

Legislative Council—No 76

As received from the House of Assembly and read a first time, 3 May 2005

South Australia

Mining (Royalty) Amendment Bill 2004

A BILL FOR

An Act to amend the *Mining Act 1971*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Mining (Royalty) Amendment Bill Act 2004*.

2—Commencement

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

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Mining Act 1971*

10 4—Amendment of section 17—Royalty

(1) Section 17(2)—delete subsection (2) and substitute:

(2) Royalty will be equivalent to—

(a) in the case of extractive minerals—35 cents per tonne, or such lesser amount as may be prescribed by the regulations;
15 or

(b) in any other case—the prescribed percentage of the value of the minerals,

as assessed at the mine gate.

(2) Section 17(8)—after "pay royalty" insert:

20 on any minerals other than extractive minerals

5—Amendment of section 63—Extractive Areas Rehabilitation Fund

(1) Section 63(2)—delete subsection (2) and substitute:

(2) From the royalty received or recovered by the Minister on extractive minerals, the Minister will pay the prescribed rate into the fund.

(2) Section 63(3)—delete "The Minister" and substitute:

Subject to subsection (4), the Minister

(3) Section 63(3)(a)—after "minerals" insert:

(or any costs associated with ensuring that such land is rehabilitated in accordance with the requirements under this Act)

(4) Section 63(3)(b)—after "minerals" insert:

(or any costs associated with ensuring that such measures are implemented or with monitoring such measures)

(5) Section 63—after subsection (3) insert:

(4) The total expenditure in a single financial year of costs associated with ensuring that—

(a) the land referred to in subsection (3)(a) is rehabilitated in accordance with the requirements under this Act; and

(b) the measures referred to in subsection (3)(b) are implemented or monitored,

must not exceed an amount equal to 4 cents per tonne for each tonne of extractive minerals on which royalty is payable into the fund for the financial year preceding that year.

(5) In this section—

prescribed rate means 25 cents per tonne of extractive minerals, or such lesser amount as may be prescribed by the regulations.