provided and maintained, not including authorisations that have been cancelled or have otherwise ceased to have effect before the grant anniversary date.

86A Subsequent annual administrative levies payable during period in which authorisations are automatically extended—the Act, ss 292K, 292O and 382A

- (1) This clause applies to an annual administrative levy if—
 - (a) the annual administrative levy is required to be paid during a period in which the authorisation to which it relates continues to have effect because of the Act, section 117, and

- (b) the decision-maker finally disposes of the application for renewal of the authorisation by rejecting it or refusing it.
- (2) The Secretary must reassess the annual administrative levy by applying the relevant proportion to the amount of the annual administrative levy that, but for this clause, would be payable.
- (3) If necessary, the Secretary must provide a refund in accordance with the reassessment, unless the refund would be \$100 or less.
- (4) In this clause—
relevant proportion means the proportion of the number of days in the period from, and including, the most recent grant anniversary date until, but not including, the date the application is rejected or refused, to 366 days.

86B Payment date for subsequent annual administrative levies—the Act, s 292I

For the Act, section 292I(4)(b), the date is 60 days after the grant anniversary date.

86C Amount of term administrative levy—the Act, s 292M

- (1) For the Act, section 292M, the amount of a term administrative levy is the amount calculated in accordance with this clause.
- (2) The amount of the term administrative levy for an authorisation is the relevant annual administrative levy multiplied by the term of the authorisation.
- (3) The *relevant annual administrative levy* is the amount of the annual administrative levy that would be payable under clause 86 if the authorisation was not a small-scale title.
- (4) The *term of the authorisation* is the number of years for which the authorisation is—
 - (a) granted, or
 - (b) for liability for an administrative levy arising on the renewal of a mineral claim—renewed.
- (5) A period of less than a year for which an authorisation is granted or renewed, must be counted as a year.
- (6) The period for which a mineral claim is renewed must include any period during which, before its renewal, the mineral claim continues to have effect because of the Act, section 197(3).

[46] Part 9B

Insert before Part 10—

Part 9B Declarations about persons not fit and proper

Division 1 General

89E Considerations for decisions and declarations—the Act, s 393

- (1) For the Act, section 393(3), a decision-maker may, without limitation, take into consideration, for the purposes of deciding whether a person is a fit and proper person or whether to make a declaration under the Act, section 393, one or more of the matters specified in—
 - (a) subclause (2), and

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- (b) if the person is—
 - (i) an individual—subclause (3), or
 - (ii) a body corporate—subclause (4).
- (2) For subclause (1)(a), the matters relating to a person, whether or not the person is an individual or a body corporate, include the following—
 - (a) whether the person has compliance or criminal conduct issues,
 - (b) the person’s record of compliance with relevant legislation, established to the satisfaction of the decision-maker,
 - (c) whether, in the opinion of the decision-maker, the management of the activities or works that are or are to be authorised, required or regulated under the authorisation are not or will not be in the hands of a technically competent person,
 - (d) whether, in the opinion of the decision-maker, the person is not of good repute,
 - (e) whether, in the opinion of the decision-maker, the person is not of good character, with particular regard to honesty and integrity,
 - (f) whether the person has demonstrated to the decision-maker the financial capacity to comply with the person’s obligations under the authorisation,
 - (g) whether the person is in partnership, in connection with activities that are subject to an authorisation or a proposed authorisation, with a person who is a declared person under the Act, Part 18, Division 2,
 - (h) whether the person has an arrangement, formal or informal, in connection with activities that are subject to an authorisation or a proposed authorisation with a person who is a declared person under the Act, Part 18, Division 2, if the decision-maker is satisfied that the arrangement gives the declared person the capacity to determine the outcome of decisions about financial and operating policies concerning those activities.
- (3) For subclause (1)(b)(i), additional matters relating to a person who is an individual include the following—
 - (a) whether the person, during the previous 3 years, was an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment of his or her remuneration for their benefit,
 - (b) whether the person is or was a director of a body corporate—
 - (i) that is the subject of a winding up order, or
 - (ii) for which a controller or administrator has been appointed during the previous 3 years.
- (4) For subclause (1)(b)(ii), additional matters relating to a person who is a body corporate include the following—
 - (a) whether a related body corporate, or a director of the body corporate or of a related body corporate, has compliance or criminal conduct issues,
 - (b) whether a director of the body corporate or of a related body corporate is or has been a director of another body corporate that has compliance or criminal conduct issues, but only if the person was a director of that other body corporate at the time of the conduct that resulted in the compliance or criminal conduct issues,

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- (c) the record of compliance with relevant legislation, established to the satisfaction of the decision-maker, of any director of the body corporate or a related body corporate,
 - (d) whether, in the opinion of the decision-maker, a director of the body corporate or a related body corporate is not of good repute,
 - (e) whether, in the opinion of the decision-maker, a director of the body corporate or a related body corporate is not of good character, with particular regard to honesty and integrity,
 - (f) whether the body corporate or a related body corporate—
 - (i) is the subject of a winding up order, or
 - (ii) has had a controller or administrator appointed during the previous 3 years.
- (5) A person has ***compliance or criminal conduct issues*** if—
- (a) the decision-maker is satisfied that the person has contravened relevant legislation, whether or not the person has been prosecuted for or convicted of an offence arising from the contravention, or
 - (b) in the previous 10 years, the person has been convicted in New South Wales or elsewhere of a serious offence or an offence involving fraud or dishonesty, or
 - (c) the person has held an authorisation, or another instrument issued or granted under relevant legislation, that has been suspended, cancelled or revoked.
- (6) In this clause—
- authorisation*** has the same meaning as in the Act, Part 18, Division 2.
- relevant legislation*** means the following legislation—
- (a) the Act,
 - (b) the *Petroleum (Onshore) Act 1991*,
 - (c) the environment protection legislation,
 - (d) the *Environmental Planning and Assessment Act 1979*,
 - (e) the work health and safety legislation,
 - (f) the *Coal Mine Subsidence Compensation Act 2017*.
- serious offence*** means—
- (a) an offence committed in New South Wales that is punishable by a specified punishment, or
 - (b) an offence committed elsewhere than in New South Wales that if committed in New South Wales would be punishable by a specified punishment, or
 - (c) an offence committed under a law of the Commonwealth that is punishable by a specified punishment.
- specified punishment*** means—
- (a) imprisonment for life, or
 - (b) imprisonment for a term of 5 years or more, or
 - (c) a fine of \$500,000 or more.

89F Further actions that may be ordered—the Act, s 394

For the Act, section 394(2)(e), a decision-maker may, for a specified period or an indefinite period, disqualify or prohibit a declared person from being

involved in a financial or operating decision about activities under an authorisation or activity approval, whether or not the authorisation or activity approval is in force at the time the order is given.

Division 2 Joint authorisations and applications—the Act, s 396

89G Purpose of Division

The purpose of this Division is to make provision, for the Act, section 396(4), for the application of the Act, Part 18, Division 2 to authorisations jointly held by, and applications jointly made by, more than 1 person.

89H Application of Act, Pt 18, Div 2 to joint authorisations and applications

- (1) The Act, Part 18, Division 2—
 - (a) extends to authorisations jointly held by, and applications jointly made by, more than 1 person, and
 - (b) without limiting paragraph (a), extends to authorisations jointly held by, and applications jointly made by, a declared person.
- (2) The other provisions of this Division do not limit the application of the Act, Part 18, Division 2 to authorisations jointly held by, and applications jointly made by, more than 1 person

89I Authorisations held jointly by declared person

- (1) A decision-maker may, by order under the Act, section 394(2)(d), direct a declared person to apply for—
 - (a) approval, under the Act, Part 7, Division 2, of the transfer of an authority jointly held by the declared person to another person, or
 - (b) the transfer, under the Act, Part 9, Division 6, of a mineral claim jointly held by the declared person to another person.
- (2) The decision-maker may make other orders under the Act, section 394(2) until the transfer is approved or made.
- (3) The decision-maker may make a specified decision in relation to the authorisation if the application is not made, or is refused or not granted, within—
 - (a) 3 months, or
 - (b) a longer period specified by the decision-maker.

89J Joint authorisation, renewal and transfer applications

- (1) A decision-maker may, by order under the Act, section 394(2)(d), direct a person, whether or not a declared person, to amend an application for, or for renewal or transfer of, an authorisation jointly made by more than 1 person to remove a declared person as—
 - (a) an applicant, or
 - (b) a transferee.
- (2) The decision-maker may make other orders under the Act, section 394(2) until the amendment is made.
- (3) The decision-maker may make a specified decision in relation to the authorisation if the amendment is not made within—
 - (a) 3 months, or

- (b) a longer period specified by the decision-maker.

[47] Clauses 89K–89M

Insert before clause 90—

89K Publication of notices—the Act, ss 13A, 14, 33A, 51A, 52 and 272 and Sch 1, cl 24

- (1) This clause specifies, for the following the provisions, the way in which notice of the following must be published—
- (a) the Act, section 13A(1)—application for an exploration licence,
 - (b) the Act, section 14(2)—invitation for tenders for an exploration licence,
 - (c) the Act, section 33A(1)—application for an assessment lease,
 - (d) the Act, section 51A(1)—application for a mining lease,
 - (e) the Act, section 52(2)—invitation for tenders for a mining lease,
 - (f) the Act, section 272(1)(b)(i)—assessment of compensation,
 - (g) the Act, Schedule 1, clause 24(1)—proposal to invite tenders for a mining lease.
- (2) The notice must be published—
- (a) in at least 1 newspaper circulating generally in the State, and
 - (b) as follows—
 - (i) in both the print and online editions of at least 1 newspaper circulating in the local area,
 - (ii) if publication under subparagraph (i) is not possible—in the print or online edition of at least 1 newspaper circulating in the local area,
 - (iii) if publication under subparagraphs (i) and (ii) is not possible—on a website, or another online platform, that is likely to bring the notice to the attention of persons in the local area.

Example— The website of the local council.

89L Notice of access management plans—the Act, s 236J

For the Act, section 236J(1), notice of the registration of an access management plan must be published as follows—

- (a) in both the print and online editions of at least 1 newspaper circulating in the local area,
- (b) if publication under paragraph (a) is not possible—in the print or online edition of at least 1 newspaper circulating in the local area,
- (c) if publication under paragraphs (a) and (b) is not possible—on a website, or another online platform, that is likely to bring the notice to the attention of persons in the local area.

Example— The website of the local council.

89M Devolution of rights and joint holdings—the Act, ss 162, 167, 202 and 214

- (1) This clause prescribes, for the following the provisions, the way in which an application for the following must be made—
- (a) the Act, section 162(2)—the recording of a person’s name as the holder of an authority,
 - (b) the Act, section 167(3)—holding an authority as joint tenants,

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- (c) the Act, section 202(2)—the recording of a person’s name as the holder of a mineral claim,
 - (d) the Act, section 214(3)—holding a mineral claim as joint tenants.
- (2) The application must be made in writing.

[48] Clause 90A

Insert after clause 90—

90A Objection as to agricultural land—the Act, Sch 2, cl 2A

For the Act, Schedule 2, clause 2A(1)(b), an objection must be made—

- (a) in writing addressed to the Secretary, and
- (b) by sending it—
 - (i) by post to the address specified by the Secretary as an address to which an objection may be sent, or
 - (ii) by electronic transmission to an address or location specified by the Secretary as an address or location to which an objection may be sent.

[49] Clauses 92A and 92B

Insert after clause 92—

92A Assessed deposit for group security deposit—the Act, s 261BC

For the Act, section 261BC(7)(a), the assessed deposit for a group security deposit must not be less than 50% of the sum of the minimum deposits for the authorisations to which the group security deposit relates as at the date of the assessment of the assessed deposit.

92B Application for review of assessed deposit—the Act, s 261BD

For the Act, section 261BD(2)(a), an application for a review by the Minister of the Secretary’s assessment of the amount of a security deposit must—

- (a) be made in writing, and
- (b) contain particulars of the grounds for review of the assessment, including addressing the reasons given by the Secretary in the notice of assessment required under the Act, section 261BC(8), and
- (c) contain a rehabilitation cost estimate for the authorisation to which the deposit relates.

[50] Clause 93A

Insert after clause 93—

93A Content of security deposit conditions—the Act, s 261C(1)

For the Act, section 261C(1), a security deposit condition may include requirements relating to the following—

- (a) the form of the deposit,
- (b) the date by which the deposit must be provided,
- (c) the way in which the deposit must be provided and maintained,
- (d) the provision of information or other material to the Secretary or the Minister that demonstrates the condition is being complied with,

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- (e) the provision of progress reports on work, and associated costs and expenses, for which the deposit is intended to provide security,
- (f) the independent auditing of the work, costs and expenses,
- (g) the extension, to the authorisation to which the condition relates, of an existing deposit that has been provided and maintained in relation to another authorisation.

[51] Clause 94 Applications

Insert after clause 94(9)—

- (10) To avoid doubt, this clause does not limit or otherwise affect the *Electronic Transactions Act 2000*.

[52] Clauses 94AA and 94AB

Insert after clause 94—

94AA Period to pay fee or levy to complete application—the Act, s 381B

For the Act, section 381B(1)(a), a decision-maker may reject an application for, or for renewal or transfer of, an authority on the ground that the applicant has not paid a fee or levy payable in connection with the application within 1 business day of the application being made.

94AB Period to lodge information to complete application—the Act, s 381B

- (1) The purpose of this clause is to prescribe, for the Act, section 381B(1)(b), the period—
 - (a) within which an applicant must lodge information required to accompany an application under the Act, and
 - (b) after which a decision-maker may reject the application on the ground that the applicant has not lodged the information.
- (2) A decision-maker may reject an application for an exploration licence lodged on behalf of an applicant by an agent on the ground that the information required by clause 14(1)(h) has not been lodged within 1 business day of making the application.
- (3) A decision-maker may reject an application for an opal prospecting licence on the ground that the applicant has not, within 7 days of making the application, lodged the information required by clause 50(f).
- (4) A decision-maker may reject an application for the following on the ground that the applicant has not, within 10 business days of making the application, lodged the information required by the following provisions to accompany the application—
 - (a) exploration licence—clauses 14(1)(a), (f) and (g) and 35,
 - (b) renewal of an exploration licence—
 - (i) clauses 18(1)(d1) and (f) and 35, and
 - (ii) for a partial renewal—the Act, section 113(5) and clause 18(2),
 - (c) assessment lease—clause 21(1)(a) and (f),
 - (d) renewal of an assessment lease—
 - (i) clause 23(1)(d1), and
 - (ii) for a partial renewal—the Act, section 113(5) and clause 23(2),
 - (e) mining lease—clause 25(1)(a) and (f),

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- (f) renewal of a mining lease—
 - (i) clause 28(1)(c1), and
 - (ii) for a partial renewal—the Act, section 113(5) and clause 28(2),
- (g) approval of transfer of an authority—
 - (i) clause 33(1)(d), and
 - (ii) for transfer of an exploration licence or an assessment lease—clause 33(1)(g), and
 - (iii) for a partial transfer—clause 33(1)(j),
- (h) review by the Minister of the Secretary’s assessment of the amount of a security deposit—clause 92B(b) and (c).

[53] Clause 94B

Insert after clause 94A—

94B Participation charge for competitive selection applications—the Act, Sch 1A, cl 3A

For the Act, Schedule 1A, clause 3A(1), the participation charge is \$50,000.

[54] Clause 95 Notification of landholder of intention to invite tenders for mining lease—manner of describing land

Omit the clause.

[55] Clause 99A

Insert after clause 99—

99A Service of documents on deregistered companies—the Act, s 383

- (1) For the Act, section 383(1)(g), a notice or other document may be served on a company that has been deregistered by serving the document on the Australian Securities and Investments Commission by a method of service permitted by the Act, section 383(1)(b)–(f).

Note— The *Corporations Act 2001* of the Commonwealth, section 601AD(2) provides generally that, when a company is deregistered, company property vests in ASIC.

- (2) In this clause—
company and *deregistered* have the same meaning as in the *Corporations Act 2001* of the Commonwealth.

[56] Clause 101A

Insert after clause 101—

101A “Immediate vicinity” and “vicinity” of mining lease or mineral claim—the Act, Sch 6, cl 193

- (1) For the Act, Schedule 6, clause 193(1), the prescribed period is 2 years.
- (2) For the Act, Schedule 6, clause 193(3), a reference to the immediate vicinity of a mining lease in an application for a mining lease made, but not finally determined, before the commencement of this clause is taken to be a reference to the vicinity of a mining lease.

[57] Schedule 1 Minerals

Insert in alphabetical order—

argon

helium, other than excluded helium
hydrogen
krypton
neon
radon
xenon

[58] Schedule 2 Groups of minerals

Insert after the matter relating to “**Group 11 (Uranium)**”—

Group 12 (Hydrogen and nonmetals)

argon
helium, other than excluded helium
hydrogen
krypton
neon
radon
xenon

[59] Schedule 3

Omit the Schedule. Insert instead—

Schedule 3 Activities declared not to be prospecting or mining

clause 13(2)

1 Activities carried out on certain land at Badgerys Creek by Veolia Recycling & Recovery Pty Ltd

An activity carried out—

- (a) by Veolia Recycling & Recovery Pty Ltd, ACN 002 902 650, and
- (b) on land within Reserve No 3228, constituted under the Act, section 367 by an order published in Gazette No 141 of 17 November 1995 at page 7866, being land situated at Badgerys Creek with an area of approximately 56.7 hectares, and
- (c) 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.

2 Activities carried out to recover halite and magnesium, potassium and sodium salts from evaporation basins

- (1) An activity carried out for the purpose of recovering the following from evaporation basins, but only if the person who carries out the activity has first given notice of the person’s intention to carry out the activity to the Secretary—
 - (a) halite, including solar salts,
 - (b) magnesium salts,
 - (c) potassium salts,
 - (d) sodium salts.
- (2) In this clause—

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evaporation basins means depressions or structures into which saline groundwater or surface water is pumped or drained for disposal by evaporation, in association with the mitigation or prevention of salinisation of land or water resources.

3 Activities carried out on certain land by Hunter Enviro-Mining (Operations) Pty Limited for rehabilitation of coal reject emplacement sites

An activity carried out—

- (a) by Hunter Enviro-Mining (Operations) Pty Limited, ACN 096 170 633, and
- (b) on land described in the tables to this clause, as identified on the maps named “Hunter-Enviro Mining” held by the Department, and
- (c) for or in connection with the use of the land for the environmental rehabilitation of coal reject emplacement sites, including the extraction of material for the purpose of recovering minerals from the material.

Abandoned pit top areas

Name of site	Property description	Coordinates of approximate centre of site
Aberdare South Pit Top	State Forest situated to the south of Howells Road and to the east of Ferguson Road Abernathy and Part Lot 542, DP 39553, Parish of Cessnock, County of Northumberland.	337480 E 1359810 N (ISG Zone 56/1), 350496 E 6360174 N (MGA2020 Zone 56)
Abermain No 1 Colliery Shaft 3	An irregularly shaped parcel (located on 2 parcels of Crown land) situated between the Villages of Neath and Kearsley, the South Maitland Railway and Neath Road, within the Parish of Stanford, County of Northumberland.	338630 E 1365840 N (ISG Zone 56/1), 351531 E 6366224 N (MGA2020 Zone 56)
Abermain No 1 Pit Top	Crown land situated on the southern side of the South Maitland Railway at Abermain, Parish of Stanford, County of Northumberland.	339810 E 1367820 N (ISG Zone 56/1), 352673 E 6368226 N (MGA2020 Zone 56)
Abermain No 2 Pit Top	Land within Werakata National Park adjoining Lot 260, DP 257594, off Caledonia Street, Kearsley, Parish of Stanford, County of Northumberland.	350342 E 6363012 N (MGA2020 Zone 56)
Elrington	Part Lot 28, DP 844871 and Part Lot 7, DP 263182, Parish of Stanford, County of Northumberland, and Part Lot 20, DP 778222, Parish of Stanford, County of Northumberland.	339225 E 1360853 N (ISG Zone 56/1), 352220 E 6361250 N (MGA2020 Zone 56)
Hebburn No 1	Part Lot 203, DP 829425, Parish of Stanford, County of Northumberland.	342445 E 1367255 N (ISG Zone 56/1), 355318 E 6367711 N (MGA2020 Zone 56)
Pelaw Main Pit Top	Part Crown land (partially covered by ALC 4243) located south of Mulbring Street, Pelaw Main, Parish of Stanford, County of Northumberland.	344490 E 1366395 N (ISG Zone 56/1), 357379 E 6366890 N (MGA2020 Zone 56)

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Name of site	Property description	Coordinates of approximate centre of site
Pinkeye	Crown land (partially covered by ALC 4250) located to the south of Weston on the southern side of the South Maitland Railway and bordered in the east by Lot 203, DP 829425, Parish of Stanford, County of Northumberland. Lot 203, DP 829425, located to the south of Weston, Parish of Stanford, County of Northumberland.	341822 E 1367350 N (ISG Zone 56/1), 354694 E 6367794 N (MGA2020 Zone 56)

Chitter emplacements outside pit top areas

Name of area	Property description	Coordinates of approximate centre of area
Aberdare East	Part Lot 566, DP 821172, Aberdare adjoining the South Maitland Railway leased to the Hunter Plant Operator Training School under Special Lease 192411, Parish of Cessnock, County of Northumberland.	347000 E 6364550 N (MGA2020 Zone 56)
Abermain South	Crown land (almost entirely covered by ALC 4250) situated on the western side of Hebburn Road, south of the South Maitland Railway and southeast of the Township of Abermain, Parish of Stanford, County of Northumberland.	340718 E 1366659 N (ISG Zone 56/1), 353603 E 6367083 N (MGA2020 Zone 56)
Hebburn No 3	Crown land in Parish Reserve DP 755259 within the granted ALC 4250 adjoining CML1 and Hebburn Road, Abermain, Parish of Stanford, County of Northumberland.	353800 E 6364900 N (MGA2020 Zone 56)
Hospital Road	Part Lot 203, DP 829425, Parish of Stanford, County of Northumberland. Part Crown land located on the eastern side of Hebburn Road, Parish of Stanford, County of Northumberland.	Road commences at 340777 E 1364724 N (ISG Zone 56/1), 353699 E 6365149 N (MGA2020 Zone 56) and ends at 342589 E 1365672 N (ISG Zone 56/1), 355492 E 6366131 N (MGA2020 Zone 56)

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Rail emplacements

Name of site	Property description	Coordinates of commencement and end points
Rail Line Abermain No 1 to Abermain No 2	Traverses several Crown land parcels between Neath and Kearsley, Parish of Stanford, County of Northumberland. Commences on the southern side of Cessnock Road and continues southward along the western side of Neath Road. The easement crosses Neath Road at Kearsley and enters the Abermain No 2 Pit Top area.	Rail line commences at 339512 E 1367347 N (ISG Zone 56/1), 352384 E 6367748 N (MGA2020 Zone 56) and ends on Lake Road at 337206 E 1362375 N (ISG Zone 56/1), 350173 E 6362733 N (MGA2020 Zone 56)
Rail Line Abermain No 2 to Aberdare South	Part Crown land parcel fronting Lake Road at Kearsley, Parish of Stanford, County of Northumberland. Part Crown land comprising a narrow north-south corridor that follows the eastern side of Kearsley Road, Part PT, DP 755259, Parish of Stanford, County of Northumberland and Part PT, DP 755215, Parish of Cessnock, County of Northumberland.	Rail line commences at 337205 E 1362311 N (ISG Zone 56/1), 350173 E 6362669 N (MGA2020 Zone 56) and ends at 337516 E 1360041 N (ISG Zone 56/1), 350527 E 6360406 N (MGA2020 Zone 56)
Rail Line Hebburn No 1 to Pelaw Main	Part Lot 203, DP 829425, Parish of Stanford, County of Northumberland and Part of several Crown land parcels: Lot 697, DP 755231, Parish of Heddon, Lot 332, DP 729940, Parish of Stanford, Lot 331, DP 729940, Parish of Stanford and Crown land covering the Pelaw Main Pit Top, Parish of Stanford, County of Northumberland.	Rail line commences at 342439 E 1367555 N (ISG Zone 56/1), 355307 E 6368011 N (MGA2020 Zone 56) and ends at 344707 E 1366490 N (ISG Zone 56/1), 357594 E 6366989 N (MGA2020 Zone 56)
Rail Line Pelaw Main to Heddon Greta	Several parcels of Crown land dividing Kurri Kurri in the north from Pelaw Main and Stanford Merthyr in the south, Parishes of Stanford and Heddon, County of Northumberland.	Rail line commences at 344712 E 1366390 N (ISG Zone 56/1), 357601 E 6366889 N (MGA2020 Zone 56) and ends at 346824 E 1368363 N (ISG Zone 56/1), 359675 E 6368902 N (MGA2020 Zone 56)
Rail Line Pelaw Main to Richmond Main East	Rail line traverses four parcels of Crown land within the Parish of Stanford, County of Northumberland. Crown land encompassing Pelaw Main Colliery Pit Top. A narrow strip of Crown land that bisects the urban area. Crown land (almost entirely covered by ALC 4242) located south of Mulbring Street, Stanford Merthyr, on the eastern side of Pelaw Main and Leggets Lane. Crown land (entirely covered by ALC 4242) located to the east of Crown land No 3, bordered in the north by Lot 327, DP 822130 and in the south by several lots including Lot 14, DP 716009.	Rail line commences at 344712 E 1366489 N (ISG Zone 56/1), 357599 E 6366988 N (MGA2020 Zone 56) and ends at 346962 E 1363778 N (ISG Zone 56/1), 359900 E 6364321 N (MGA2020 Zone 56)

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Name of site	Property description	Coordinates of commencement and end points
Rail Line Pinkeye to Hebburn No 2	<p>Crown land (covered by ALC 4250 on the eastern side of Hebburn Road) situated south of the South Maitland Railway and southeast of the Township of Abermain, Parish of Stanford, County of Northumberland.</p> <p>A narrow north-south section of Crown land following the western side of Hebburn Road southward to Hebburn No 2.</p>	<p>Rail line commences at 341219 E 1367093 N (ISG Zone 56/1), 351096 E 6367526 N (MGA2020 Zone 56) and ends at 340471 E 1363845 N (ISG Zone 56/1), 353409 E 6364265 N (MGA2020 Zone 56)</p>
Richmond Main Rail Line	<p>Part Lot 2, DP 533820 and Lot 14, DP 716009, Parish of Stanford, County of Northumberland.</p> <p>Part Lot 26, DP 879812, Parish of Stanford, County of Northumberland.</p> <p>Part Lot 2, DP 986081, Parish of Stockrington, County of Northumberland.</p> <p>Part Lot 4, DP 1000943, Parish of Stockrington, County of Northumberland.</p> <p>Part Crown land parcels (entirely covered by ALC 4242), Parish of Stanford, County of Northumberland, bordered in the south by several lots including Lot 14, DP 716009 and Lot 26, DP 879812.</p>	<p>Rail line commences at 345380 E 1363337 N (ISG Zone 56/1), 358327 E 6363850 N (MGA2020 Zone 56) and ends at 347928 E 1363628 N (ISG Zone 56/1), 360868 E 6364189 N (MGA2020 Zone 56)</p>

4 Certain activities carried out under Petroleum (Onshore) Act 1991

- (1) An activity carried out by the holder of a petroleum title for the purpose of exercising rights conferred on the holder under the *Petroleum (Onshore) Act 1991*, section 28A or 28B.
- (2) In this clause—
petroleum title has the same meaning as in the *Petroleum (Onshore) Act 1991*.

[60] Schedule 8A Standard conditions of mining leases

Omit clause 1, definition of *activities*, including the note. Insert instead—

activities under a mining lease includes ancillary mining activities—

- (a) authorised to be carried out under the mining lease on the mining area, or
- (b) the carrying out of which is regulated by a condition referred to in the Act, Schedule 1B, clause 7B.

[61] Schedule 8A, clause 1, definition of “mining area”

Omit the definition, excluding the note. Insert instead—

mining area includes—

- (a) for a mining lease relating to a mineral or minerals—land—
 - (i) in the vicinity of the land subject to the mining lease, and
 - (ii) on which an ancillary mining activity is carried out to directly facilitate the mining lease, and

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- (iii) identified as part of the mining area for the purposes of this Schedule in a written direction given to the holder of the mining lease by the Secretary, and
- (b) for a mining lease that does not include the surface of land—the part of the surface of land on which the holder of the mining lease is authorised, in accordance with the Act, section 81, to carry out activities.

[62] Schedule 9 Fees

Omit “grant anniversary date occurring” wherever occurring in the table, item 14.
Insert instead “year”.

[63] Schedule 9, item 18

Omit “(clause 14 (3) of Schedule 1B to the Act)”.
Insert instead “—the Act, Schedule 1B, clause 14(1)”.

[64] Schedule 10 Penalty notice offences

Omit the matter relating to sections 6(1) and 246R(5) from “**Offences under the Act**”.
Insert in appropriate order—

Section 6	\$2,500	\$5,000
Section 140	\$1,250	\$2,500
Section 246R	\$2,500	\$5,000
Section 248S(1) in relation to failure to comply with requirement under section 248B(1)	\$1,250	\$2,500
Section 378D(2)	\$1,250	\$2,500
Section 394(5)	\$2,500	\$5,000