

House of Assembly—No 89

As introduced under Suspension of Standing Orders, and read a first time,
18 June 2019

South Australia

Statutes Amendment (Budget Measures) Bill 2019

A BILL FOR

An Act to amend the *Mining Act 1971* and the *Road Traffic Act 1961*.

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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 *Statutes Amendment (Budget Measures) Act 2019*.

5 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.
- (2) Part 2 will come into operation on 1 January 2020.

3—Amendment provisions

- 10 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*

4—Amendment of section 6—Interpretation

Section 6(1)—after the definition of *registered representative* insert:

5 *related body corporate*, in relation to a particular entity (being a body
corporate), is a body corporate that is related to the entity under section 50 of
the *Corporations Act 2001* of the Commonwealth;

5—Amendment of section 40—Rental

(1) Section 40(2)—delete "(ie an estate of fee simple or native title conferring a right to
exclusive possession of the land)"

10 (2) Section 40—after subsection (4) insert:

(5) In this section—

15 *relevant interest* in land over which a mining lease has been granted
means an estate of fee simple or native title conferring a right to
exclusive possession of the land but does not include an estate of fee
simple of which a holder of the lease or a related body corporate is a
registered proprietor.

6—Amendment of section 41E—Rental

(1) Section 41E(2)—delete "(ie an estate of fee simple or native title conferring a right to
exclusive possession of the land)"

20 (2) Section 41E—after subsection (4) insert:

(5) In this section—

25 *relevant interest* in land over which a retention lease has been
granted means an estate of fee simple or native title conferring a right
to exclusive possession of the land but does not include an estate of
fee simple of which a holder of the lease or a related body corporate
is a registered proprietor.

7—Amendment of section 52—Grant of miscellaneous purposes licence

(1) Section 52(7)—delete "(ie an estate of fee simple or native title conferring a right to
exclusive possession of the land)"

30 (2) Section 52—after subsection (9) insert:

(10) In this section—

35 *relevant interest* in land over which a miscellaneous purposes
licence has been granted means an estate of fee simple or native title
conferring a right to exclusive possession of the land but does not
include an estate of fee simple of which a holder of the licence or a
related body corporate is a registered proprietor.

8—Amendment of section 70B—Preparation or application of program under this Part

Section 70B—after subsection (4) insert:

- 5 (4a) The submission of a program to the Minister for the purposes of this section must be accompanied by the prescribed fee.

9—Amendment of section 70C—Review of programs

(1) Section 70C—after subsection (4) insert:

- (4a) The submission of a revised program to the Minister for the purposes of this section must be accompanied by the prescribed fee.

10 (2) Section 70C—after subsection (7) insert:

- (8) If a program is reviewed at the direction of, and submitted to, the Minister but the fee prescribed under subsection (4a) is not paid, the fee is recoverable from the holder of the mining tenement as a debt due to the Crown.

10—Insertion of section 70DA

After section 70D insert:

70DA—Development programs to be taken to be approved programs

20 A development program approved under regulation 9 of the *Mines and Works Inspection Regulations 2013* and in force immediately before the commencement of this section will be taken to be an approved program under, and to be subject to the operation and requirements of, this Part.

11—Amendment of section 73G—Mine operations plans

25 Section 73G—after subsection (4) insert:

- (4a) A submission to the Director under subsection (4) must be accompanied by the prescribed fee.

12—Transitional provision

30 The amendments made to sections 40, 41E and 52 of the *Mining Act 1971* by this Part apply in relation to rent paid under those sections following the commencement of this Part.

Part 3—Amendment of *Road Traffic Act 1961*

13—Amendment of section 45A—Excessive speed

Section 45A(1), penalty provision—delete the penalty provision and substitute:

35 Maximum penalty:

- (a) for a first offence—a fine of not less than \$2 400 and not more than \$2 800;

- (b) for a subsequent offence—a fine of not less than \$2 500 and not more than \$3 000.

14—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

- 5 (1) Section 79B(2), penalty provision, (a), (b)—delete paragraphs (a) and (b) of the penalty provision and substitute:
- (a) in any other case—
- (i) where the owner is a body corporate—\$10 000;
- (ii) where the owner is a natural person—\$5 000.
- 10 (2) Section 79B(2a)(aa)—delete "for an alleged offence against section 45C(1) and \$25 000" and substitute:
- fixed by the regulations for an alleged offence against section 45C(1) where the owner is a natural person and a body corporate additional fee of \$25 000
- (3) Section 79B(2a)(a)(i)—delete "\$600" and substitute:
- 15 a body corporate additional fee prescribed by regulation
- (4) Section 79B(2a)(b)(i)—delete "\$300" and substitute:
- a body corporate additional fee prescribed by regulation
- (5) Section 79B—after subsection (2a) insert:
- 20 (2ab) A body corporate additional fee prescribed by regulation for the purposes of subsection (2a) must not exceed \$5 000, but may be prescribed even if the addition of the fee results in an expiation fee for an alleged offence against this section of an amount exceeding the maximum expiation fee that would otherwise be permitted to be prescribed by regulation under this Act.

25 **15—Amendment of section 176—Regulations and rules**

Section 176(1a)(j)—delete paragraph (j) and substitute:

- (j) fix expiation fees, not exceeding \$2 500, for alleged offences against this Act.