



**STATUTES AMENDMENT (MINING ADMINISTRATION) ACT 1999**

**No. 1 of 1999**

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**ELIZABETHAE II REGINAE**

A.D. 1999

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No. 1 of 1999

**An Act to amend the Mining Act 1971 and the Opal Mining Act 1995.**

[Assented to 25 February 1999]

**The Parliament of South Australia enacts as follows:**

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Statutes Amendment (Mining Administration) Act 1999*.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Interpretation**

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2  
AMENDMENT OF MINING ACT 1971**

**Amendment of s. 6—Interpretation**

4. Section 6 of the principal Act is amended by inserting after the definition of "mining operator" in subsection (1) the following definition:

"Mining Register" means the register kept by the Mining Registrar under section 15A;

**Amendment of s. 15A—Register of mining tenements, etc.**

5. Section 15A of the principal Act is amended by striking out from subsection (2) "Any person may" and substituting "Subject to this Act, a person may".

**Amendment of s. 31—Fee**

6. Section 31 of the principal Act is amended by inserting after subsection (1) the following subsection:

- (1a) A regulation made for the purposes of subsection (1) may—
  - (a) fix various methods for the calculation of a fee (including according to the total area of land in respect of which an exploration licence is granted);
  - (b) fix differential fees on a basis prescribed by the regulations.

**Amendment of s. 34—Grant of mining lease**

7. Section 34 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) Subject to Part 9B, the Minister may grant a mining lease—
  - (a) to the holder of a registered mineral claim, in respect of the whole or part of the land comprised in the claim; or
  - (b) to the holder of a retention lease, in respect of the whole or part of the land comprised in the lease.

**Insertion of s. 63ZBA**

8. The following section is inserted after section 63ZB of the principal Act:

**Mining Native Title Register**

**63ZBA.** (1) The Mining Registrar must establish a distinct part of the Mining Register (which may be referred to as the *Mining Native Title Register*) for the registration of agreements and determinations under this Part.

(2) The Mining Registrar must, in respect of each agreement or determination registered under this Part, include in the *Mining Native Title Register* details concerning—

- (a) the land to which the agreement or determination relates; and
- (b) if relevant—the exploration authority or production tenement to which the agreement or determination relates; and
- (c) the parties who are bound by the agreement or determination; and
- (d) other information prescribed by the regulations.

(3) The Mining Registrar may also note in any other part of the Mining Register any agreement or determination registered under this Part (as the Mining Registrar thinks fit).

(4) An agreement or determination registered under this Part is not available for inspection under this Act if—

- (a) in the case of an agreement, the parties to the agreement specify in the agreement, or in some other manner determined by the Mining Registrar, that the contents of the agreement should be kept confidential under this section;

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(b) in the case of a determination, the ERD Court specifies in the determination that the contents of the determination should be kept confidential under this section.

(5) However, subsection (4) does not prevent the inspection of an agreement or determination registered under this Part by—

- (a) a person engaged in the administration of this Act acting in the course of official duties; or
- (b) the Minister, or a person appointed to the Public Service acting in the course of official duties on behalf of, or with the authority of, the Minister; or
- (c) a person who is bound by the agreement or determination; or
- (d) a person who is acting under the joint authority of all persons who are bound by the agreement or determination (and such an authority must be given in a manner and form approved by the Mining Registrar); or
- (e) a person who is acting under the authority of an order or determination of the ERD Court or the Supreme Court (for the purposes of this or another Act or law).

(6) An authority under subsection (5) may be given on conditions.

(7) A person who contravenes or fails to comply with a condition is guilty of an offence.

Penalty: \$10 000.

**Amendment of s. 92—Regulations**

9. Section 92 of the principal Act is amended by striking out paragraph (o) and substituting the following paragraph:

- (o) prescribe fees that are to be paid in respect of anything done under this Act or in connection with the administration or operation of this Act, or in respect of any matter occurring under this Act, and provide for the recovery of fees;.

**PART 3  
AMENDMENT OF OPAL MINING ACT 1995**

**Insertion of s. 70A**

10. The following section is inserted after section 70 of the principal Act:

**Opal Mining Native Title Register**

70A. (1) The Mining Registrar must establish a distinct part of that part of the Mining Register established under section 76 (which may be referred to as the *Opal Mining Native Title Register*) for the registration of agreements and determinations under this Part.

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(2) The Mining Registrar must, in respect of each agreement or determination registered under this Part, include in the *Opal Mining Native Title Register* details concerning—

- (a) the land to which the agreement or determination relates; and
- (b) if relevant—the permit or tenement to which the agreement or determination relates; and
- (c) the parties who are bound by the agreement or determination; and
- (d) other information prescribed by the regulations.

(3) The Mining Registrar may also note in any other part of the Mining Register any agreement or determination registered under this Part (as the Mining Registrar thinks fit).

(4) An agreement or determination registered under this Part is not available for inspection under this Act if—

- (a) in the case of an agreement, the parties to the agreement specify in the agreement, or in some other manner determined by the Mining Registrar, that the contents of the agreement should be kept confidential under this section;
- (b) in the case of a determination, the ERD Court specifies in the determination that the contents of the determination should be kept confidential under this section.

(5) However, subsection (4) does not prevent the inspection of an agreement or determination registered under this Part by—

- (a) a person engaged in the administration of this Act acting in the course of official duties; or
- (b) the Minister, or a person appointed to the Public Service acting in the course of official duties on behalf of, or with the authority of, the Minister; or
- (c) a person who is bound by the agreement or determination; or
- (d) a person who is acting under the joint authority of all persons who are bound by the agreement or determination (and such an authority must be given in a manner and form approved by the Mining Registrar); or
- (e) a person who is acting under the authority of an order or determination of the ERD Court or the Supreme Court (for the purposes of this or another Act or law).

(6) An authority under subsection (5) may be given on conditions.

(7) A person who contravenes or fails to comply with a condition is guilty of an offence.

Maximum penalty: \$10 000.

**PART 4**  
**TRANSITIONAL PROVISIONS**

**Transitional provisions**

11. (1) An agreement registered under Part 9B of the *Mining Act 1971* before the commencement of this Act will be taken to be an agreement that is to be kept confidential under section 63ZBA of that Act (as enacted by this Act) unless or until all parties to the agreement notify the Mining Registrar otherwise.

(2) An agreement registered under Part 7 of the *Opal Mining Act 1995* before the commencement of this Act will be taken to be an agreement that is to be kept confidential under section 70A of that Act (as enacted by this Act) unless or until all parties to the agreement notify the Mining Registrar otherwise.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor