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DPI - MINERAL RESOURCES

Ministerial Briefing

**Ministerial Delegations**

**Issue:**

Instrument of Delegation under section 363(1) of the *Mining Act 1992*.

**Background:**

An application for an exploration licence (s13(4)), assessment lease (s33(4)), or mining lease (s51(4)) that relates to land within a mineral allocation area may not be made except with the consent of the Minister in relation to any group of minerals that include an allocated mineral. For example, the whole of the State of NSW is determined as a mineral allocation area for coal.

Currently sections 13(4), 33(4) and 41(4) are not delegated.

To improve the processing of applications it is proposed that the Minister delegate the approval process to the Director-General under section 363(1) of the *Mining Act 1992*.

Sections of the *Mining Act 1992* referred to in this brief are attached as Additional Information 1.

**Recommendation:**

That the Minister signs the attached Instrument of Delegation, prepared pursuant to section 363(1) of the *Mining Act 1992*.

Executive Contact: Brad Mullard  
Secondary Contact: Adrian Delany

02 4931 6404  
02 4931 6437

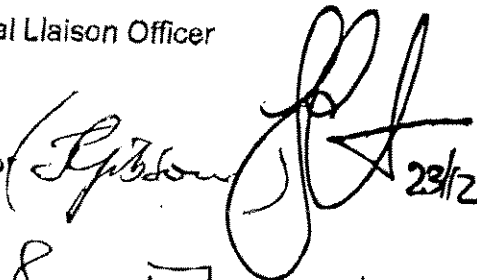
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 23/12/08

A/ED, Mineral Resources

Director-General  23.12.08

Departmental Liaison Officer

Policy Advisor  23/12

MINISTER  23/12

## Additional Information 1

### Mining Act 1992 No 29

#### 363 Delegation of functions by Minister, Director-General or mining registrar

- (1) The Minister may delegate any of the following functions (except this power of delegation) of the Minister to any person:
  - (a) any function under this Act,
  - (b) any function under the Environmental Planning and Assessment Act 1979.
- (2) The Director-General may delegate any function under this Act (except this power of delegation or any function delegated to the Director-General by the Minister) to any person.
- (2A) A mining registrar may delegate any function under this Act or the regulations (except this power of delegation or any function delegated to the mining registrar by the Minister or the Director-General) to a deputy mining registrar.
- (3) A reference in this section to a function under this Act includes a reference to a function under the regulations and a function under a condition of an authority, a mineral claim or an opal prospecting licence.

#### 13 Applications

- (1) Any person may apply for an exploration licence.
- (4) An application that relates to land within a mineral allocation area may not be made, except with the consent of the Minister, in relation to any group of minerals that includes an allocated mineral.

#### 33 Applications

- (1) Any person may apply for an assessment lease.
- (4) An application that relates to land within a mineral allocation area may not be made in relation to a mineral or group of minerals for which the mineral allocation area is constituted except:
  - (a) by the holder of an exploration licence or mining lease over that land in respect of that mineral or group of minerals, or
  - (b) with the consent of the Minister.

#### 51 Applications

- (1) Any person may apply for a mining lease.
- (4) An application that relates to land within a mineral allocation area may not be made in relation to an allocated mineral except:
  - (a) by the holder of an exploration licence or assessment lease over that land in respect of that mineral, or
  - (b) with the consent of the Minister.

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## MINING ACT 1992

## INSTRUMENT OF DELEGATION

I, Ian Michael Macdonald, MLC, Minister for Mineral Resources, under Section 363(1) of the *Mining Act 1992*, pursuant to that section of the *Mining Act 1992* specified in Column 1 of Schedule 1, do by this Instrument, delegate the functions listed below to a person holding the position as specified in Column 3 of Schedule 1.

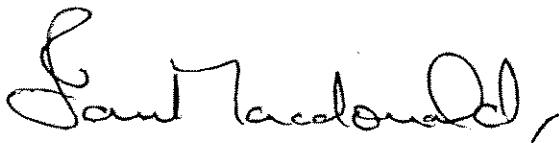
## SCHEDULE 1

COLUMN 1 Section Number	COLUMN 2 Description	COLUMN 3 Delegate
S13(4)	An exploration licence application that relates to land within a mineral allocation area may not be made, except with the consent of the Minister, in relation to any group of minerals that include an allocated mineral.	Director General, NSW Department of Primary Industries
S33(4)	An assessment lease application that relates to land within a mineral allocation area may not be made, except with the consent of the Minister, in relation to any group of minerals that include an allocated mineral.	Director General, NSW Department of Primary Industries
S51(4)	A mining lease application that relates to land within a mineral allocation area may not be made in relation to an allocated mineral except with the consent of the Minister.	Director General, NSW Department of Primary Industries

Dated this

day of

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IAN MICHAEL MACDONALD

MINISTER FOR MINERAL RESOURCES