

Consultation on draft mining regulations

Draft ministerial
determinations for
revised section 58A
land access provisions

Draft



**Government
of South Australia**

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South Australian Resources Information Gateway (SARIG)

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Draft

Introduction

Ministerial determinations

Section 58A of the revised *Statutes Amendment (Mineral Resources) Act 2019* outlines the framework for notifying owners of land where operations, including exploration, are proposed.

Notices must be given in the form determined or approved by the Minister. This enables the Minister to outline the minimum requirements for a:

- Notice of Entry and Notice of Advanced Exploration Operation
- Notice of Intention to apply for a mining lease (for mining and quarrying), retention lease or miscellaneous purposes licence.

DEM welcomes feedback on these draft ministerial determinations as part of its consultation on the draft mining regulations.

Draft Ministerial Determination outlining the minimum requirements for a Notice of Entry and Notice of Advanced Exploration Operation

Notice of Entry and Notice of Advanced Exploration Operation

NOTICE is hereby given in accordance with section 58A(15) of the Mining Act 1971

South Australian Government Gazette

01 January 2021

MINING ACT 1971

Notice by the Minister

NOTICE is hereby given in accordance with 58A(15) of the Mining Act 1971, declaring that a notice served under section 58A(1) (notice of entry) or section 58A(2) (notice of advanced exploration operation) must:

- a. state the full name(s) and address(es), as well as the phone numbers and email addresses (if known) of each owner of land
- b. state the full name(s) and business address(es) of the tenement holder(s)
- c. provide the name, telephone number and email address of a person who may be contacted about the notice
- d. provide a description of the land, including the Certificate of Title and parcel references, relating to the notice
- e. provide a map clearly showing the following (at a minimum):
 - i. relevant property ownership boundaries
 - ii. tenement area (if applicable)
 - iii. area of proposed operations to be conducted within the tenement (if applicable)
 - iv. an arrow showing North
 - v. the Eastings and Northings of the tenement
 - vi. relevant topographical information
 - vii. a scale bar
- f. provide the tenement numbers of the tenements related to the notice being served (tenement information can be found at map.sarig.sa.gov.au)
- g. provide a copy of the program for environment protection and rehabilitation (PEPR) (if approved) or provide a reasonable description of the type of operations proposed to be carried out on the land

- h. set out a process by which the owner of the land will, on an on-going basis, be:
 - i. updated on the operations carried out on the land
 - ii. notified of the place or places where operations are to be carried out on the land
 - iii. notified of the proposed timing for the operations and the proposed duration of the operations
 - iii. provided with reasonable information on the anticipated events and consequences associated with the operations to be carried out on the land (including any potential impacts on native title rights and interests and Aboriginal heritage).
 - iv. provided the proposed action the tenement holder will take to manage and address those events and consequences (including any potential impacts on native title rights and interests and Aboriginal heritage), in order to enable the owner of the land to make an informed decision about the impact or potential impact of the operations on the land.
- i. inform the owner of the land that the operations to which the notice relates are conducted under the Act and that any concerns or issues associated with the conduct of those operations may be raised with the tenement holder in the first instance. If the owner of the land is not satisfied with the response, the owner of the land may contact the:
 - i. authorised officer of the Department responsible for the Mining Act
 - ii. Office of the Small Business Commissioner to access the dispute resolution framework under the Fair Trading (Mining And Resources Industry Land Access Dispute Resolution Code) Regulations 2018, known as the Mining and Resources Industry Land Access Dispute Resolution Code, or
 - iii. Independent Landowner Information Service operated by Rural Business Support
- j. be accompanied by an Information Sheet relating to the owner of land's rights to object to a notice and rights to compensation approved by the Minister and published on the website of the Department for Energy and Mining.

In accordance with Section 58A(15) of the Mining Act 1971, this notice will have effect from 1 January 2021.

Dated [DATE]. DANIEL VAN HOLST PELLEKAAN, Minister for Energy and Mining

Draft Ministerial Determination outlining the minimum requirements for a Notice of Intention to apply for a mining lease (for mining and quarrying), retention lease or miscellaneous purposes licence

Notice of Intention to apply for a mining lease (for mining and quarrying), retention lease or miscellaneous purposes licence

NOTICE is hereby given in accordance with section 58A(15) of the Mining Act 1971

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01 January 2021

MINING ACT 1971

Notice by the Minister

NOTICE is hereby given in accordance with 58A(15) of the Mining Act 1971, declaring that a notice served under section 58A(3) (notice of intention to apply for a mining lease, retention lease or miscellaneous purposes licence) must:

- a. state the full name(s) and address(es), as well as the phone numbers and email address(es) (if known) of each owner of land
- b. state the full name(s) and business address(es) of the applicant(s)
- c. provide the name and telephone number and email address of a person who may be contacted about the notice
- d. provide a description of the land, including the Certificate of Title and parcel references, relating to the notice
- e. provide a map clearly showing the following (at a minimum):
 - i. relevant property ownership boundaries
 - ii. proposed tenement area
 - iii. area of proposed operations to be conducted within the tenement (including the mineral claim if applicable)
 - iv. an arrow showing North
 - v. the Eastings and Northings of the tenement
 - vi. relevant topographical information
 - vii. a scale bar
- f. provide the tenement numbers related to the notice being served (tenement information can be found at map.sarig.sa.gov.au)

- g. provide a description of proposed operations or a copy of the draft application documents, including but not limited to the mining proposal, management plan and/or retention lease proposal
- h. provide a description of how the views of the owner of the land have been, and will continue to be sought for the purposes of informing the finalisation of the application
- i. provide a description of the negotiation process between the tenement holder and the owner of land on a land access agreement relating to the application
- j. inform the owner of the land of the applicant's intention to enter the land to carry out authorised operations, should the application be granted.
- k. be accompanied by an Information Sheet relating to the owner of land's rights to object to a notice and rights to compensation approved by the Minister and published on the website of the Department for Energy and Mining.

In accordance with section 58A(15) of the Mining Act 1971, this notice will have effect from 1 January 2021.

DANIEL VAN HOLST PELLEKAAN, Minister for Energy and Mining

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