

EXPLANATION OF TENEMENT DOCUMENTS

Purpose of a Tenement Document

Tenement documents are generated when, following a formal application process and detailed assessment by the Department of State Development, in accordance with the *Mining Act 1971* (the Act), the *Mining Regulations 2011* (the Regulations) and *Ministerial determinations* (the determinations), the Minister for Mineral Resources and Energy decides to grant a mining tenement.

The primary purpose of a tenement document (commonly called a “Lease” or a “Licence”) is to inform the Tenement Holder and the general public about the specific details of a particular grant.

The tenement document does not set out all of the things that a tenement holder must do; the Act, Regulations and determinations – and other relevant State and Commonwealth legislation for that matter – contain a large number of additional requirements with which tenement holders must also comply. The tenement document does, however, provide the terms, conditions and clauses specific to the grant for ensuring the acceptable conduct of mining operations on that mining tenement.

Format and Content of Tenement Documents

The tenement document is in the format of a small booklet, which must be read in entirety in the context of the Act, Regulations and determinations in order to understand the complete regulatory obligations imposed by the Minister on the tenement holder.

The tenement document is comprised of:

1. *The Front Page*

The front page gives the reader basic tenement information ‘at a glance’. For example, it contains the tenement holder’s name and the tenement’s commencement and expiration dates.

2. *The Contents Page*

The contents page provides headings, paragraph and page numbers and describes the Schedules.

3. *The body of the tenement document*

The body of the tenement document contains:

- a) Details of the grant,
- b) The terms and conditions required by the Act to be specified in the tenement document,
- c) If applicable, a paragraph about environmental outcomes (which links to the Sixth Schedule),
- d) Selected restatements of sections of the Act and Regulations,
- e) Definitions, and
- f) Rules on Interpretation.

4. Schedules

There are usually six schedules; however, the number may vary depending on the scale and type of application. In most instances, the six schedules are:

- First Schedule – Additional Terms,
- Second Schedule – Additional Conditions,
- Third Schedule – Map and description of the tenement area,
- Fourth Schedule – Process for Suspension,
- Fifth Schedule – Process for Cancellation, and
- Sixth Schedule – Environmental Outcomes, Criteria and Strategies required in the Program for Environment Protection and Rehabilitation (PEPR).

To ensure clarity of the requirements of the Act the Schedules separate the conditions that have previously been provided in two Schedules, into three:

- The First Schedule of terms grants the tenement holder specific rights,
- The Second Schedule of conditions imposes specific restrictions, and
- The Sixth Schedule of clauses sets out requirements for content that would be provided in a PEPR.

Mining Operations and Environment Protection and Rehabilitation

Amendments to the Act in 2011 enhanced the environmental protection and rehabilitation focus of the Act and Regulations, and introduced in Part 10A an environment protection and rehabilitation regime that is centered on PEPRs.

The tenement document reflects this environmental focus in two significant ways. First, the body of the tenement document contains extensive restatements about the PEPR and the process for its approval. Secondly, the types of environmental outcomes, criteria and strategies that the tenement holder will need to address in its PEPR are included in the tenement document, particularly in the Sixth Schedule.

If a lease or licence is granted, actual mining operations must not commence until the tenement holder has submitted a 'Proposed PEPR' for approval and the Minister has approved it.

The Minister will only approve the 'Proposed PEPR' if:

- a) It is consistent with the Mining Lease Proposal or Management Plan,
- b) It contains all of the information that the Act, Regulations or determinations say it must,
- c) Additional Conditions about the PEPR are complied with, and
- d) It addresses strategies and criteria to be adopted to measure environmental outcomes listed in the Sixth Schedule.

Additionally, prior to commencement of activities, authorised access is required to all land relevant to the operations described in the PEPR.

If you have any questions regarding the tenement document please contact Mineral Production Tenements on 08 8463 3103 or via email to dsd.tenements@sa.gov.au.