

Instruments to appear on the MINING REGISTER



**Government
of South Australia**

Department for
Energy and Mining

This table represents a list of instruments which are proposed to be included in the new Mining Register. DEM is seeking your feedback in relation to the attached list of instruments and the proposed public availability of the information.

The instruments are broken down in three categories, those that have:

1. specific requirements of the Mining Act;
 - a. (for example Section 15AG(1) of the Mining Act which includes Registerable Dealings such as Agreements).
2. are prescribed by being set out in Schedule 1 of the draft Mining Regulation 2020; and
 - a. (for example an instrument providing for the renewal of a mining tenement).
3. discretionary information the Mining Registrar can include on the Mining Register in accordance with section 15AA (3) of the Mining Act.
 - a. (for example a copy of evidence of public liability insurance).

The table should be read in conjunction with other explanatory documents related to the Mining Register found on the DEM website at https://energymining.sa.gov.au/minerals/mining/update_on_mining_regulations_2020.

More specific detail about the intent of the changes to the Mining Register and detail about some of the more complex instruments such as the various Dealings, Caveats and Mortgages is provided in the Package 2 – Explanatory Document about the Mining Register on the DEM website.

https://energymining.sa.gov.au/__data/assets/pdf_file/0009/368757/Package_2_-_Explanatory_Document_-_Mining_Register_and_Information.pdf

Instruments to appear on the Mining Register

Description of instrument	Reference of requirement to go on the Register	Details of instrument	Proposed public availability
Report - Authorised Investigation	Item 1 of Schedule 1 of the Mining Regulations	Report prepared by authorised officer setting out the outcomes of an authorised investigation	Full accessibility of report
Agreement - royalty agreement	Item 2 of Schedule 1 of the Mining Regulations	Agreement between Treasurer and tenement holder on a payment method distinct from the requirements of the Act	Agreement noted on title (agreement not accessible)
Notice - relevant event	Item 3 of Schedule 1 of the Mining Regulations	Notice that a private mine has been sold	Notice noted on the title (notice not accessible)
Notice - mineral claim	Item 4 of Schedule 1 of the Mining Regulations	Notice relating to establishment of a mineral claim	Notice noted on the title (notice not accessible)
Instrument - application to re-peg mineral claim	Item 5 of Schedule 1 of the Mining Regulations	Application to establish another subsequent mineral claim	Instrument noted on the title
Approval - Amalgamated Expenditure Arrangement (AEA)	Item 6 of Schedule 1 of the Mining Regulations	Approval of the Minister to amalgamate expenditure for exploration licences	Instrument noted on the title (approval letter to be acceptable)
Agreement - subdivision	Item 7 of Schedule 1 of the Mining Regulations	An agreement to subdivide an exploration licence	Outcome noted on the title (agreement not accessible)
Instrument – approval of retention status	Item 8 of Schedule 1 of the Mining Regulations	Approval of retention status	Instrument noted on the title
Notice - show cause or requirement to apply for a lease relating to retention status	Item 9 of Schedule 1 of the Mining Regulations	Notice from the Minister relating to show cause why the holder of retention status should apply for a lease, or a notice that the explorer should apply for a lease	Full accessibility of notice
Instrument - alteration of terms and conditions	Item 10 of Schedule 1 of the Mining Regulations	Notice of change of terms and conditions of a tenement	Instrument noted on the title (amended conditions accessible)
Instrument - rectification of boundary	Item 11 of Schedule 1 of the Mining Regulations	Notice of change of boundary of a tenement	Instrument noted on the title

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Instrument - amalgamation of tenement	Item 12 of Schedule 1 of the Mining Regulations	Notice that 2 or more tenement have been amalgamated	Instrument noted on the title
Instrument - extension of term	Item 13 of Schedule 1 of the Mining Regulations	Notice that the Minister has extended the term of a tenement	Instrument noted on the title
Instrument - renewal	Item 14 of Schedule 1 of the Mining Regulations	Notice that a tenement has been renewed	Instrument noted on the title
Report - Assessment Report	Item 15 of Schedule 1 of the Mining Regulations	Report prepared by the Minister setting out reasons for a decision	Full accessibility of report
Agreement under Section 58A(14)(a) - access to land (contracting out of NOE)	Item 16 of Schedule 1 of the Mining Regulations	Land access agreement	Agreement noted on the title, specific reference to the land (agreement not accessible)
Bond - \$[*]*]	Item 17 of Schedule 1 of the Mining Regulations	Bond amount held by the Minister	Bond amount noted on the title (bond document not accessible)
PEPR	Item 18 of Schedule 1 of the Mining Regulations	Approved copy of PEPR	Full accessibility of PEPR
Report - audit of PEPR	Item 19 of Schedule 1 of the Mining Regulations	Report demonstrating an audit of a PEPR	Full accessibility of report
Direction - Environmental	Item 20 of Schedule 1 of the Mining Regulations	Environmental Direction served by the Minister	Full accessibility of directions. Title to also show status of direction (i.e unremedied, remedied, withdrawn)
Direction - Rehabilitation	Item 21 of Schedule 1 of the Mining Regulations	Rehabilitation Direction served by the Minister	Full accessibility of directions. Title to also show status of direction (i.e unremedied, remedied, withdrawn)
Direction - Compliance	Item 22 of Schedule 1 of the Mining Regulations	Compliance Direction served by the Minister	Full accessibility of directions. Title to also show status of direction (i.e unremedied, remedied, withdrawn)

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Direction - Emergency	Item 23 of Schedule 1 of the Mining Regulations	Emergency Direction served by the Minister	Full accessibility of directions. Title to also show status of direction (i.e unremedied, remedied, withdrawn)
Penalty - Civil Penalty \$[**]	Item 24 of Schedule 1 of the Mining Regulations	Civil penalty ordered by a order or accepted by agreement	Offence and value noted on title or agreement fully accessible (unless terms are confidential)
MOP	Item 25 of Schedule 1 of the Mining Regulations	Approved copy of MOP	Full accessibility of MOP
Order - Private Mine Compliance order	Item 26 of Schedule 1 of the Mining Regulations	Compliance order served by the Director of Mines	Full accessibility of orders. Title to also show status of order (i.e unremedied, remedied, withdrawn)
Order – Private Mine rectification order	Item 27 of Schedule 1 of the Mining Regulations	Rectification order served by the Director of Mines	Full accessibility of orders. Title to also show status of order (i.e unremedied, remedied, withdrawn)
Authorisation – Private Mine Rectification	Item 28 of Schedule 1 of the Mining Regulations	Authorisation of the Director to do rehabilitation work at a private mine	Full accessibility of authorisation of director to undertake rehabilitation work
Order – Private Mine Emergency order	Item 29 of Schedule 1 of the Mining Regulations	Emergency order served by the Director of Mines	Full accessibility of orders. Title to also show status of order (i.e unremedied, remedied, withdrawn)
Proclamation – revocation of private mine area	Item 30 of Schedule 1 of the Mining Regulations	Revocation of private mine by Director of Mines (in full or part)	Full accessibility of proclamation
Agreement - Enforceable undertaking	Item 31 of Schedule 1 of the Mining Regulations	Enforceable undertaking	Full accessibility of undertaking (redacted where necessary)
Order - owner of land compliance order	Item 32 of Schedule 1 of the Mining Regulations	Order of a court relating to an action taken by an owner of land	Order noted on the title but not fully accessible
Consent - extractive mineral	Item 33 of Schedule 1 of the Mining Regulations	Consent given by owner of land to allow mining of extractive minerals	Consent noted on the title, specific reference to the land (terms of consent not accessible)
Agreement - overlapping tenements	Item 34 of Schedule 1 of the Mining Regulations	Agreement relating to overlapping tenements	Agreement noted on the title of both relevant tenements (agreement not accessible)

Description of instrument	Reference of requirement to go on the Register	Details of instrument	Proposed public availability
Information - Deemed consent or agreement	Item 35 of Schedule 1 of the Mining Regulations	Deemed consent or agreement where owner of land and tenement holder are the same or related	Deeded consent or agreement noted on the title
Instrument - seizure of abandoned goods or machinery	Item 36 of Schedule 1 of the Mining Regulations	Notice that the Minister has seized goods	Full accessibility of notice of seizure
Report - audit or verification	Item 37 of Schedule 1 of the Mining Regulations	Report demonstrating outcome of an audit or verification of information	Full accessibility of report
Penalty - Administrative Penalty \$[**]	Item 38 of Schedule 1 of the Mining Regulations	Amount of administrative penalty issued	Offence and value noted on title
Penalty - Criminal Penalty \$[**]	Item 39 of Schedule 1 of the Mining Regulations	Criminal penalty issued by the Court	Offence and value noted on title
Penalty - Expiation Fee \$[**]	Item 40 of Schedule 1 of the Mining Regulations	Amount of expiation fee applied by authorised officer	Offence and value noted on title
Commencement and completion of proceedings in ERD Court or Supreme Court (to which DEM is a party)	Item 41 of Schedule 1 of the Mining Regulations	Matters in court for which the Department is a party	Noted on title
Decisions, determinations and orders of the ERD Court or Supreme Court (to which DEM is a party)	Item 41 of Schedule 1 of the Mining Regulations	Matters in court for which the Department is a party	Full accessibility of decision, determine or order
Report - Compliance	Item 42 of Schedule 1 of the Mining Regulations	Compliance report submitted by tenement holder to Minister	Full accessibility of compliance report
Report - Incidents	Item 43 of Schedule 1 of the Mining Regulations	Incident report submitted by tenement holder to Minister	Incident report noted on title

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Exempt land waiver	Section 9AA(14b)	Notice that an agreement to waive exempt land has been entered into (not a copy of the agreement)	Notice noted on the title with specific reference to what land
Mineral tenement	Section 15AA(2)(a) of the Act	Registration of tenements	Notice of grant of a mineral tenement
Mortgage - Registration (with consent/without consent)	Section 15AC(2) of the Act	Registration of mortgages	Notice of registration of mortgage (mortgage not accessible)
Mortgage - Discharge	Section 15AC(9) of the Act	Discharge of mortgages	Notice of discharge of mortgage (mortgage not accessible)
Caveat - Absolute Caveat	Section 15AE(1) of the Act	Registration of caveat	Notice of registration of caveat (caveat not accessible)
Caveat - Claim Caveat	Section 15AE(1) of the Act	Registration of caveat	Notice of registration of caveat (caveat not accessible)
Caveat - lapsed	Section 15AE(11) of the Act	Lapse of caveat	Notice of lapse of caveat (caveat not accessible)
Registrable Dealing - Agreement	Section 15AG(1) of the Act - this broadly capture any agreement, memo, arrangement, instrument, other document or other dealing requested to be registered by the tenement holder.	Registration of agreement submitted by application to appear on register	Notice of registration of agreement (agreement not accessible, unless requested by the tenement holder)
Registrable Dealing - Arrangement	Section 15AG(1) of the Act - this broadly capture any agreement, memo, arrangement, instrument, other document or other dealing requested to be registered by the tenement holder.	Registration of arrangement submitted by application to appear on register	Notice of registration of arrangement (arrangement not accessible, unless requested by the tenement holder)

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Registrable Dealing - Instrument	Section 15AG(1) of the Act - this broadly capture any agreement, memo, arrangement, instrument, other document or other dealing requested to be registered by the tenement holder.	Registration of instrument submitted by application to appear on register	Notice of registration of instrument (instrument not accessible, unless requested by the tenement holder)
Registrable Dealing - Memorandum	Section 15AG(1) of the Act - this broadly capture any agreement, memo, arrangement, instrument, other document or other dealing requested to be registered by the tenement holder.	Registration of memorandum submitted by application to appear on register	Notice of registration of memorandum (memorandum not accessible, unless requested by the tenement holder)
Registrable Dealing - other document	Section 15AG(1) of the Act - this broadly capture any agreement, memo, arrangement, instrument, other document or other dealing requested to be registered by the tenement holder.	Registration of dealing submitted by application to appear on register	Notice of registration of other document (other document not accessible, unless requested by the tenement holder)
Registrable Dealing - Operator appointment	Section 15AG(3)(a) of the Act	Appointment of operator (other than tenement holder)	Notice of appointment and details of operator
Registrable Dealing - Operator withdrawal	Section 15AG(3)(b) of the Act	Cease of operator (other than tenement holder)	Notice of cessation and details of operator
Statement - completed exploration and expenditure	Section 30AAA(4) of the Act	Report setting out amount of expenditure spent of an exploration licence	Full accessibility of statement
Report - Audit of exploration expenditure	Section 30AAA(8) of the Act	Report setting out the outcome of a report on expenditure reporting	Full accessibility of report

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Agreement - SME	Section 56B(6) of the Act	SME Agreement	Full accessibility of Agreement
Instrument - change of operations	Section 56V of the Act	Decision of Minister relating to an application for a change of operations	Decision to approve or refuse change is noted on the title (may or may not be associated to a change in conditions)
Instrument - Cancellation	Section 56W(6) of the Act	Decision of Minister relating to the cancellation of a tenement	Decision to cancel a tenement is noted on the title
Instrument - Suspension	Section 56W(6) of the Act	Decision of Minister relating to the suspension of a tenement	Decision to suspend a tenement is noted on the title
Instrument - Surrender	Section 56X(3) of the Act	Decision of Minister relating to approve an application for surrender	Decision to approve a surrender application is noted on the title
Instrument - reinstatement	Section 56Z of the Act	Decision of Minister to reinstate a tenement	Decision to reinstate a tenement is noted on the title
Notice of advance exploration	Section 58A(6) of the Act	Copy of notice of advanced exploration	Notice is noted on the title, with specific reference to the land (notice is not accessible)
Notice of entry	Section 58A(6) of the Act	Copy of notice of entry	Notice is noted on the title, with specific reference to the land (notice is not accessible)
Notice of intention to apply for a mining lease or retention lease	Section 58A(6) of the Act	Notice of intention to apply for a mining lease or retention lease	Notice is noted on the title, with specific reference to the land (notice is not accessible)
Mineral tenement - terms and conditions	Section 15AA(2)(b) of the Act	Terms and conditions of a tenement	Terms and conditions of tenement to be fully accessible
Information - arrears	Information is discretionary	Debt due to the Department	Debt due and nature of unpaid amount to be noted on the title
Information - Administration	Information is discretionary	Note that tenement holder is in administration	Information to be noted on the title

Description of instrument	Reference of requirement to go on the Register	Details of instrument	Proposed public availability
Information - ASIC deregistration of company	Information is discretionary	Note that tenement holder is a deregistered company	Information to be noted on the title
Information - Bankruptcy	Information is discretionary	Note that tenement holder is bankrupt	Information to be noted on the title
Information - Expiry	Information is discretionary	Note that a tenement has expired	Information to be noted on the title
Information - Intestate	Information is discretionary	Note that a tenement holder has died without a will	Information to be noted on the title
Information - Liquidation	Information is discretionary	Note that a tenement holder is in liquidation	Information to be noted on the title
Information - Testate	Information is discretionary	Note that a tenement holder has dies with a will	Information to be noted on the title

