

South Australia

## **Mining Regulations 2020**

under the *Mining Act 1971*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Exercise of rights over a road, street or highway
- 5 Exempt land—prescribed distance
- 6 Waiver of exemption

#### **Part 2—Administration**

- 7 **To be released in Package 3**
- 8 Applications for warrants

#### **Part 3—Royalty**

- 9 Prescribed amount
- 10 Prescribed information to accompany tenement holder's estimate of value of minerals
- 11 Prescribed costs
- 12 Persons exempt from furnishing returns
- 13 Means of payment of royalty

#### **Part 4—Mining register**

- 14 Other matters to be placed on register
- 15 Surrender of mortgages

#### **Part 5—Information**

- 16 Compilation, keeping and provision of material
- 17 Release of material

#### **Part 6—Mineral claims**

- 18 Application to establish a mineral claim
- 19 Area of claim
- 20 Notification of registration
- 21 Cancellation of claim
- 22 Cessation of claim if lease granted

#### **Part 7—Exploration licences**

- 23 Application for licence
- 24 Notification of grant of licence
- 25 Expenditure
- 26 Application for retention status
- 27 Division of area of licence

- 28 Renewal of licence
- 29 Excise of land for public purposes

### Part 8—Leases

To be released in Package 3

### Part 9—Miscellaneous purposes licences

To be released in Package 3

### Part 10—Screening and scoping

To be released in Package 3

### Part 11—Common provisions

- 43 To be released in Package 3
- 44 Consultation on proposed tenement
- 45 To be released in Package 3
- 46 Rental
- 47 To be released in Package 3
- 48 To be released in Package 3

### Part 12—Change in operations

To be released in Package 3

### Part 13—Funds

- 54 Mining Rehabilitation Fund—prescribed period
- 55 Extractive Areas Rehabilitation Fund—prescribed rate

### Part 14—Forfeiture and transfer of mineral tenement

- 56 Forfeiture and transfer of mineral tenement

### Part 15—Programs for environment protection and rehabilitation

To be released in Package 3

### Part 16—General provisions—environmental protection

- 62 Environmental directions

### Part 17—Special mining enterprises

To be released in Package 3

### Part 18—Entry on land

- 65 Entry on land

### Part 19—Private mines

To be released in Package 3

### Part 20—Reports

- 71 Compliance reports
- 72 Technical exploration reports
- 73 Incident reports
- 74 Airborne surveys

**Part 21—Miscellaneous**

- 75 Public liability insurance
- 76 Confirmation of emergency direction
- 77 **To be released in Package 3**
- 78 Fees
- 79 Ministerial notices in connection with certain prescribed fees
- 80 Service of documents
- 81 Administrative penalties
- 82 Expiation of offences
- 83 Transitional provisions

**Schedule 1—Items to be registered on mining register****Schedule 2—Rental****Schedule 3—Administrative penalties****Schedule 4—Expiation fees****Schedule 5—Revocation of *Mining Regulations 2011***

---

**Part 1—Preliminary****1—Short title**

These regulations may be cited as the *Mining Regulations 2020*.

**2—Commencement**

These regulations come into operation on 1 January 2021.

**3—Interpretation**

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Mining Act 1971*;

*compliance report* means a compliance report under regulation 71;

*corresponding law* means an Act of another State or a Territory that contains provisions that substantially correspond with the *Mining Act 1971*;

*Department* means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

*designated material* has the meaning given by section 15AI of the Act;

*dimension stone* means stone that is cut, trimmed and finished to specific dimensions and shapes and includes cut stone, ashlars, monumental stone, roofing slate and flagging stone;

*industrial minerals* means the following:

- (a) alunite;

- (b) anatase;
- (c) andalusite;
- (d) barite;
- (e) bentonite;
- (f) calcrete;
- (g) celestite;
- (h) cement shale;
- (i) diamond;
- (j) diatomite;
- (k) dolomite;
- (l) feldspar;
- (m) fire clay;
- (n) garnet;
- (o) graphite;
- (p) gypsum;
- (q) ilmenite;
- (r) kaolin;
- (s) kyanite;
- (t) leucoxene;
- (u) lime sand;
- (v) magnesite;
- (w) marble;
- (x) mica;
- (y) micaceous hematite;
- (z) monazite;
- (za) palygorskite;
- (zb) peat;
- (zc) phosphate;
- (zd) potash;
- (ze) rutile;
- (zf) salt;
- (zg) silica;
- (zh) silica sand;
- (zi) sillimanite;
- (zj) talc;

- (zk) vermiculite;
  - (zl) wollastonite;
  - (zm) xenotime;
  - (zn) zircon;
  - (zo) any other mineral that would be an extractive mineral for the purposes of the Act but for the fact that it is mined for a purpose prescribed for the purposes of paragraph (a) of the definition of *extractive minerals* in section 6(1) of the Act.
- (2) For the purposes of paragraph (ab) of the definition of *declared equipment* in section 6(1) of the Act, mechanically driven equipment that is capable of drilling to depths of 2.5 metres or more below the ground in order to recover subsurface geological samples or information is prescribed.
- (3) For the purposes of the definition of *exploring* or *exploration operations* in section 6(1) of the Act, the following activities are, in accordance with paragraph (d) of that definition, brought within the ambit of that definition:
- (a) collecting a bulk sample required to evaluate the metallurgical and physical properties of a mineral deposit or the economic potential of such a deposit and rehabilitating the land from which the sample was taken to be as close as reasonably practicable to the state of the land before the sample was taken;
  - (b) undertaking geotechnical test work and rehabilitating the land on which the test work was undertaken to be as close as reasonably practicable to the state of the land before the test work was undertaken.
- (4) The following are *prescribed purposes* under paragraph (a) of the definition of *extractive minerals* in section 6(1) of the Act:
- (a) chemical, cement, lime and glass manufacture;
  - (b) metallurgical flux, refractories and industrial fillers;
  - (c) foundries, fertiliser, agricultural, jewellery and crafted ornamental uses;
  - (d) the production of dimension stone.

#### 4—Exercise of rights over a road, street or highway

- (1) A person must not exercise a right under the Act or these regulations on a public road, street or highway without the written consent of the authority that has the care, control or management of the road, street or highway.
- (2) However, a consent under subregulation (1) is not required to identify an area for a mineral claim on land (in a manner determined or approved under section 56E of the Act) consisting (partially or entirely) of a public road, street or highway.
- (3) An application to register a claim on land consisting (partially or entirely) of a public road, street or highway must be accompanied by the consent required under subregulation (1).

#### 5—Exempt land—prescribed distance

- (1) This regulation applies in relation to—
  - (a) a miscellaneous purpose licence; and

- (b) a retention lease; and
  - (c) a mining lease.
- (2) For the purposes of section 9(5) of the Act, the *prescribed distance* for the recovery of industrial minerals under a mineral tenement to which this regulation applies is, in accordance with paragraph (c)(i) of that definition, 400 metres.

## 6—Waiver of exemption

- (1) For the purposes of section 9AA(8)(b) of the Act, a tenement holder must provide the owner of land with the following information in relation to each relevant tenement or proposed tenement in relation to the land:
- (a) a copy of the approved program (if any) under Part 10A of the Act;
  - (b) a copy of the relevant proposal;
  - (c) a copy of any response of the tenement holder as required by the Minister under section 56H(4)(b) of the Act;
  - (d) information as to the rights of the owner of land under section 9AA(9)(b) and (14) of the Act in a manner and form determined by the Minister that is made publicly available on a website determined by the Minister.
- (2) For the purposes of section 9AA(14b) of the Act, notice of an agreement to waive the benefit of an exemption must be given to the Mining Registrar—
- (a) within 21 days after the agreement is entered into; or
  - (b) when an application for the tenement is made under the Act,
- whichever occurs first.

## Part 2—Administration

### 7 - To be released in Package 3

## 8—Applications for warrants

The following procedures in relation to an application for the issue of a warrant are prescribed for the purposes of section 14C(6)(b) of the Act:

- (a) if an application for the issue of a warrant is made personally—the grounds of the application must be verified by affidavit;
- (b) if an application for the issue of a warrant is made by telephone—
  - (i) the applicant must inform the magistrate, warden or justice of the applicant's name and identify the position that they hold for the purposes of the Act, and the magistrate, warden or justice, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
  - (ii) the applicant must inform the magistrate, warden or justice of the purpose for which the warrant is required and the grounds on which it is sought; and

- (iii) if it appears to the magistrate, warden or justice from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate, warden or justice must inform the applicant of the facts that justify, in their opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
- (iv) if the applicant gives such an undertaking, the magistrate, warden or justice may then make out and sign a warrant, noting on the warrant the facts that justify, in their opinion, the issue of the warrant; and
- (v) the warrant is taken to have been issued, and comes into force, when signed by the magistrate, warden or justice; and
- (vi) the magistrate, warden or justice must inform the applicant of the terms of the warrant; and
- (vii) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate, warden or justice an affidavit verifying the facts referred to in paragraph (iii).

## **Part 3—Royalty**

### **9—Prescribed amount**

For the purposes of section 17(4)(a) of the Act, the lesser amount of 52 cents per tonne is prescribed.

### **10—Prescribed information to accompany tenement holder's estimate of value of minerals**

For the purposes of section 17(6)(b)(iv) of the Act, the tenement holder's estimate of the reasonable value of the minerals in accordance with that subparagraph must be accompanied by—

- (a) sufficient information as to why the market value of the minerals could not be determined according to section 17(6)(b)(i), (ii) and (iii) of the Act; and
- (b) sufficient information that demonstrates that the estimate provided by the tenement holder is reasonable; and
- (c) any further information requested by the Minister.

### **11—Prescribed costs**

- (1) For the purposes of section 17(8) of the Act, costs of the following kinds are prescribed:
  - (a) costs (excluding GST) genuinely incurred in transporting the minerals to a point of sale (including, for example, packaging, storage, loading, permit, fees, insurance and depreciation);
  - (b) any other costs (excluding GST) determined by the Minister to be a cost of a prescribed kind for the purposes of that subsection (which may vary according to a particular tenement holder, class of tenement holder, or all tenement holders).

- (2) For the purposes of section 17(8a) of the Act, costs of the following kind are prescribed:
- (a) costs (excluding GST) genuinely incurred in transporting the minerals to a point of sale (including, for example, packaging, storage, loading, permit, fees, insurance and depreciation);
  - (b) costs (excluding GST) genuinely incurred in shipping the minerals to a genuine purchaser in a sale at arms length;
  - (c) any other costs (excluding GST) determined by the Minister to be a cost of a prescribed kind for the purposes of that subsection (which may vary according to a particular tenement holder, class of tenement holder, or all tenement holders).

## 12—Persons exempt from furnishing returns

- (1) For the purposes of section 17CA(9) of the Act (but subject to subregulation (2)), the following persons are exempt from the requirement to furnish a return under section 17CA(1) of the Act:
- (a) the holder of a registered mineral claim;
  - (b) the holder of an exploration licence;
  - (c) the holder of a miscellaneous purposes licence;
  - (d) the holder of a retention lease.
- (2) Subregulation (1)(c) or (d) does not apply in relation to a particular tenement if the Minister has determined, by notice to the tenement holder, that the tenement holder should comply with the requirements of section 17CA of the Act.

## 13—Means of payment of royalty

For the purposes of section 17G of the Act, royalty must be paid—

- (a) by means of electronic funds transfer to an account nominated by the Minister; or
- (b) by means of a credit card.

## Part 4—Mining register

### 14—Other matters to be placed on register

- (1) For the purposes of section 15AA(2)(1) of the Act, the items set out in Schedule 1 must be registered on the register (unless, in the Mining Registrar's discretion, the Mining Registrar determines otherwise).
- (2) This regulation does not limit the operation of any other regulation.

### 15—Surrender of mortgages

For the purposes of section 15AC(8)(d) of the Act, a prescribed circumstance is where the surrender is required by an order of a court or tribunal constituted by law.

## Part 5—Information

### 16—Compilation, keeping and provision of material

- (1) For the purposes of section 15AJ of the Act, a tenement holder must comply with the requirements set out in this regulation with respect to—
  - (a) compiling or creating designated material referred to in this regulation (section 15AJ(1) of the Act); and
  - (b) keeping designated material referred to in this regulation (section 15AJ(2) of the Act); and
  - (c) providing designated material referred to in this regulation to the Director (section 15AJ(3) of the Act); and
  - (d) providing for the form of any designated material provided to the Director (section 15AJ(5) of the Act).
- (2) Geological mapping: a complete and detailed record must be kept in an electronic form for 7 years and any such record created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (3) Surveys of workings: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (4) Geological samples, including drill hole samples and drilling samples: all core samples must be kept in accordance with guidelines issued by the Department for 7 years and retained by the tenement holder, or provided to the Director, in accordance with those guidelines (unless the tenement holder is authorised to destroy or dispose of the samples under those guidelines).
- (5) Drill hole logs: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (6) Locations relating to geological samples including drill hole collar locations: these locations must be identified by using maps and coordinates that accurately show each location in accordance with any requirements determined by the Director and these maps and coordinates must be kept in an electronic form for 7 years and any such maps created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (7) Results of analysis and testing of samples: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (8) Records of geophysical surveys: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.

- (9) Technical data, studies and reports: these must be kept in an electronic form for 7 years and any such designated material created or finalised in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (10) Records of geochemistry: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (11) Supporting information and data associated with reserve or resource estimation: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (12) Records of airborne surveys under regulation 74: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (13) Records of remote sensing: these must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (14) Economic, environmental or social studies or reports: these must be kept in an electronic form for 7 years and any such designated material created or finalised in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (15) Records of mineralogy and petrology studies: these must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (16) Scoping studies: these must be kept in an electronic form for 7 years and any such studies created or finalised in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (17) Feasibility studies: these must be kept in an electronic form for 7 years and any such studies created or finalised in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (18) Surface mapping (recording the geological features of an operating mine): complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (19) Drill hole photographs: these must be kept in an electronic form for 7 years and any such photographs taken in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (20) Open data file compilations: complete and detailed records must be kept in an electronic form for 7 years and any such records created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.

- (21) Technical data associated with exploration that demonstrates an increased inferred or indicated resource (JORC definitions or equivalent): this data must be kept in an electronic form for 7 years and any such data created in a particular financial year must be provided electronically to the Director by the designated date for that financial year.
- (22) Production volume or quantity, and quality and value, records for a mining lease or private mine: these records must be kept in an electronic form for 7 years and any such records must be provided electronically to the Director if so requested by the Director.
- (23) Records that evidence cost of a kind prescribed by regulation 11: these records must be kept in an electronic form for 7 years and any such records must be provided electronically to the Director if so requested by the Director.
- (24) Technical data associated with the measurement of criteria in a program or plan approved under Part 10A or 11B of the Act: this data must be kept in an electronic form for the term of the relevant tenement (or in the case of a private mine, until the private mine is surrendered) and any such data must be provided electronically to the Minister on request by the Minister.
- (25) In this regulation—  
*designated date*, in relation to a particular financial year, means 31 July immediately following the end of that financial year.

## 17—Release of material

For the purposes of section 15AL(3)(d) of the Act, any designated material provided to the Director under this Part must not be released under section 15AL of the Act until—

- (a) the expiry of the period of 4 years from the date on which the designated material was so provided to the Director; or
  - (b) the expiry, cancellation or forfeiture of the tenement to which the designated material relates; or
  - (c) the surrender, relinquishment or reduction (in whole or in part) of the tenement to which the designated material relates (being, in a case involving a part of a tenement, the designated material that relates to that part); or
  - (d) the designated material has been publicly available; or
  - (e) a holder of the tenement consents to the release of the designated material,
- whichever occurs first.

## Part 6—Mineral claims

### 18—Application to establish a mineral claim

- (1) For the purposes of section 21(7)(f) of the Act, the following information is prescribed:
  - (a) a statement of the proposed operations to be carried out within the area of the mineral claim;
  - (b) a plan delineating any exempt land within the area of the mineral claim.

- (2) For the purposes of sections 21(10) and 24A(a)(ii) of the Act, the period of 28 days, or such longer period as the Mining Registrar may determine or approve, is prescribed.

### **19—Area of claim**

For the purposes of section 23 of the Act (but subject to section 23(2)), the maximum permissible area of a mineral claim is 250 hectares.

### **20—Notification of registration**

The Mining Registrar must, on the registration of a mineral claim, give notice of the registration of the claim to the applicant.

### **21—Cancellation of claim**

- (1) If the Mining Registrar discovers or determines, after a mineral claim is registered, that the claim should not have been registered on account of a contravention of, or a failure to comply with, a provision or requirement of the Act or these or any other regulations made under the Act, the Mining Registrar may, by notice in writing to the owner of the claim, give notice of the Mining Registrar's intention to cancel the registration of the claim on a day specified in the notice (which must be at least 21 days after the date of the notice).
- (2) A person who receives a notice under subregulation (1) may apply to the Warden's Court to have the decision of the Mining Registrar reviewed.
- (3) An application for review must be made within 14 days of service of the notice (unless the Warden's Court allows an extension of time).
- (4) Pending the determination of an application for review, the Mining Registrar must not cancel the registration of the claim.
- (5) At the conclusion of the review, the Warden's Court may—
  - (a) confirm the decision of the Mining Registrar; or
  - (b) cancel the notice.
- (6) Subject to a decision of the Warden's Court under this regulation, the Mining Registrar may, after the day specified in a notice under this regulation, cancel the registration of the relevant claim.

### **22—Cessation of claim if lease granted**

If the Minister grants a mining lease or a retention lease over the whole or part of the area of a mineral claim—

- (a) the claim will cease to the extent to which the lease applies to the area of the claim; and
- (b) if there is no other application for a mineral tenement in relation to the mineral claim under consideration under the Act and these regulations at that time, the claim will cease and determine.

## Part 7—Exploration licences

### 23—Application for licence

- (1) For the purposes of section 29A(1)(c) of the Act, the following information is prescribed:
  - (a) a statement—
    - (i) outlining the exploration operations that the tenement holder intends to carry out under the exploration licence during—
      - (A) the first 2 years of operations under the licence; or
      - (B) a period determined by the Minister; and
    - (ii) declaring the amount of expenditure that is estimated to occur in carrying out those operations;
  - (b) a statement of the technical, operational and financial capabilities and resources available to the applicant for the purpose of carrying out operations under the exploration licence;
  - (c) a statement nominating the principal mineral or minerals that the applicant is seeking under the exploration licence and the exploration model that the applicant intends to employ for the purposes of exploring for that mineral or those minerals;
  - (d) a statement outlining the applicant's history of non-compliance in relation to authorised operations carried out under a corresponding law;
  - (e) a statement, in the form of a statutory declaration, declaring whether the applicant or a related body corporate has, within the preceding period of 3 months, held an exploration licence (or an interest in an exploration licence) in relation to any area in respect of which the exploration licence is being sought.
- (2) Any information provided under subregulation (1) must be in a form determined by the Minister, be supported by such evidence as the Minister may determine, and comply with any requirement of the Minister relating to the amount or detail of information that must be provided.

### 24—Notification of grant of licence

For the purposes of section 29B of the Act, notice of the grant of an exploration licence will be given in the manner prescribed by regulation 80.

### 25—Expenditure

For the purposes of section 30AAA of the Act—

- (a) the period applying under subsection (3)(a)(i) of that section is—
  - (i) unless subparagraph (ii) applies—every 2 years (with the first period commencing on the date on which the exploration licence is granted); or
  - (ii) a period determined by the Minister; and

- (b) the period applying under section (3)(b)(i) of that section is—
  - (i) unless subparagraph (ii) applies—every ensuing period of 2 years (with the period commencing on the second anniversary of the date on which the exploration licence is granted); or
  - (ii) a period determined by the Minister; and
- (c) the time within which a return must be furnished under subsection (3) of that section is within 60 days of the end of each period applying in accordance with paragraphs (a) and (b).

## 26—Application for retention status

For the purposes of section 33B(2)(c) of the Act, the following information is prescribed:

- (a) in the case of a tenement holder who applies for the grant of retention status in relation to the exploration licence under section 33B(3)(a) of the Act—
  - (i) a statement of the approval or approvals under another Act or Acts that the tenement holder has been unable to obtain, and details of any attempts to obtain such approvals; and
  - (ii) a statement summarising the exploration operations undertaken under the exploration licence; and
  - (iii) an estimate of the expenditure that has been incurred in respect of exploration operations undertaken on the area of land to which the application relates; and
  - (iv) an estimate of the time that the applicant considers will be required to obtain the approvals under another Act or Acts that are required before the tenement holder can commence or continue exploration operations in relation to the land to which the application relates;
- (b) in the case of a tenement holder who applies for the grant of retention status in relation to the exploration licence under section 33B(3)(b) of the Act—
  - (i) details of the mineral resource located in, on or under the land to which the application relates; and
  - (ii) a statement declaring that the mineral resource has been appropriately identified and estimated; and
  - (iii) a statement outlining the reasons the applicant considers it unreasonable to expect an application to be made for a mining lease or a retention lease because it is not commercially viable to spend time and money on developing the resource; and
  - (iv) a statement outlining the reasons the applicant considers that mining the relevant land will become commercially viable within the next 6 years;
- (c) in the case of a tenement holder who applies for the grant of retention status in relation to the exploration licence under section 33B(3)(c) of the Act—
  - (i) a statement summarising the exploration operations undertaken under the exploration licence; and

- (ii) an estimate of the expenditure that has been incurred in respect of exploration operations undertaken on the area of land to which the application relates; and
- (iii) a statement of the circumstances that the applicant considers justify the application, including details of any steps taken by the applicant to resolve those circumstances by other means; and
- (d) such other information as may be determined by the Minister for the purposes of this regulation

## 27—Division of area of licence

For the purposes of section 30AA(4)(b) of the Act, the following information is prescribed:

- (a) a description of the area that is to be surrendered in accordance with the requirements of section 56E of the Act;
- (b) an application that complies with the requirements of section 29A of the Act as if the designated party were applying for a new exploration licence in relation to the land to which the application applies and as if the land were open ground (subject to any necessary modifications);
- (c) a statement, in the form of a statutory declaration, declaring that—
  - (i) the designated party is not, in relation to the tenement holder, a related body corporate; and
  - (ii) the designated party or a related body corporate has not, within the preceding period of 2 years, held a mineral tenement in respect of the land to be surrendered;
- (d) a statement that there are no outstanding obligations or liabilities in respect of the land to which the application relates or, if there are any such obligations or liabilities, a commitment from the designated party to assume responsibility for those obligations and liabilities;
- (e) if the exploration licence falls within the ambit of regulation 71(1)(b)—a final compliance report as if the land to which the application relates were a tenement that was being surrendered by the tenement holder;
- (f) if the exploration licence falls within the ambit of regulation 72—a final technical exploration report as if the land to which the application relates were a tenement that was expiring, or being surrendered, cancelled or forfeited by the tenement holder;
- (g) such other information as may be determined by the Minister for the purposes of this regulation.

## 28—Renewal of licence

- (1) For the purposes of section 30A(4a)(a) of the Act, the following information is prescribed:
  - (a) a statement of performance for the previous term which includes such information as the Minister may determine;
  - (b) a statement—

- (i) outlining the exploration operations that the tenement holder intends to carry out under the exploration licence during—
    - (A) the first 2 years of operations under the renewed licence; or
    - (B) a period determined by the Minister; and
  - (ii) declaring the amount of expenditure that is estimated to occur in carrying out those operations;
  - (c) a statement nominating the principal mineral or minerals that the applicant is seeking over the next term of the licence and the exploration model that the applicant intends to employ for the purposes of exploring for that mineral or those minerals;
  - (d) a statement of the technical, operational and financial capabilities and resources available to the applicant for the purposes of carrying out operations under the renewed licence;
  - (e) a statement outlining the applicant's history of non-compliance in relation to authorised operations carried out under a corresponding law;
  - (f) such other information as may be determined by the Minister for the purposes of this regulation.
- (2) An application under section 30A(4) of the Act must be accompanied by the prescribed fee.

## **29—Excise of land for public purposes**

- (1) For the purposes of section 30AB of the Act, the Minister may excise land by notice in the Gazette in a form determined by the Minister.
- (2) If the Minister gives a notice under subregulation (1), the Minister must serve a copy of the notice on the tenement holder.

## **Part 8—Leases**

**To be released in Package 3**

## **Part 9—Miscellaneous purposes licences**

**To be released in Package 3**

## **Part 10—Screening and scoping**

**To be released in Package 3**

## **Part 11—Common provisions**

**43 - To be released in Package 3**

**44—Consultation on proposed tenement**

- (1) This regulation applies to—
  - (a) a mining proposal under section 36(1)(c) of the Act; or
  - (b) a retention proposal under section 44(1)(c) of the Act; or
  - (c) a proposal accompanying an application for a miscellaneous purposes licence under section 49(1)(c) of the Act.
- (2) For the purposes of sections 36(1)(c)(iv), 44(1)(c)(iv) and 49(1)(c)(iv) of the Act—
  - (a) the consultation must at least comply with the following requirements:
    - (i) there should be an express focus on engagement about the environmental outcomes that are expected to occur in connection with the proposed authorised operations;
    - (ii) reasonable steps should be taken to consult with the owner of land where the authorised operations are proposed to be carried out;
  - (b) the results of the consultation undertaken in relation to a proposal must at least set out the following:
    - (i) the persons consulted;
    - (ii) any issues of concern raised by the persons consulted;
    - (iii) the steps (if any) taken or proposed to be taken by the applicant to address those concerns.

**45 - To be released in Package 3****46—Rental**

- (1) For the purposes of section 56M(2) of the Act, rental as set out in Schedule 2 is payable by the holder of a mineral tenement to whom section 56M of the Act applies in accordance with that Schedule.
- (2) Rental will be calculated according to the total amount of land in respect of which the relevant mineral tenement is granted, and no allowance will be made for land that is not available for authorised operations or other activities under the relevant mineral tenement.
- (3) Rental is to be paid annually in advance to the Director at the head office of the Mineral Resources Group of the Department of the Minister.

**47 - To be released in Package 3****48 - To be released in Package 3****Part 12—Change in operations****To be released in Package 3**

## Part 13—Funds

### 54—Mining Rehabilitation Fund—prescribed period

For the purposes of section 62AA(3)(b) of the Act, the prescribed period is 24 months.

### 55—Extractive Areas Rehabilitation Fund—prescribed rate

For the purposes of the definition of *prescribed rate* in section 63(5) of the Act, the lesser amount of 22 cents per tonne of extractive minerals is prescribed.

## Part 14—Forfeiture and transfer of mineral tenement

### 56—Forfeiture and transfer of mineral tenement

- (1) For the purposes of section 70(1)(b) of the Act, section 70 applies in relation to an exploration licence.
- (2) For the purposes of section 70(2a) of the Act—
  - (a) an applicant must be able to demonstrate—
    - (i) their capacity to meet the terms and conditions of the tenement; and
    - (ii) their capacity to meet the outcomes, criteria and requirements of the relevant approved program under Part 10A of the Act; and
    - (iii) their capacity to replace any bond or security in place under section 62 of the Act; and
    - (iv) a history of compliance with the provisions of the Act and any corresponding law; and
  - (b) an application must be supported by—
    - (i) evidence of technical, operational and financial capabilities and resources available to the applicant to undertake the operations contemplated by the relevant approved program under Part 10A of the Act; and
    - (ii) evidence of the capacity to rectify or address the grounds on which the tenement would be forfeited, as applying under section 70(2b) of the Act; and
  - (c) an application may not be made in relation to an exploration licence that was granted or has been transferred within the period of 2 years immediately preceding the date of the application.
- (3) For the purposes of section 70(3a)(a) of the Act, a right to the transfer of a mineral tenement does not arise—
  - (a) if the person on whose application the Court recommended forfeiture fails to notify the Minister, within 14 days after the Court makes its recommendation, in a manner and form determined by the Minister, that they wish to have the mineral tenement transferred to them; or
  - (b) if the Minister does not consent to the transfer of the mineral tenement.

## **Part 15—Programs for environment protection and rehabilitation**

**To be released in Package 3**

### **58—Consultation on program and review of program**

- (1) For the purposes of section 70B(2)(d) and (e) of the Act, a program under Part 10A of the Act must, in addition to the requirements set out in that section and these regulations, include information on all consultation undertaken in connection with the preparation of the program in relation to—
  - (a) engagement about the environmental outcomes that are expected to occur in connection with the authorised operations carried out under the program being reviewed; and
  - (b) reasonable steps taken to consult with the owner of the land where the authorised operations are proposed to be carried out,that must at least set out the following:
  - (c) the persons consulted;
  - (d) any issues of concern raised by the persons consulted;
  - (e) the steps (if any) taken or proposed to be taken by the tenement holder to address those concerns.
- (2) For the purposes of section 70C(3)(a) of the Act, a tenement holder conducting a review of a program under Part 10A of the Act must—
  - (a) undertake consultation that at least complies with the following requirements:
    - (i) there should be an express focus on engagement about the environmental outcomes that are expected to occur in connection with the authorised operations to be carried out under the program being reviewed;
    - (ii) reasonable steps should be taken to consult with the owner of land where the authorised operations are proposed to be carried out; and
  - (b) include, in any revised program, information on all consultation undertaken in connection with the review which must at least set out the following:
    - (i) the persons consulted;
    - (ii) any issues of concern raised by the persons consulted;
    - (iii) the steps (if any) taken or proposed to be taken by the applicant to address those concerns.

**To be released in Package 3**

## Part 16—General provisions—environmental protection

### 62—Environmental directions

For the purposes of section 7(2a) of the Act—

- (a) section 70E of the Act applies as if a reference to mining operations included a reference to mining operations for the recovery of extractive minerals that are authorised under another Act insofar as that section relates to undue damage, or potential undue damage, to the environment; and
- (b) section 70H of the Act applies as if it extended to an environmental direction issued in relation to mining operations for the recovery of extractive minerals that are authorised under another Act as provided for by paragraph (a); and
- (c) the powers of an authorised officer to carry out an authorised investigation under the Act apply in relation to mining operations for the recovery of extractive minerals if the powers are exercised, or the investigation is, in connection with Part 10B of the Act.

## Part 17—Special mining enterprises

**To be released in Package 3**

## Part 18—Entry on land

### 65—Entry on land

- (1) A person must, on serving a notice of entry under section 58A of the Act, keep a record that the notice has been served.
- (2) For the purposes of section 58A(6) of the Act, a notice under section 58A of the Act must be served on the Mining Registrar.

## Part 19—Private mines

**To be released in Package 3**

## Part 20—Reports

### 71—Compliance reports

- (1) This regulation applies in relation to—
  - (a) a mineral claim; and
  - (b) an exploration licence; and
  - (c) a mining lease; and
  - (d) a retention lease; and
  - (e) a miscellaneous purposes licence; and
  - (f) a private mine.

- 
- (2) The tenement holder in relation to a mineral tenement to which this regulation applies must provide to the Minister after the end of each reporting period a report (a **compliance report**) in accordance with the requirements of this regulation.  
Maximum penalty: \$5 000.  
Expiation fee: \$750.
- (3) For the purposes of subregulation (2), a **reporting period** is—
- (a) unless paragraph (b) applies—
    - (i) in relation to a private mine—each 12 month period ending on 30 June in each year; and
    - (ii) in any other case—each 12 month period ending on the anniversary of the day on which the relevant mineral tenement was granted; or
  - (b) if the Minister so determines—a period set by reference to particular dates in a year, or a particular frequency.
- (4) A compliance report under subregulation (2)—
- (a) must be provided within a period after the end of each reporting period determined by the Minister; and
  - (b) must be provided in a manner and form determined by the Minister; and
  - (c) must contain the information determined by the Minister.
- (5) If a mineral tenement to which this regulation applies is being transferred, the transferor must provide to the Minister a compliance report in accordance with the requirements of this regulation—
- (a) unless paragraph (b) applies—in conjunction with the application for the Minister's consent to the transfer; or
  - (b) at a time determined by the Minister in the particular case.
- Maximum penalty: \$5 000.  
Expiation fee: \$750.
- (6) A compliance report under subregulation (5)—
- (a) must relate to the period between the end of the last reporting period applying under subregulation (3) in relation to the mineral tenement and the date of the report; and
  - (b) must be provided in a manner and form determined by the Minister; and
  - (c) must contain the information determined by the Minister.
- (7) If or when—
- (a) a mineral tenement to which this regulation applies expires, or is surrendered, cancelled or forfeited; or
  - (b) part of the area of a mineral tenement to which this regulation applies is surrendered, relinquished or reduced,
- the tenement holder at that time must provide to the Minister a final compliance report—
- (c) unless paragraph (d) or (e) applies—

- (i) in the case of an expiry—before the expiration; or
- (ii) in the case of a surrender—at the time that the tenement holder applies for the surrender; or
- (iii) in the case of a cancellation or forfeiture—within 2 months of the date of the cancellation or forfeiture; or
- (d) in the case of a surrender, relinquishment or reduction of area by operation of section 30AAA, 30A or 33B of the Act—within 2 months after the date of the surrender, relinquishment or reduction; or
- (e) within a period or at a time determined by the Minister in the particular case.

Maximum penalty: \$5 000.

Expiation fee: \$750.

- (8) The Director may exempt the holder of an exploration licence from a requirement under this regulation.

## 72—Technical exploration reports

- (1) Subject to subregulation (2), this regulation applies in relation to—
  - (a) an exploration licence; and
  - (b) any other mineral tenement where the tenement holder carries out exploration operations.
- (2) This regulation does not apply in relation to a class of tenement excluded from the operation of this regulation by a determination of the Minister.
- (3) The tenement holder in relation to a mineral tenement to which this regulation applies must provide to the Minister after the end of each reporting period a report (a *technical exploration report*) in accordance with the requirements of this regulation.

Maximum penalty: \$5 000.

Expiation fee: \$750.

- (4) For the purposes of subregulation (3), a *reporting period* is—
  - (a) unless paragraph (b) applies—
    - (i) in relation to a private mine—each 12 month period ending on 30 June in each year; and
    - (ii) in any other case—each 12 month period ending on the anniversary of the day on which the relevant mineral tenement was granted; or
  - (b) if the Minister so determines—a period set by reference to particular dates in a year, or a particular frequency.
- (5) A technical exploration report under subregulation (3)—
  - (a) must be provided within a period after the end of each reporting period determined by the Minister; and
  - (b) must be provided in a manner and form determined by the Minister; and
  - (c) must contain the information determined by the Minister.

- (6) If or when—
- (a) a mineral tenement to which this regulation applies expires, or is surrendered, cancelled or forfeited; or
  - (b) part of the area of a mineral tenement to which this regulation applies is surrendered, relinquished or reduced,
- the tenement holder at that time must provide to the Minister a final technical report—
- (c) unless paragraph (d) or (e) applies—
    - (i) in the case of an expiry—before the expiration; or
    - (ii) in the case of a surrender—at the time that the tenement holder applies for the surrender; or
    - (iii) in the case of a cancellation or forfeiture—within 3 months of the date of the cancellation or forfeiture; or
  - (d) in the case of a surrender, relinquishment or reduction of area by operation of section 30AAA, 30A or 33B of the Act—within 2 months after the date of the surrender, relinquishment or reduction; or
  - (e) within a period or at a time determined by the Minister in the particular case.

Maximum penalty: \$5 000.

Expiation fee: \$750.

### 73—Incident reports

- (1) If or when the holder of a mineral tenement becomes aware of the occurrence of a reportable incident, the holder must ensure that the reportable incident is reported to the Minister in accordance with the requirements of this regulation.
- Maximum penalty: \$10 000.
- Expiation fee: \$1 500.
- (2) A reportable incident must be reported to the Minister as follows:
- (a) an initial report must be provided to the Minister within 1 business day after the holder of the tenement becomes aware of the occurrence of the incident; and
  - (b) a comprehensive report must be provided to the Minister—
    - (i) unless subparagraph (ii) applies— within 1 month after the holder of the tenement becomes aware of the occurrence of the incident; or
    - (ii) within a period determined by the Minister in a particular case.
- (3) A report—
- (a) must be provided in a manner and form determined by the Minister; and
  - (b) must contain the information determined by the Minister.
- (4) In this regulation—
- leading indicator criteria*** means criteria used to give an early warning that a control strategy in a program under Part 10A of the Act may fail or be failing;

*reportable incident* means—

- (a) a contravention of, or a failure to comply with, a condition of a mineral tenement; or
- (b) a failure to achieve, or a breach of, an outcome specified in a program under Part 10A of the Act; or
- (c) a contravention of, or a failure to comply with, a condition of a program under Part 10A of the Act; or
- (d) a triggering of any leading indicator criteria set out in a program under Part 10A of the Act; or
- (e) action that causes undue damage to the environment in connection with any operations carried out under a mineral tenement; or
- (f) a failure to comply with a direction under Part 10B of the Act within the time allowed in the direction; or
- (g) action that constitutes an authorised operation without being duly authorised by or under the Act; or
- (h) a failure to achieve, or a breach of, an outcome specified in a mine operations plan under Part 11B of the Act; or
- (i) a breach of the general duty under Part 11B of the Act; or
- (j) a failure to comply with an order under Part 11B of the Act within the time allowed in the order.

#### **74—Airborne surveys**

- (1) The holder of a mineral tenement who is intending to carry out an airborne survey over land must, in accordance with this regulation, notify the Minister of the holder's intention to carry out the survey.

Maximum penalty: \$2 500.

Expiation fee: \$250.

- (2) A notification—
  - (a) must be provided to the Minister at least 14 days before the airborne survey is due to be carried out; and
  - (b) must be provided in a manner and form determined by the Minister; and
  - (c) must contain the information determined by the Minister.
- (3) In this regulation—

*airborne survey* means—

- (a) an airborne geophysics survey; or
- (b) remote sensing techniques conducted from the air.

## **Part 21—Miscellaneous**

### **75—Public liability insurance**

- (1) The holder of a mineral tenement must, before commencing operations under the tenement and for the duration of the tenement, maintain a policy of public liability insurance indemnifying the holder, in an amount that is reasonable taking into account the kind of tenement, the nature and extent of the operations carried out under the tenement, and relevant industry standards, in relation to any action arising out of the operations carried out under the tenement and complying with any other requirement (if any) determined by the Minister.

Maximum penalty: \$20 000.

- (2) The tenement holder must provide to the Minister a certificate evidencing the insurance coverage required by subregulation (1), and any endorsements or waivers relating to insurance coverage, in accordance with the requirements of this regulation.

Maximum penalty: \$5 000.

Expiation fee: \$750.

- (3) A certificate under subregulation (2) must be provided to the Minister before operations commence under the relevant mineral tenement and then an up-to-date certificate must be provided to the Minister—

- (a) unless paragraph (b) applies—

- (i) in relation to a private mine—by 30 June in each year; and
- (ii) in any other case—by each anniversary of the day on which the relevant mineral tenement was granted; or

- (b) if the Minister so determines—on another date in each year, or according to a particular frequency, determined by the Minister.

- (4) The tenement holder must, in accordance with this regulation, notify the Minister—

- (a) if any insurance obtained for the purposes of this regulation lapses without having been renewed; or
- (b) if there is a change in an insurance policy obtained for the purposes of this regulation, including a change in the level of cover.

Maximum penalty: \$5 000.

Expiation fee: \$750.

- (5) A notification under subregulation (4)—

- (a) must be provided to the Minister within 14 days after the relevant event under that subregulation; and
- (b) must be provided in a manner and form determined by the Minister; and
- (c) must contain the information determined by the Minister, and be accompanied by such information or documents as the Minister may determine.

- (6) A tenement holder must, at the request of the Minister, provide to the Minister a copy of the policy of insurance relating to the requirements that apply under this regulation within a period specified by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$750.

## 76—Confirmation of emergency direction

For the purposes of section 70FB(4) of the Act, confirmation of a direction will be given by a notice of confirmation, in a form determined by the Director, given to the person to whom the emergency direction has been issued.

## To be released in Package 3

## 78—Fees

- (1) A designated person may—
- (a) on application; or
  - (b) on the designated person's own initiative,
- waive, reduce or refund (in whole or in part) a fee prescribed for the purposes of the Act in respect of a person or a class of persons.
- (2) A designated person may allow the payment by instalment of a fee prescribed for the purposes of the Act.
- (3) Subregulation (4) applies to—
- (a) a program in respect of a miscellaneous purposes licence; and
  - (b) a program submitted for the purposes of section 70B of the Act that is a combined program relating to a group of mining tenements; and
  - (c) a revised program is submitted in respect of a miscellaneous purposes licence.
- (4) If the Minister forms the view, after a program to which this regulation applies has been submitted, that the holder of the mining tenements has not paid the correct prescribed fee because the primary tenement has not been identified correctly, the Minister must, as the case requires, request the holder to pay, or provide the holder with a refund for, the amount of the difference between the amount paid and the correct prescribed fee (as determined by the Minister).
- (5) In this regulation—
- designated person* means—
- (a) the Minister; or
  - (b) the Mining Registrar; or
  - (c) the Director of Mines.

## 79—Ministerial notices in connection with certain prescribed fees

- (1) The Minister may, by notice in the Gazette, declare that an area of the State is an exploration regulation fee zone for the purposes of a prescribed fee payable in connection with an exploration licence.

- (2) The Minister must specify in a notice under subregulation (1) whether an area declared in the notice to be an exploration regulation fee zone is a **zone 1 exploration regulation fee zone**, a **zone 2 exploration regulation fee zone** or a **zone 3 exploration regulation fee zone**.
- (3) A notice under subregulation (1) may declare more than 1 area of the State to be an exploration regulation fee zone.
- (4) The Minister may, by notice in the Gazette, for the purposes of a prescribed fee payable in connection with an application for approval under section 56R of the Act to make a change to which Part 8B Division 7 of the Act applies, declare whether a change of a kind specified in the notice is a **level 1**, **level 2**, **level 3** or **level 4** change.
- (5) A declaration as to whether a change is a level 1, level 2, level 3 or level 4 change under subregulation (4) may vary in its application according to the matter to which it is expressed to apply.
- (6) The Minister must, by notice in the Gazette, publish criteria to be used in determining whether a draft of objectives and criteria, or a revised program, is a **tier 1**, **tier 2**, **tier 3** or **tier 4** draft or program for the purposes of a prescribed fee payable in connection with submission of a program under Part 10A of the Act.
- (7) A draft of objectives and criteria, or a revised program, is a tier 1, tier 2, tier 3 or tier 4 draft or program (as the case requires) for the purposes of a prescribed fee if it is classified as such under the criteria published under subregulation (6).
- (8) A notice made under this regulation may be varied or revoked by the Minister by subsequent notice in the Gazette.

## 80—Service of documents

- (1) A notice or document required or authorised by or under the Act to be given to or served on a person (other than a designated person or a person who holds or may hold native title in land) may—
  - (a) be served on the person personally; or
  - (b) be posted by registered post in an envelope addressed to the person—
    - (i) at the person's last known address; or
    - (ii) if the person has an address for correspondence or service—at that address; or
  - (c) be served by email sent to an email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of sending).

### Note—

Part 5 of the *Native Title (South Australia) Act 1994* sets out the method of service on all who hold or may hold native title in land.

- (2) A notice or document required or authorised by or under the Act or these regulations to be provided or given to or served on a designated person must be given or served in the manner specified by the relevant designated person by notice in the Gazette.

- (3) If a notice or document is given or served under subregulation (2)—
- (a) by email—the notice or document will be taken to have been given or served at the time of sending the email; or
  - (b) by other electronic means—the notice or document will be taken to have been given or served when the person giving or serving the notice or document receives confirmation by those electronic means that the notice or document has been received by the designated person.
- (4) Subregulation (2) operates subject to any other provision made by these regulations.
- (5) In this regulation—
- designated person*** means—
- (a) the Minister; or
  - (b) the Mining Registrar; or
  - (c) the Director of Mines.

### **81—Administrative penalties**

- (1) The amount of an administrative penalty that is to apply in relation to a provision of the Act specified in the Schedule is fixed by Schedule 3.
- (2) The amount of an administrative penalty that is to apply in relation to a provision of these regulations is \$2 500.

### **82—Expiation of offences**

For the purposes of section 92(1)(r) of the Act—

- (a) an offence under a section specified in Schedule 4 is an offence in respect of which an expiation notice may be issued; and
- (b) the amount specified in Schedule 4 in relation to an offence under the relevant section of the Act specified in the Schedule is prescribed as the expiation fee for that offence.

### **83—Transitional provisions**

**Drafting note—**

To be drafted after consultation on the draft regulations.

## **Schedule 1—Items to be registered on mining register**

- 1 A report published under section 14F of the Act
- 2 An agreement between the Treasurer and a person liable to pay royalty under section 17(9) of the Act
- 3 A notification of a relevant event provided to the Minister under section 17AC of the Act
- 4 A copy of a notice served under section 21(3) of the Act
- 5 An application to re-peg a mineral claim
- 6 An approval for the amalgamation of expenditure commitments under section 30AAA(10) of the Act
- 7 An agreement relating to the division of an area of an exploration licence under section 30AA of the Act

- 8 An instrument for the approval of retention status in relation to an exploration licence under section 33B of the Act
- 9 A copy of a notice given by the Minister under section 33B(13) or (14) of the Act
- 10 An instrument providing for action taken by the Minister under section 56J of the Act
- 11 An instrument providing for action taken by the Mining Registrar under section 56O of the Act
- 12 An instrument providing for the amalgamation of the areas of 2 or more mineral tenements under section 56P of the Act
- 13 An instrument providing for the extension of the term of a mineral tenement under section 56Y of the Act
- 14 An instrument providing for the renewal of a mining tenement
- 15 An assessment report under section 56ZA of the Act
- 16 An agreement relating to entry to land between the person seeking entry and the owner of the land for the purposes of section 58A of the Act
- 17 The amount of a bond under section 62 of the Act
- 18 An up to date copy of a program approved by the Minister under Part 10A of the Act
- 19 A copy of a program audit developed for the purposes of section 70DA of the Act
- 20 An environmental direction issued by the Minister or an authorised officer under section 70E of the Act
- 21 A rehabilitation direction issued by the Minister under section 70F of the Act
- 22 A compliance direction issued by the Minister under section 70FA of the Act
- 23 An emergency direction issued by an authorised officer under section 70FB of the Act
- 24 An agreement or order relating to a civil penalty under section 70HE of the Act
- 25 An up to date copy of a mine operations plan under section 73G of the Act
- 26 A compliance order issued by the Director under section 73I of the Act
- 27 A rectification order issued by the Director under section 73J of the Act
- 28 A rectification authorisation issued by the Director under section 73K of the Act
- 29 An emergency order issued by an authorised officer under section 73KA of the Act
- 30 A copy of the proclamation providing for the variation or revocation of the declaration of an area as a private mine under section 73N of the Act
- 31 An undertaking under section 74AA of the Act
- 32 A compliance order under section 74A of the Act
- 33 A consent of an owner of land under section 75 of the Act
- 34 A consent or agreement as to access under section 80 of the Act
- 35 A consent or agreement that is taken to be provided under section 82 of the Act
- 36 An instrument relating to the seizure of machinery or goods under section 86 of the Act
- 37 A report provided under section 90 of the Act
- 38 A copy of a notice imposing an administrative penalty under section 91 of the Act
- 39 An instrument recording or evidencing the imposition of a criminal penalty under the Act
- 40 An instrument imposing an expiation fee under the Act

**Mining Regulations 2020**

## Schedule 1—Items to be registered on mining register

- 41 Decisions, determinations and orders of the ERD Court or the Supreme Court where the Minister, the Director or the Mining Registrar was a party to the relevant proceedings
- 42 A compliance report provided to the Minister under regulation 71
- 43 A report provided to the Minister under regulation 73

**Schedule 2—Rental**

1	Mining lease	\$256.00 or \$67.50 for each hectare or part of a hectare in the area of the lease, whichever is the greater
2	Mining lease—extractives	\$216.00 or \$56.00 for each hectare or part of a hectare in the area of the lease, whichever is the greater
3	Retention lease—	
	(a) if the retention lease authorises the carrying out of only exploration operations under the lease—	
	(i) if the lease is granted for a term of less than 5 years (or an aggregate term of 5 years); or	\$975.00 or \$22.50 per km <sup>2</sup> in the area of the lease, whichever is the greater
	(ii) if the term or aggregate term of the lease has reached the period of 5 years from the grant date, and the lease is renewed for a period of less than 5 years (or an aggregate term of 5 years); or	\$261.00 or \$35.00 for each hectare or part of a hectare in the area of the lease, whichever is the greater
	(iii) if the term or aggregate term of the lease has reached the period of 10 years from the grant date, and the lease is renewed for a further period or periods; or	\$261.00 or \$103.50 for each hectare or part of a hectare in the area of the lease, whichever is the greater
	(b) in any other case	\$256.00 or \$34.25 for each hectare or part of a hectare in the area of the lease, whichever is the greater
4	Miscellaneous purposes licence	\$256.00 or \$67.50 for each hectare or part of a hectare in the area of the licence, whichever is the greater

**Schedule 3—Administrative penalties**

	<b>Section of Act</b>	<b>Administrative penalty</b>
1	section 15AJ(3)	\$5 000
2	section 15AJ(4)	\$5 000
3	section 15AJ(5)	\$5 000
4	section 15AK(1)	\$5 000
5	section 25(2)	\$5 000

6 section 56E(4) \$5 000

**Schedule 4—Expiation fees**

	<b>Section of Act</b>	<b>Expiation fee</b>
1	section 15AA(9)	\$210
2	section 15AG(3)	\$210
3	section 17AC(1)	\$1 000
4	section 17CA(8)	\$1 000
5	section 58A	\$1 000
6	section 62AA(8)	\$1 000
7	section 90	\$1 000

**Schedule 5—Revocation of *Mining Regulations 2011***

The *Mining Regulations 2011* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on

No of 2020