

SOUTH AUSTRALIA

MINING REGULATIONS, 1972

REGULATIONS UNDER THE MINING ACT, 1971

Mining Regulations, 1972

being

Gaz. 29 June 1972, p. 2810¹

as varied by

Gaz. 10 May 1973, p. 1998
Gaz. 13 September 1973, p. 1998
Gaz. 26 August 1976, p. 664
Gaz. 11 November 1976, p. 1616
Gaz. 10 November 1977, p. 1481
No. 137 of 1979: *Gaz.* 18 October 1979, p. 1017
No. 116 of 1982: *Gaz.* 24 June 1982, p. 2047
No. 140 of 1983: *Gaz.* 15 September 1983, p. 717²
No. 62 of 1984: *Gaz.* 26 April 1984, p. 1012
No. 181 of 1984: *Gaz.* 20 September 1984, p. 909³
No. 198 of 1986: *Gaz.* 2 October 1986, p. 1246
No. 204 of 1987: *Gaz.* 20 August 1987, p. 593⁴
No. 109 of 1988: *Gaz.* 30 June 1988, p. 2065⁵
No. 120 of 1989: *Gaz.* 29 June 1989, p. 1791⁶
No. 108 of 1990: *Gaz.* 28 June 1990, p. 1726⁷
No. 127 of 1991: *Gaz.* 27 June 1991, p. 2227⁸
No. 214 of 1991: *Gaz.* 10 October 1991, p. 1050
No. 123 of 1992: *Gaz.* 25 June 1992, p. 1974⁹
No. 119 of 1993: *Gaz.* 24 June 1993, p. 2057¹⁰
No. 117 of 1995: *Gaz.* 1 June 1995, p. 2582¹¹
No. 191 of 1995: *Gaz.* 12 October 1995, p. 1048¹²
No. 63 of 1996: *Gaz.* 24 April 1996, p. 2080¹³
No. 82 of 1996: *Gaz.* 30 May 1996, p. 2652¹⁴

- ¹ Came into operation 3 July 1972: reg. 2.
- ² Came into operation 1 October 1983: reg. 2.
- ³ Came into operation 1 October 1984: reg. 2.
- ⁴ Came into operation 1 September 1987: reg. 2.
- ⁵ Came into operation 1 July 1988: reg. 2.
- ⁶ Came into operation 1 July 1989: reg. 2.
- ⁷ Came into operation 1 July 1990: reg. 2.
- ⁸ Came into operation 1 July 1991: reg. 2.
- ⁹ Came into operation 1 July 1992: reg. 2.
- ¹⁰ Came into operation 1 July 1993: reg. 2.
- ¹¹ Came into operation 1 June 1995: reg. 2.
- ¹² Came into operation 17 June 1996: reg. 2.
- ¹³ Came into operation 24 April 1996: reg. 2.
- ¹⁴ Came into operation 1 July 1996: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

**PART I
PRELIMINARY**

Short Title

1. These regulations may be cited as the *Mining Regulations, 1972*.

Commencement

2. These regulations shall come into force on 3 July 1972.

Revocation

3. *The Mining Regulations, 1946*, as varied from time to time made under the repealed Act are hereby revoked.

Saving Provisions

4. Any approval given under the repealed Act and the repealed regulations shall continue until the date of expiry provided that all such approvals shall expire one year from the day on which the Act is fixed by proclamation to come into operation.

Arrangement of Regulations

5. These regulations are arranged as follows:

Part

I	Preliminary.
II	Miner's Rights.
III	Precious Stones Prospecting Permits.
IV	Claims.
IVA	Access Claims.
V	Mining Leases.
VA	Retention Leases.
VI	General Provisions as to Claims and Leases.
VII	Exploration Licences.
VIII	Miscellaneous Purposes Licence.
IX	Entry upon Land.
X	Registration of Documents.
XI	Extractive Areas Rehabilitation Fund.
XII	Miscellaneous.

Interpretation

6. In these regulations, except where the subject matter or context otherwise requires:

"Act" means the *Mining Act, 1971*, and includes any Act amending that Act or substituted therefor:

"claim" means a mineral claim, access claim or a precious stones claim:

3.

"company" means a company incorporated or deemed to be incorporated under or pursuant to the *Companies Act, 1962*, and includes a company as defined in the repealed *Companies Act, 1934-1960*, but does not include a foreign company:

"large precious stones claim" means a precious stones claim of an area greater than 2 500 square metres but not greater than 5 000 square metres:

"Mining Register" means the register kept pursuant to section 15a of the Act:

"prescribed purpose" in relation to the definition of extractive minerals means any or all of the following: chemical, cement, lime and glass manufacture, metallurgical flux, refractories, industrial fillers, foundries, fertilizer, agricultural, jewellery and crafted ornamental uses:

"small precious stones claim" means a precious stones claim of an area of 2 500 square metres or less:

"holder" includes the owner of a claim under the Act and the lessee or licensee of a lease or licence granted under the Act.

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9. (1) No person shall, for the purpose of exercising his rights under the Act, or these regulations enter upon any land, not being land that constitutes any parklands or recreation grounds under the care of a council, dedicated or reserved by the Governor pursuant to the *Crown Lands Act, 1929*, unless:

- (a) an application to enter shall have been made in writing to the Minister stating the name, nature and locality of such reserve and incorporating a statement explaining the nature of the intended operation, and
- (b) the Minister has approved such application.

(2) (a) No person shall, for the purpose of exercising his rights under the Act or these regulations, enter upon any public road, street or highway unless that person first obtains the written consent of the Commissioner of Highways, Municipal Corporation, District Council or other authority having control of such public road, street or highway.

(b) A copy of the written consent shall be attached to any application to register the claim.

(c) This regulation does not prevent the pegging out of a claim on land consisting of a public road, street or highway.

(3) No person shall conduct any mining operations upon any portion of a claim to which this regulation applies prior to the issue of a certificate of registration and without the written approval of the Chief Inspector of Mines pursuant to the *Mines and Works Inspection Act, 1920*.

*Mining Tenements over the Sea Bed Subject to Special
Conditions*

10. (1) If any person obtains a mining tenement extending over any part of the sea bed to which the Act is declared to apply, he shall be liable for and shall indemnify and keep indemnified the South Australian Government, the Minister of Marine and the Minister against all actions, suits, claims and demands whatsoever resulting from the erection or placing by him of any structure or object on or over such area of sea bed, or the escape of any deleterious substance permitted or allowed by him into the sea, while pursuing mining operations incidental to such mining tenement and no such mining tenement shall be registered or granted to any person unless and until such person has entered into an agreement with the Minister satisfactory to the said Minister by which agreement the applicant agrees:

- (a) to indemnify and keep indemnified the South Australian Government, the Minister, and the Minister of Marine, against all actions, suits, claims or demands whatsoever arising out of or resulting from the erection or placing of such structure or object or escape of any deleterious substance into the sea as aforesaid; and
- (b) to remove any such structure or object if and when called upon by the Minister or the Minister of Marine so to do, and in default of so removing it to pay to the Minister or the Minister of Marine all costs and expenses incurred by either Minister in the removal thereof.

(2) No person holding any mining tenement shall—

- (a) operate the said tenement so as to permit or allow the escape of any deleterious substance into the sea; or
- (b) fail to remove any structure or object erected or placed by him on or over any part of the sea bed to which the said Act is declared to apply forthwith upon being required by notice in writing by the Minister or the Minister of Marine so to do, and in the event of his failure to remove such structure or object, the Minister or the Minister of Marine may remove it, and all costs or expenses of the removal shall be paid by such person to the Minister or the Minister of Marine as the case may be and such cost or expenses may be recovered by action in a local court as a debt due to the Minister or the Minister of Marine as the case may be.

(3) Any person who obtains a mining tenement extending over any part of the sea bed shall, before commencing mining operations, satisfy the Minister for the time being administering the *Fisheries Act, 1971*, that his operations will not contravene or fail to comply with any provision of the *Fisheries Act, 1971*.

Fees to be Charged

11. (1) The fees set out in Schedule B hereto shall be charged and taken in respect of the matters referred to in such schedule.

(2) For the purposes of subsection (4) of section 56B of the Act, an application fee under that section will be a fee determined by the Minister after consultation with the applicant, being a fee that is not less than \$5 000.

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Forms to be Used

12. The forms contained in the various schedules hereto shall be sufficient for the purposes for which they are respectively prescribed and may be used with such variations or modifications as the exigencies of the case may require.

**PART II
MINER'S RIGHTS**

Application for Miner's Right

13. An application for a miner's right shall be in the form of Form No. 1 contained in Schedule A hereto.

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Issue of Miner's Right

15. A miner's right shall not be issued in the name of more than one person.

Renewal of Miner's Right

16. For the purposes of section 21(2) of the Act an application for a renewal of a miner's right shall be in the form of Form No. 1A contained in Schedule A hereto.

Loss of Miner's Right

17. If any person loses his miner's right he shall make a declaration of loss in the form of Form No. 3 contained in Schedule A hereto, before a Commissioner for taking affidavits, proclaimed bank manager or Justice of the Peace. On receipt of such declaration together with the fee prescribed in Schedule B hereto, a mining registrar shall issue a duplicate miner's right.

Surrender of Miner's Right

17A. A person may, by notice in writing, in the form of Form No. 44 in Schedule A hereto, surrender his miner's right to the Mining Registrar.

**PART III
PRECIOUS STONES PROSPECTING PERMITS**

Application for Precious Stones Prospecting Permit

18. An application for a precious stones prospecting permit shall be in the Form No. 4 contained in Schedule A hereto.

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Issue of Precious Stones Prospecting Permit

20. (1) Due application shall be lodged by the applicant personally at an office of the Mining Registrar.

(2) A precious stones prospecting permit shall not be issued in the name of more than one person.

Identification Plates

20A. (1) At the time of issue or renewal of a precious stones prospecting permit to any person a mining registrar shall issue to such person a set of four identification plates which shall bear the permit number and the date of its expiry.

(2) Where the holder of a precious stones claim renews his or her precious stones prospecting permit, the holder must ensure that the identification plates issued on that renewal are, within 14 days of that renewal, securely attached to the posts marking out the claim.

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(5) If any person loses one or more identification plates he shall make a declaration of loss in the form of Form No. 3 contained in Schedule A hereto, before a Commissioner for taking affidavits, proclaimed bank manager or a Justice of the Peace. On receipt of such declaration together with the fee prescribed in Schedule B hereto, a mining registrar shall issue the appropriate number of replacement identification plates.

(6) Where the Warden's Court has made an order pursuant to section 68 of the Act, the Court may make an order requiring the surrender of the identification plates applicable to the precious stones prospecting permit.

Renewal of Precious Stones Prospecting Permit

21. (1) For the purposes of section 43(2) of the Act an application for a renewal of a precious stones prospecting permit shall be in the form of Form No. 4A contained in Schedule A hereto.

(2) An application under subregulation (1) of this regulation shall be personally lodged by the holder of the precious stones prospecting permit within one month before its expiry.

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Loss of Precious Stones Prospecting Permit

22. If any person loses his precious stones prospecting permit, he shall make a declaration of loss in the form of Form No. 3 contained in the Schedule A hereto, before a Commissioner for taking affidavits, proclaimed bank manager or a Justice of the Peace. On receipt of such declaration together with the fee prescribed in Schedule B hereto, a mining registrar shall issue a duplicate precious stones prospecting permit.

Surrender of Precious Stones Prospecting Permit

22A. A person may by notice in writing in the form of Form No. 45 in Schedule A hereto surrender his precious stones prospecting permit to the Mining Registrar.

**PART IV
CLAIMS**

Area of Claim

23. Subject to the Act the holder of a miner's right may peg out a mineral claim, the area of which shall not exceed 250 hectares.

24. Pursuant to section 45 of the Act, the maximum permissible area of a precious stones claim is 5 000 square metres.

Mode of Taking Possession

25. (1) Every person pegging out a mineral claim shall:

- (a) Securely place in the ground posts, devoid of any mark or writing referring to a previous pegging, to mark the corners of the land to be included in the claim. The least cross-sectional dimensions of each post shall not be less than 7 centimetres and each post shall project not less than 75 centimetres above the surface of the ground.
- (b) Ensure that the distinguishing number of the miner's right by virtue whereof the claim is pegged out, and the date of pegging thereof are on the posts or on some notice attached securely to the posts, as near to the top as practicable in clear legible characters.
- (c) Where more than one person is the holder of a claim, ensure that the number of the miner's right of each of the holders of the claim are on the posts or are on a notice attached securely to the posts.
- (d) Where a person pegs out more than one claim on any one day, in addition to the number of his miner's right, mark on the posts the number of the claim pegged that day which numbers shall be consecutive starting with the number one.
- (e) At each corner of the claim clearly indicate the direction of the boundaries of the claim by trenches, piles of stones, or substantial indicator arms on the posts.

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(2) Every person pegging out a precious stones claim shall:

- (a) Securely place in the ground posts, devoid of any mark or writing referring to a previous pegging, to mark the corners of the land to be included in the claim. The least cross-sectional dimension of each post shall not be less than 7 centimetres and each post shall project not less than 75 centimetres above the surface of the ground.
- (b) Ensure that
 - (i) an identification plate, issued to the permit holder, is securely attached to each post as near to the top as is practicable,

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- (ii) the date of pegging is shown in clear legible characters, on each post immediately below the identification plate,
 - (iii) in the case of a small precious stones claim, the letter "S" and, in the case of a large precious stones claim, the letter "L" is displayed on each post immediately below the date of pegging.
- (c) Where more than one person is the holder of a single claim, ensure that an identification plate of each of the holders of that claim is securely attached to each post.

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- (e) At each corner of each claim clearly indicate the direction of the boundaries of the claim by substantial indicator arms on the posts.

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(3) (a) Where the method prescribed in subregulations (1) and (2) of this regulation is impractical the claim may be pegged in some other manner and the claimowner must, within seven days, lodge a notice, setting out the method of pegging used, at the office of the Mining Registrar nearest to the claim.

(b) Where the Mining Registrar or a person authorised in writing by the Mining Registrar considers the method used to be unsatisfactory, he may order that some other method be used and the claimowner shall forthwith peg the claim in the manner so ordered.

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Notification of Pegging

25A. (1) Where a precious stones claim is pegged out on a proclaimed precious stones field the holder of the precious stones prospecting permit by virtue of which the precious stones claim is pegged shall lodge personally a notice of pegging at the nearest office of the Mining Registrar to the proclaimed field.

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- (3) The notice of pegging shall be in the form of Form 26 in Schedule A.

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(5) Notice of pegging shall be lodged no later than the closing time on the next working day of the office of the Mining Registrar following the pegging.

(6) Where the nearest office of the Mining Registrar to a precious stones field is closed for a period of more than fourteen days and a notice to this effect is prominently displayed, a notice of pegging as required by this regulation may be either lodged personally with or forwarded by prepaid post to the Mining Registrar at his Adelaide address at any time during the closure of that office.

Maintenance of Claims

26. The holder of a claim shall maintain all posts, boundary indicator markers and notices on the claim in the position required by these regulations.

*Transitional Provision Concerning Posts of Precious
Stones Claim*

26a. A person who holds a precious stones claim as at 1 July, 1989, must—

(a) ensure that, on or before 30 September, 1989, on each of the posts marking out the claim the letter "S" is displayed immediately below the date of pegging displayed on those posts;

and

(b) if the person holds a precious stones prospecting permit that is in force as at 1 July, 1989, and that has been renewed since the pegging of the claim—ensure that, on or before 30 September, 1989, the identification plates issued on the last such renewal are securely attached to the posts marking out the claim.

Shape of Claim

27. (1) Unless otherwise provided for in these regulations, the shape of a mineral claim shall, where the land is so available, be approximately that of a rectangle, the length of the longer side of which shall not exceed five times the length of the shorter side.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, the length of the longest side of a mineral claim shall not exceed two kilometres.

(3) When approximate rectangular areas are not available owing to the position of adjoining boundaries or natural features, any intervening or irregular shaped piece of land may be pegged out as a mineral claim.

(4) Unless otherwise provided for in these regulations the shape of a small precious stones claim shall approximate a square and no side shall exceed 50 metres in length.

(4a) Subject to these regulations, the shape of a large precious stones claim must approximate a rectangle, the breadth of which does not exceed 50 metres and the length of which does not exceed 100 metres.

(5) Where the required shape cannot be attained owing to the position of adjoining boundaries, an intervening or irregular shaped piece of land may be pegged out as a precious stones claim and an application shall be made in writing containing details of such pegging to the Mining Registrar for approval.

(6) Any person pegging under subregulation (5) shall be deemed to have taken possession and no pegging of the area by another party shall be permitted until the matter has been determined.

(7) No work shall be carried out on an area pegged out pursuant to subregulation (5) unless the Mining Registrar or a person authorised in writing by him shall have approved of the pegging in writing.

Mode of Registration

28. (1) An application to register a mineral claim shall be made in the form of Form No. 6 contained in Schedule A hereto.

(2) (a) An application to register a precious stones claim shall:

- (i) where the claim is outside a proclaimed precious stones field be in the form of Form 7 in Schedule A;
- (ii) where the claim is within a proclaimed precious stones field be in the form of Form 32 in Schedule A.

(b) (i) Application for registration of a precious stones claim shall be lodged personally by the claimholder;

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- (iii) Where application is made for registration of a precious stones claim pegged on a precious stones field, the application shall be personally lodged at the nearest office of the Mining Registrar to that field, in accordance with this regulation.
- (iv) Where application is made for registration of a precious stones claim pegged outside a precious stones field, the application shall be personally lodged and may be lodged at any office of the Mining Registrar in accordance with this regulation.
- (v) Where the nearest office of the Mining Registrar to a precious stones field is closed for a period of more than fourteen days and a notice to this effect is prominently displayed, an application for registration of a precious stones claim as required by this regulation may be either lodged personally with or forwarded by prepaid post to the Mining Registrar at his Adelaide address.

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(3) Subject to the Act a mining registrar shall on receipt of an application to register a claim and the fee prescribed in Schedule B hereto together with such other information which may include a survey as he may require:

- (a) Complete a certificate of registration to be given to the applicant.
- (b) Enter full particulars of the claim in the "Mining Register".

(4) The registered number of the claim shall be marked in clear legible characters on each post of the claim:

- (a) in the case of a precious stones claim, within seven days after registration,
- (b) in the case of a mineral claim, within fourteen days after registration.

28a. (1) If the Mining Registrar subsequent to the issue of a certificate of registration considers that because of a failure to comply with the requirements of the Act and/or these regulations a claim should not have been registered he shall forthwith advise the claimholder in writing to that effect setting out full particulars of such failure to comply.

(2) Within 21 days of receipt of such notification the claimholder shall surrender the certificate of registration to the Mining Registrar.

(3) The claimholder shall be deemed to have received the notification on the date when the notification would have reached him at his customary place of residence in the ordinary course of the post at the address given in the Mining Register.

(4) In the event that the claimholder disputes the contention of the Mining Registrar that the claim should not have been registered or alternatively if no reply is received from the claimholder within 21 days of receipt of such notification the Mining Registrar may apply to the Warden's Court for a declaration that the claimholder is not lawfully in possession of the claim and for appropriate consequential orders.

29. (1) The provisions of regulation 28 shall apply in so far as is applicable to an application for renewal of registration of any precious stones claim or consolidated claims.

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(3) Application for renewal of a precious stones claim or consolidated precious stones claims shall be in the form of Form No. 10 or 10a as the case requires.

Use of Declared Equipment within a Precious Stones Field

30. Notice of intention to use declared equipment on a registered precious stones claim or a registered access claim shall be in the form of Form No. 22A in Schedule A hereto.

Surrender of Claim

31. (1) Any person who is the holder of a claim may surrender that claim during its currency, in the manner hereunder.

(2) The posts of the claim shall be removed.

(3) In the case of a registered claim, notice of surrender shall be given in writing in the prescribed form.

(4) Notice of surrender shall be in the form of Form No. 42 or No. 43 as the case may be, in Schedule A hereto.

(5) Notice of surrender of a registered precious stones claim must be personally lodged at an office of the Mining Registrar.

(6) Notice of surrender of a mineral claim may be lodged at any office of the Mining Registrar.

(7) Surrender shall be deemed to be effective when the appropriate procedure has been carried out.

(8) Where, in the opinion of an inspector, the Mining Registrar or a person authorized in writing by the Mining Registrar, it is unreasonable (for reasons of safety or otherwise) to require the posts of a claim to be removed, the inspector, Mining Registrar or authorized person may issue a certificate of exemption from the requirements of subregulation (2).

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Warden's Court May Cancel Claims Insufficiently Defined

33. If any claim is not defined by posts and boundary markers as required by these regulations, and the owner of such claim fails to define the claim after having been directed to do so by a person authorised by the Director of Mines within such time as may be specified such claim may be cancelled by order of the Warden's Court and such claim shall thereupon absolutely cease and determine.

Expiry of Claim When Lease Applied For

34. A claim shall not lapse through expiry of the registration if at the date of expiry, an application has been made for a mining lease and such application has not been refused.

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36. (1) The holder of a claim may, with the written approval of a mining registrar, reduce the area of the claim.

(2) The holder of the claim shall comply with any directive given by a mining registrar within such time as may be stated in the approval.

(3) Where the area of a claim is reduced in accordance with this regulation the ratio of length to width as prescribed by regulation 27(1) shall not apply.

**PART IVA
ACCESS CLAIMS**

Determination of Site

36A. The holder of a subsurface stratum mining tenement may prospect and carry out such geophysical surveys as may be approved by the Director, on the surface stratum, to determine the site of any access claim.

Area of claim

36B. The area of an access claim shall not exceed 2 500 square metres.

Shape of claim

36C. An access claim shall approximate a square, with no side exceeding 50 metres in length.

Mode of taking possession

36D. Every person pegging out an access claim shall:

- (a) Securely place in the ground posts, devoid of any mark or writing referring to a previous pegging, to mark the corners of the land to be included in the claim. The least cross-sectional dimension of each post shall not be less than 7 centimetres and each post shall project not less than 75 centimetres above the surface of the ground.
- (b) Ensure that the distinguishing number and type of subsurface tenement, by virtue whereof the claim is pegged out, and the date of pegging thereof are on the posts or on some notice securely attached to the posts, as near to the top as practicable in clear legible characters.
- (c) Where a person pegs out more than one claim on any one day, in addition to the information required in paragraph (b), mark on the posts the number of the claim pegged that day which numbers shall be consecutive starting with the number one.
- (d) At each corner of the claim clearly indicate the direction of the boundaries of the claim by substantial indicator arms on the posts.

Mode of Registration

36E. (1) Application to register an access claim shall be made in the form of Form No. 37 in Schedule A hereto.

(2) Subject to the Act, a mining registrar shall on receipt of an application to register an access claim and the fee prescribed in Schedule B hereto, together with such other information (which may include a survey) as he may require:

- (a) Complete a certificate of registration to be given to the applicant.
- (b) Enter full particulars of the claim in the "Mining Register".

(3) The claimowner shall, within seven days after registration, show in clear legible characters the registered number of the claim on each post.

Renewal of Access Claim

36F. Application for renewal of the registration of an access claim shall be lodged on or before the date of expiry of the term for which the claim is registered.

36G. Application for renewal shall be made in the form of Form No. 39 in Schedule A hereto.

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Surrender of Access Claim

36I. (1) A person may surrender an access claim during its currency.

(2) Surrender shall not be effective unless the posts of the access claim are removed.

(3) In the case of a registered access claim, notice of surrender shall be given in the form of Form No. 41 in Schedule A hereto.

(4) Notice of surrender of an access claim shall be lodged at an office of the Mining Registrar.

**PART V
MINING LEASES**

37. There shall be two classes of mining lease to be known as

- (a) mineral lease
- (b) extractive minerals lease.

38. (1) Subject to the Act, a mineral lease entitles the lessee to carry out the mining operations specified in the lease for the recovery of minerals other than extractive minerals or precious stones.

(2) Subject to the Act, an extractive minerals lease entitles the lessee to carry out the mining operations specified in the lease for the recovery of extractive minerals.

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Application for Leases

39. (1) An application by the holder of a registered mineral claim for a lease shall be in the form of Form No. 14 contained in Schedule A and shall be accompanied by the application and preparation fee prescribed in Schedule B hereto.

(2) A statement of mining operations proposed to be carried out and the measures proposed to remedy damage to the land under section 35 shall be in the form of Form No. 14A in Schedule A hereto.

40. If the Minister does not refuse the application he shall advise the applicant by notice in writing of the terms and conditions under which he is prepared to grant a mining lease to the applicant.

41. Where the Minister grants a mining lease over the area of a mineral claim, or part thereof the claim shall cease and determine.

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Application by Liquidator or Receiver

44. Where the holder of a mineral claim is bankrupt or is a company that is in liquidation, an application for a lease may be made by the receiver, receiver and manager or liquidator.

Terms and conditions of mining lease (s. 34(3))

45. A mining lease is subject to the following terms and conditions:

- (a) the lessee must pay all rates, taxes and other imposts that become payable in respect of the land;

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- (b) the lessee must ensure that mining operations on the land are carried out in an orderly and skilful manner in accordance with a program for mining and rehabilitation of the land approved, from time to time, by the Minister;
- (c) the lessee must submit to the Director, from time to time at the Director's request, a current plan of survey of the land in the form required by the Director;
- (d) if the land is subject to a pastoral lease under the *Pastoral Land Management and Conservation Act 1989*, the lessee must give the pastoral lessee access to the land for domestic purposes and for watering stock (although the lessee is not required to give the pastoral lessee access to water provided or stored by the lessee by artificial means).

Annual Rent

46. (1) The annual rental on mining leases shall be as prescribed in Schedule B hereto.

(2) The rent payable shall be calculated on the area of the land as defined by the posts, no allowance being made for any portion not available for mining.

Conditions to be Observed After Notification of Approval

47. (1) Every applicant shall, during the period between the receipt of the notification that the lease has been approved by the Minister and the actual issue of the lease document, be deemed to be the lessee of the land in respect of which the lease has been applied for, and shall, during such period, comply with all the proposed covenants and conditions of the lease to the same extent as if the lease document were actually issued.

(2) If a lessee fails to execute and return the lease documents for execution by the Minister within 90 days of the document being forwarded to the lessee, the Minister may by notification published in the *Gazette* withdraw the approval referred to in subregulation (1) whereupon the lease shall cease and determine.

Lease Number to be Marked on the Posts

48. (1) Within 14 days after being notified of the grant of a lease the lessee shall legibly mark the number and the class of lease, being ML or EML, on each post or on some notice securely attached to each post, at which time all notices relating to the claim shall be removed.

(2) Where notification has been given of the grant of a lease over portion of the area applied for, the lessee shall, within 14 days of the notification, define the boundaries of the lease either by the repositioning of the existing posts or the placing of the appropriate number of new posts at the corners of the lease. Any posts relating to the area outside the boundaries of the lease shall be removed.

Maintenance of Leases

49. During the term of the lease and any renewal or extension thereof the lessee shall maintain in good order and condition the posts, boundary indicator markers and notices required by these regulations to be erected, placed or attached to the leased land.

Transfer of Leases

50. (1) The procedure to be adopted for the transfer of leases shall be as follows:

- (a) The transferor shall submit to the Minister an application for consent to transfer the lease together with a copy of the proposed instrument of transfer.
- (b) An instrument of transfer shall be in the form of Form No. 16 contained in Schedule A hereto.
- (c) The Minister may approve or refuse the application or may request further particulars including particulars of the arrangements to comply with any covenants of the lease regarding rehabilitation of land.
- (d)
 - (i) The instrument of transfer, after payment of stamp duty, shall be lodged with a mining registrar together with the transferor's copy of the lease and the fee prescribed in Schedule B hereto within 30 days of the consent of the Minister to transfer or such later time as the Mining Registrar allows.
 - (ii) The fees for late lodgment set out in Schedule B are payable where an instrument of transfer is lodged later than 30 days after the Minister consents to the transfer.

* * * * *

- (e)
 - (i) Upon receipt of the instrument of transfer, duly stamped, the transferor's copy of the lease and the prescribed fee, a mining registrar shall enter a memorial of the transfer in the Mining Register, endorse particulars of the transfer on the lessee's copy of the lease and return it to the transferee.
 - (ii) A transfer shall not take effect until a mining registrar has entered a memorial of the transfer in the Mining Register.

(2) Where an application is made to transfer a lease, a document for which has not yet been issued, the same procedure as far as is practical shall be carried out and the lease document, when issued, shall be issued in the name of the transferee, with such endorsements thereon as the Mining Registrar deems necessary.

Surrender of Mining Lease

51. (1) A lessee may, on giving to the Minister three months notice in the form of Form No. 17 contained in Schedule A, and upon payment of all arrears of rent and royalty, surrender a mining lease or portion of that lease.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, the Minister may, in his discretion, waive the period of three months notice.

Rights of Surrender

52. The rights of surrender conferred by the Act and these regulations are subject to the rights of persons claiming from or under the lessee.

Application for Renewal of Mining Lease

53. (1) An application for the renewal of a mining lease shall be made in the form of Form No. 18 contained in Schedule A hereto.

* * * * *

54. Every renewable Lease may be renewed at the rent for the time being prescribed by these regulations in respect of leases of the same class as the lease so renewed, and shall be subject to the covenants, conditions and provisos from time to time prescribed by regulations relating to leases of the same class as the lease so renewed.

Rent in Advance

55. The rent payable under any mining lease shall be paid annually in advance to the Director at the offices of the Department of Mines and Energy, Adelaide.

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**PART VA
RETENTION LEASES**

56A. A retention lease may be granted to the holder of a registered mineral claim in accordance with the provisions of Part VIA of the Act.

Application for Retention Leases

56B. (1) An application for a retention lease shall be in the form of Form No. 15A in Schedule A hereto and shall be accompanied by the application and preparation fees prescribed in Schedule B hereto.

(2) Where the Minister grants a retention lease over the area of a mineral claim the whole or part of the lands comprised in a mineral claim the claim shall cease and determine.

* * * * *

Application by Executor or Liquidator

56C. Where the holder of a registered mineral claim is deceased or is a company that is in liquidation, an application for a retention lease may be made by the executor, or receiver and manager or liquidator as may be appropriate.

Terms and conditions of retention lease (s. 41A(4)(a))

56D. A retention lease is subject to the following terms and conditions:

- (a) the lessee must pay all rates, taxes and other imposts that become payable in respect of the land;
- (b) if the lease stipulates that the lessee has rights to conduct mining operations other than prospecting in respect of the land, the lessee must ensure that the mining operations are carried out in an orderly and skilful manner in accordance with a program for mining and rehabilitation of the land approved, from time to time, by the Minister;
- (c) the lessee must submit to the Director, from time to time at the Director's request, a current plan of survey of the land in the form required by the Director;
- (d) if the land is subject to a pastoral lease under the *Pastoral Land Management and Conservation Act 1989*, the lessee must give the pastoral lessee access to the land for domestic purposes and for watering stock (although the lessee is not required to give the pastoral lessee access to water provided or stored by the lessee by artificial means).

Annual Rent

56E. The annual rental payable on a retention lease shall be as prescribed in Schedule B hereto.

Notification of Grant of Retention Lease

56F. (1) Where the Minister grants a retention lease, the applicant shall be advised in writing by or on behalf of the Minister of such grant.

(2) The date of commencement of the retention lease shall be stated in the written notice.

Conditions to be Observed after Notification of Grant

56G. (1) Every applicant shall, during the period between the receipt of the notification that a retention lease has been granted by the Minister and the actual issue of the retention lease document, be deemed to be the lessee of the land in respect of which the retention lease has been applied for and shall, during such period, comply with all the proposed covenants and conditions of the retention lease to the same extent as if the retention lease document was actually issued.

(2) If a lessee fails to execute and return the retention lease documents for execution by the Minister within 90 days of the document being forwarded to the lessee, the Minister may by notification published in the *Gazette* withdraw the grant referred to in regulation 56F whereupon the retention lease shall cease and determine.

Lease Number to be marked on the Posts

56H. Within 14 days after being notified of the grant of a retention lease the lessee shall legibly mark on each post or on some notice securely attached to each post the letters "RL" followed by the number of the lease, and all notices referring to the claim shall be removed.

Maintenance of Retention Leases

56J. (1) During the term of a retention lease and any renewal or extension thereof the lessee shall maintain in good order and condition the posts, boundary indicator markers and notices required by these regulations to be erected, placed or attached to the leased land.

(2) Where the holder of a retention lease supplies the Director with a survey of the area of the retention lease acceptable to the Director the holder shall not be bound by the provisions of subregulation (1) of this regulation.

(2a) Any survey supplied to the Director pursuant to subregulation (2) must be registered in the Mining Register.

(3) Where the holder of a retention lease complies with subregulation (2) of this regulation the lease shall not be liable to forfeiture.

Transfer of Retention Leases

56K. (1) The procedure to be adopted for the transfer of retention leases shall be as follows:

(a) The transferor shall submit to the Minister an application for consent to transfer the lease together with a copy of the proposed instrument of transfer.

(b) An instrument of transfer shall be in the form of Form No. 16 contained in Schedule A hereto.

(c) The Minister may approve or refuse the application or may request further particulars of the arrangements to comply with any covenants of the lease regarding rehabilitation of land.

(d) (i) The instrument of transfer, after payment of stamp duty, shall be lodged with a mining registrar together with the transferor's copy of the lease and the fee prescribed in Schedule B hereto within 30 days of the consent of the Minister to transfer or such later time as the mining registrar allows.

(ii) The fees for late lodgment set out in Schedule B are payable where an instrument of transfer is lodged later than 30 days after the Minister consents to the transfer.

* * * * *

(e) (i) Upon receipt of the instrument of transfer duly stamped, the transferor's copy of the lease and the prescribed fee, a mining registrar shall enter a memorial of the transfer in the Mining Register, endorse particulars of the transfer on the lessee's copy of the lease and return it to the transferee.

(ii) A transfer shall not take effect until a mining registrar has entered a memorial of the transfer in the Mining Register.

(2) Where an application is made to transfer a retention lease for which no document has yet been issued the same procedure as far as is practical shall be carried out and the document, when issued, shall be issued in the name of the transferee, with such endorsements thereon as the Mining Registrar deems necessary.

Surrender of Retention Lease

56L. (1) The lessee of a retention lease may on giving to the Minister three months notice in the form of Form No. 17 contained in Schedule A hereto, and upon payment of all arrears of rent, surrender such lease or any portion thereof.

(2) The Minister in his discretion may waive the period of three months notice.

Rights of Surrender

56M. The rights of surrender conferred by the Act and these regulations are subject to the rights of persons claiming from or under the lessee.

Application for Renewal of Retention Lease

56N. (1) Application for renewal of a retention lease shall be in the form of Form No. 18A contained in Schedule A hereto.

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**PART VI
GENERAL PROVISIONS AS TO CLAIMS AND LEASES**

Labour Conditions

57. (1) Precious Stones Claim: Within 14 days after the date of pegging out or, if the claim is over native title land, within 14 days after registration of an agreement or determination under Part 9B of the Act, a precious stones claim shall be personally worked by the claim owner diligently mining for precious stones for not less than 20 hours per week or, in such manner as may be approved by the Warden’s Court provided that such approval shall require not less than 20 hours per week to be spent diligently mining for precious stones.

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(3) Mineral Claim:

- (a) Within 30 days after the date of pegging out or, if the claim is over native title land, within 30 days after registration of an agreement or determination under Part 9B of the Act, a mineral claim shall be worked by not less than one able-bodied man diligently prospecting for minerals or carrying out such exploratory operations as may be approved under section 25(1)(b) for not less than 100 hours per calendar month.
- (b) Where due application for a mining lease or retention lease has been made, the claimowner shall be exempted from compliance with the provisions of paragraph (a) of this subregulation until the matter has been determined.

(4) Mining Lease:

Immediately upon receipt of advice of the grant thereof, a mining lease shall be worked:

- (a) by not less than one able-bodied man diligently mining for minerals other than precious stones provided for in the lease for a total of not less than 100 hours per calendar month; or
- (b) as may be specified in the lease; or

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Amalgamation of Labour Conditions

58. (1) Subject to subregulation (1a), the Warden’s Court may order that the labour conditions of contiguous precious stones claims be amalgamated for a period not exceeding one year at any one time.

(1a) The sum of the areas of each of the precious stones claims in respect of which the labour conditions are amalgamated must not exceed 10 000 square metres.

(2) The Warden’s Court may order that the labour conditions of any number of mineral claims not exceeding four held by the same owner be amalgamated for a period not exceeding two years at any one time.

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(3) The Warden's Court may order that the labour conditions of any number of mining leases of the same class, held by the same owner be amalgamated for a period not exceeding seven years at any one time.

(4) Any person may object to an application to amalgamate labour conditions and his objection shall be heard and determined by the Warden's Court.

(5) The Warden's Court may during the currency of an amalgamation and on the application of any person, cancel an order for the amalgamation of labour conditions.

(6) The Warden's Court may order any amalgamation to be effective from the date of the application to amalgamate the labour conditions.

(7) Expiry or cancellation of one of a group of amalgamated mining tenements shall not cancel the amalgamation.

(8) The Warden's Court may order that the labour conditions of claims be amalgamated with the labour conditions of leases provided that:

- (a) the lessee and the claimholder is the same person, and
- (b) the number of claims included in such an amalgamation does not exceed the number of leases.

(9) Where the Minister grants to the holder of a registered mineral claim a mining lease of the land comprised in the claim and the Warden's Court has previously made an order amalgamating the labour conditions of the claim with those of other tenements, the order shall apply to the lease and shall continue until the date of expiry of that order.

(10) Where a mining lease that is subject to an amalgamation of labour conditions is transferred, the order amalgamating the conditions ceases to have effect in relation to that lease.

Effect of Amalgamation

59. Where labour conditions are amalgamated, the labour conditions of the mining tenements so amalgamated shall be deemed to be complied with, if the total number of men required to work the individual tenements are employed anywhere within the boundaries of the tenements comprising the amalgamated tenements.

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Suspension of Labour Conditions

61. (1) The holder of a claim or a lessee may apply to the Warden's Court for a suspension of the conditions as to working such claim or lease.

(2) Any person may object to an application for suspension of labour conditions of any claim or lease and his objection shall be heard in the Warden's Court.

(3) The Warden's Court, if satisfied with the reasons for the application, may order the unconditional or conditional suspension of labour conditions on such claim or lease, for any period not exceeding six months at any one time.

(4) The Warden's Court may order the suspension of labour conditions to be effective from the date of receipt of the application by the Court.

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(7) If the person who has obtained an order of the Warden's Court conditionally suspending the labour conditions does not comply with a condition of that order, the order of suspension of the labour conditions shall be deemed to be revoked.

(8) Where the ownership of a mining tenement is transferred during the period of suspension, the suspension shall continue until the date of expiry of the order of the Warden's Court suspending the labour conditions.

(9) Where the Minister grants to the holder of a registered mineral claim a mining lease of lands comprised in the claim and the Warden's Court has ordered the suspension of the labour conditions of the claim, the suspension of the labour conditions of the claim shall apply to the lease and continue until the date of expiry.

(10) The owner of a mining tenement may place a notice on his mining tenement stating that the labour conditions are suspended.

(11) A person shall not exhibit or cause to be exhibited a notice stating that the labour conditions are suspended unless an order of suspension of the labour conditions made by the Warden's Court is in force in respect of the mining tenement.

(12) The period of time running from 15 December of each year to 14 February of the following year provided for in the succeeding regulation, shall be part of and not in addition to any period of suspension approved by the Warden's Court.

Interpretation of Labour Conditions

62. (1) (a) All operations connected with the extraction or making merchantable of products from a mining tenement, or the preparation and erection of, or maintenance of machinery or other requisite appliances carried on by the tenement holder on the mining tenement shall be deemed to be working the mining tenement.

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(3) Notwithstanding any other provision of these regulations, the labour conditions pertaining to any mining tenement shall not apply from 15 December in each year to 14 February in the following year, both dates inclusive.

63. (1) Work carried out by the holder of an option to purchase a mining tenement other than a mineral claim shall for the purpose of compliance with labour conditions be regarded as work carried out by the holder of the mining tenements.

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Exemption from Forfeiture of Tenement for Failure to Comply with Labour Conditions

64. (1) Notwithstanding anything contained in these regulations, the holder of a mining tenement shall not be liable to a penalty or his tenement liable to forfeiture for failure to comply with labour conditions prescribed in respect of such mining tenement, where:

(a) The holder of a mining tenement works the mining tenement personally, whether alone, or with the aid of employees, and fails to comply with labour conditions prescribed in respect of such mining tenement by reason of his absence through illness or his absence on urgent work in the public or national interest;

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(c) The holder of the mining tenement is unable by reason of flood or drought or other Act of God to comply with the labour conditions prescribed in respect of that mining tenement; or

(d) The holder of the mining tenement is prevented by an order of a Judge of the Supreme Court, or the Warden's Court from complying with the labour conditions prescribed in respect of that mining tenement; or

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(2) Any protection afforded by this regulation other than under paragraph (d) of subregulation (1) shall cease two months after the date of commencement of the cause of the disability.

(3) No protection shall be afforded by this regulation to any person who pegs out a claim or on whose behalf a claim is pegged out subsequent to the cause of the disability.

Redemption of Titles

65. (1) When a mining tenement has become liable to forfeiture through non-compliance with these regulations, such liability to forfeiture shall cease on the subsequent compliance by the holder of the mining tenement with these regulations; provided no legal process has been commenced to obtain possession of the mining tenement, within a period of one month after the existence of the cause of liability to forfeiture.

(2) Suspension of the labour conditions of a mining tenement shall not for the purpose of this regulation be construed as subsequent compliance.

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Roads and Pipe Lines Across Claims and Leases

67. When necessary for the efficient working of a claim or mining lease, or for use by the public, the Warden’s Court may authorise the making and use of a road or pipe line in, over or upon the land comprised in any separate mining tenement in such manner and under such conditions as the court shall determine. The Warden’s Court may order compensation determined by the Warden’s Court to be paid by the person seeking the order for injury caused to and for pecuniary loss suffered by the holder of any mining tenement by the making of the road or pipe line.

68. (1) If the holder of a mining tenement discovers that the shape or dimensions of his tenement do not conform with the requirements of these regulations, he may apply to the Warden’s Court for permission to rectify the error.

(2) If the holder of a mining tenement discovers that he has included any portion of some other mining tenement within the boundaries of his own tenement he may apply to the Warden’s Court for permission to rectify the error.

(3) Where an application is made in accordance with this regulation, the Warden’s Court may make such orders as are necessary to rectify the error or may determine the boundaries of the tenement and the manner in which it is to be delineated.

(4) The provisions of this regulation shall not apply if the tenement is the subject of an application for forfeiture or any suit concerning the validity of the tenement which application for forfeiture or suit was lodged before the application was made to the Warden’s Court pursuant to this regulation.

69. (1) If the position of any post or posts is such that it interferes with the working of a mining tenement, the Mining Registrar, an inspector or a person authorised in writing by the Mining Registrar may issue a certificate in duplicate authorising the removal of any post or posts. Any such certificate issued shall contain details of any direction given by the Mining Registrar, inspector or authorised person to enable the proper definition of the boundary of the tenement or tenements to be calculated.

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Superimposed Tenements

70. (1) Where a class of mining lease is granted over land already held as a mining lease of a different class, and the lessee is the same person, the lessee need maintain only one post at each corner of the area, but each post shall have on it, or on a notice attached to it the numbers and classes of all the mining leases.

(2) Where the superimposed tenement covers a part of the prior tenement, the superimposed tenement shall be marked out by independent posts.

(3) The annual rental payable on such mining leases shall be waived for all leases except the one with the highest rental.

(4) Where a superimposed lease is held by another party, the annual rental shall also be payable for the superimposed lease.

70a. Where application is made to register a tenement superimposed on an existing tenement the applicant shall lodge with the application a consent in writing given under section 80(2) of the Act, together with particulars in writing of the agreement of the parties.

PART VII
EXPLORATION LICENCES

Conditions of exploration licence (s. 30)

71. An exploration licence is subject to the following conditions:¹

- (a) the licensee must, as soon as reasonably practicable, report to the Director the discovery on the land of minerals potentially capable of economic production;
- (b) the licensee must conduct operations under the licence (including managing waste resulting from mining operations) in accordance with a program approved, from time to time, by the Minister designed to—
 - (i) prevent pollution to or contamination of surface or underground waters; and
 - (ii) minimise surface damage to the land; and
 - (iii) ensure that, in drilling or other underground investigations, no interconnection between groundwater aquifers occurs;
- (c) the licensee must obtain the approval of the Director before any of the following occurs in connection with operations conducted under the licence:
 - (i) construction of any major campsite or new track begins; or
 - (ii) upgrading of any track begins;
- (d) the licensee must ensure that use of vehicles in connection with operations conducted under the licence other than on existing roads or tracks or tracks approved by the Director is kept to a minimum;
- (e) the licensee must give written notice of the following matters to the Director:
 - (i) any proposal to carry out an airborne survey of the land (including details of the type of survey, the area to be surveyed, flight line spacing and flight height);
 - (ii) any proposal to investigate the use of groundwater on the land for the purpose of water supplies, de-watering, in-situ leaching, waste disposal or any other purpose;
- (f) the licensee must allow an inspector or authorised person under the *Mining Act 1971*, at any reasonable time, to enter and remain on the land for the purpose of surveying the land and examining the condition of the land;
- (g) a request by the licensee to the Minister for a reduction in the area of the land in respect of which the licence operates must be accompanied by a technical report of the exploratory operations carried out in the area to be excluded from the licence;

- (h) plans required to be submitted under the Act to the Minister or the Director by the licensee must—
- (i) be suitable for micro-filming; and
 - (ii) in the case of geophysical plans—be accompanied by a transparency.

¹ Expenditure obligations will be included in conditions imposed by the Minister under section 30(1)(b) of the Act.

Application Fee

72. The fee in respect of an application for an exploration licence shall be as prescribed in Schedule B hereto.

Annual Rental

73. (1) The annual rental on an exploration licence shall be as prescribed in Schedule B hereto.

(2) The rent payable shall be calculated on the basis of the nominal area of the licence and no deduction shall be made for areas not available for exploration.

Conditions to be observed after notification of approval

74. (1) Every applicant shall, during the period between the receipt of the notification that the licence has been approved by the Minister and the actual issue of the licence document, be deemed to be the licensee of the land in respect of which the licence has been applied for, and shall during such period, comply with all the proposed conditions of the licence to the same extent as if the licence document were actually issued.

(2) If a licensee fails to execute and return the licence documents for execution by the Minister within 90 days of the document being forwarded to the licensee, the Minister may by notification published in the *Gazette* withdraw the approval referred to in subregulation (1) whereupon the licence shall cease and determine.

75. The area of any land comprised within any registered claim or mining lease within the area of an exploration licence shall, if the claim or lease ceases to exist, be deemed to be incorporated in the area of the exploration licence.

**PART VIII
MISCELLANEOUS PURPOSES LICENCE**

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Application

77. (1) An application for a miscellaneous purposes licence shall be in the form of Form No. 19 contained in Schedule A hereto and be accompanied by the fee prescribed in Schedule B hereto.

(2) Any person applying for a miscellaneous purposes licence shall:

- (a) Securely place in the ground posts to mark the corners of the land applied for. The least cross sectional dimension of each post shall be not less than 7 centimetres and each post shall project not less than 75 centimetres above the surface of the ground.
- (b) At each corner of the area applied for, clearly indicate the direction of the boundaries of the area by trenches, piles of stones or substantial indicator arms on the posts.
- (c) On each post securely attach a notice in clear legible characters, of intention to apply for a miscellaneous purposes licence.
- (d) Lodge an application within 14 days of marking out the area.

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(4) The annual rental payable on a miscellaneous purposes licence shall be as prescribed in Schedule B hereto.

(5) For the purpose of this regulation the annual fee shall be calculated on the basis of the nominal area of the licence and no deduction shall be made for areas not subject to the Act.

(6) The maximum area of a miscellaneous purposes licence issued after the date of commencement of these regulations shall not exceed 250 hectares.

(7) Every applicant shall, during the period between the receipt of the notification that the licence has been approved by the Minister and the actual issue of the licence document, be deemed to be the licensee of the land in respect of which the licence has been applied for, and shall, during such period, comply with all the proposed covenants and conditions of the licence to the same extent as if the licence were actually issued.

(8) If a licensee fails to execute and return the licence documents for execution by the Minister within 90 days of the documents being forwarded to the licensee, the Minister may, by notification published in the *Government Gazette*, cancel the licence which shall forthwith cease to be of effect.

77A. Within 14 days after being notified of the grant of a licence, the licensee shall legibly mark the number of the licence and the letters "M.P.L." on each post or on some notice securely attached to each post at which time the notice of intention to apply for a licence shall be removed.

77B. During the term of the licence and any renewal or extension thereof the licensee shall maintain the posts, boundary indicator markers, the numbers and the letters in good order and condition.

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Renewal

78. An application for renewal of a miscellaneous purposes licence shall be in the form of Form No. 20 contained in Schedule A hereto.

Transfer of Miscellaneous Purposes Licence

78A. The procedure to be adopted for the transfer of a miscellaneous purposes licence shall be as follows:

- (a) The transferor shall submit to the Minister an application for consent to transfer the licence together with a copy of the proposed instrument of transfer.
- (b) An instrument of transfer shall be in the form of Form No. 31 in Schedule A hereto.
- (c) The Minister may approve or refuse the application or may request further particulars including particulars of the arrangements to comply with any covenants of the licence regarding rehabilitation of land.
- (d) The instrument of transfer, after payment of stamp duty, shall be lodged with a mining registrar together with the transferor's copy of the licence document and the fee prescribed in Schedule B hereto within 30 days of the consent of the Minister to transfer.
- (e) Where an instrument of transfer is not lodged within the time allowed, a mining registrar may, upon receipt of the fee prescribed in Schedule B hereto for late lodgment, accept the instrument for registration.
- (f) Upon receipt of the instrument of transfer, duly stamped, the transferor's copy of the licence document and the prescribed fee the mining registrar shall enter a memorial of the transfer in the Mining Register, endorse particulars of the transfer on the licensee's copy of the licence document and return it to the transferee.
- (g) A transfer shall not take effect until a mining registrar has entered a memorial of the transfer in the Mining Register.

PART IX
ENTRY UPON LAND

Notice of Entry

79. A notice of entry required under section 58 or 58a of the Act to be served by a mining operator on the owner of any land to which the said section applies shall be in the form of Form No. 21 contained in Schedule A hereto.

Notice of Proposed Use of Declared Equipment

80. The notice required under section 59 of the Act to be served by a mining operator upon the owner of any land before the mining operator uses declared equipment upon the said land shall be in the form of Form No. 22 contained in Schedule A hereto.

Lapsing of Notices

81. Where any notice is served in accordance with section 58, section 58a or section 59 of the Act and no objection has been made thereto, and the mining operator who served the notice has not entered the land or commenced to use declared equipment within twelve months of service, that notice shall lapse but the lapsing of such notice shall not prevent the mining operator from serving another notice.

Exempt Land Ceasing to be Exempt

82. Any waiver of exemption granted by an owner in accordance with the provisions of section 9 of the Act, shall be in the form of Form No. 13 in Schedule A hereto, or so near thereto as the circumstances permit, but in any case shall include particulars of all the matters referred to in that form.

83. A copy of any waiver of exemption negotiated in relation to a mining tenement other than an exploration licence shall be lodged with the Mining Registrar as provided hereunder:

- (1) where the waiver has been negotiated prior to application for registration at the time of making such application;
- (2) where the waiver has been negotiated subsequent to the registration of the claim and prior to application being made for a lease, at the time of making such application;
- (3) where the waiver has been negotiated at any other time, within 21 days of the negotiation being completed.

84. The Warden's Court on receipt of an objection in accordance with section 58A or 59 of the Act may forthwith order that the mining operator not enter upon or use the land the subject of the objection or use declared equipment upon the land the subject of the objection until the objection has been determined.

Conditions of Entry Not Affected by Transfer

85. Any order made by the Warden's Court regarding the conditions of entry and occupation of a mining tenement shall, if that tenement be transferred, be binding on the transferee.

35.

Caveats

85A. (1) A caveat shall be in the form of Form No. 34 or 35 in Schedule A hereto as may be appropriate.

(2) The fee for lodgment or withdrawal of a caveat shall be as prescribed in Schedule B hereto.

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**PART X
REGISTRATION OF DOCUMENTS**

Lease to be Issued in Duplicate

86. All leases and licences granted under the Act shall be issued in duplicate, one copy being delivered by a mining registrar to the lessee or licensee and the other retained and registered by the mining registrar.

Consent of the Minister

87. (1) An application for the consent of the Minister in accordance with section 83 of the Act shall be lodged with the Director together with the fee prescribed in Schedule B hereto.

(2) A mining registrar shall enter a memorial in the Mining Register of any consent of the Minister in accordance with section 83 of the Act and register copies of such instruments submitted in connection with any application for consent of the Minister as may be determined by the Minister. Any additional copies of any instrument shall be endorsed by the mining registrar to the effect that a copy has been registered, and the additional copies returned to the applicant.

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Invalidity of Unregistered Instruments

89. (1) No instrument required by the Act or by these regulations to be registered shall be valid, have any force or effect, or affect the status of any mining tenement until it is registered.

(2) Notwithstanding subregulation (1) of this regulation, any approval by the Minister or any order of the appropriate court shall be effective from the date specified in the approval or the order.

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Amendments to Mining Register

91. Subject to the provisions of the Act, the appropriate court may order that a memorial be made or be amended or that any instrument be registered or the registration of any instrument be cancelled.

Search of Mining Register

92. Any person shall, upon payment of the fee prescribed in Schedule B hereto, be permitted to inspect the Mining Register and all instruments registered in the Department of Mines and Energy during the hours and upon the days appointed by the Director of Mines for search.

Divesting of Right to Claim Royalty

93. (1) Where a person has divested himself of any actual or potential right to claim royalty, a copy of the instrument of divestment shall be lodged with the Director of Mines together with the fee prescribed in Schedule B hereto.

(2) Where a person has divested himself of any actual or potential claim to royalty, a copy of any instrument evidencing any further dealings or charges relating to the instrument of divestment shall be lodged with the Director of Mines together with the fee prescribed in Schedule B hereto.

(3) The Director of Mines shall maintain a register of such instruments and any such instrument shall, upon payment of the prescribed fee, be available for inspection by any member of the public.

PART XI
EXTRACTIVE AREAS REHABILITATION FUND

94. (1) For the purposes of this part, "land" means land which or any part of which has been disturbed by mining operations for the recovery of extractive minerals.

(2) Any person who has paid to the Minister royalty for extractive minerals—

- (a) who submits a plan for the rehabilitation of any land and that plan is approved by the Chief Inspector, in accordance with the provisions of the regulations under the *Mines and Works Inspection Act, 1920*, or
- (b) upon whom an order has been made by the Chief Inspector in accordance with the provisions of the Regulations under the *Mines and Works Inspection Act, 1920*, requiring that person to rehabilitate any land, or
- (c) who as a condition of an extractive minerals lease has carried out rehabilitation work on the land,

may apply to the Minister for a payment from the fund.

95. The Minister may approve progressive payments to be made from the "Extractive Areas Rehabilitation Fund" to an applicant.

96. No progressive payment from the "Extractive Areas Rehabilitation Fund" shall be made unless the Director of Mines has certified to the Minister:

- (a) that the work has been satisfactorily carried out in accordance with regulation 94; or
- (b) that rehabilitation work is proceeding in a satisfactory manner and that a progress payment is justified.

96a. (1) Notwithstanding any other provisions of this Part, the Minister may make payments from the "Extractive Areas Rehabilitation Fund" to any person, body corporate or association who, or which, satisfies the Minister that he or it has executed or intends to execute any work which has or will, wholly or partially, rehabilitate any land.

(2) Any such payment may be made either in respect of all or any of the expenses which have been incurred in such rehabilitation or by way of an advance of moneys to be used to pay all or any of the estimated expenses expected to be incurred in such rehabilitation.

(3) Where the Minister makes an advance of moneys pursuant to this regulation and any of such moneys remain unexpended at the expiration of a period of one year from the time at which such advance was made, the Minister may, at the expiration of the said period or at any later time, request the unexpended moneys to be repaid to the "Extractive Areas Rehabilitation Fund" and the person, body corporate or association to which such advance was made shall repay such unexpended moneys forthwith.

96b. (1) The Minister may make or approve any payment from the "Extractive Areas Rehabilitation Fund" subject to such conditions as he thinks fit.

(2) Any person, body corporate or association to whom or to which payments from the "Extractive Areas Rehabilitation Fund" have been made shall comply with all conditions (if any) subject to which such payments were made or approved.

**PART XII
MISCELLANEOUS**

Offices of the Mining Registrar

97. For the purposes of the Act the following offices are offices of the Mining Registrar:

- (a) the offices of the Department of Mines and Energy at Andamooka, Coober Pedy and Mintabie; and
- (b) the head office of the Department of Mines and Energy at Adelaide.

False Representations

98. A person who by false representation or fraudulent concealment of facts obtains or attempts to obtain registration of any mining tenement, miscellaneous purposes licence or any instrument or any certificate granted under the Act or these regulations, shall forfeit all rights in relation thereto, and be liable to a penalty not exceeding one thousand dollars.

99. A mining return furnished in accordance with section 76 of the Act shall be in the form of Form No. 23 contained in Schedule A hereto.

Keeping of Records and Samples

99A. The holder of a mining tenement shall maintain records of geological mapping, surveys of workings, logs of drill holes, location and type of samples taken, results of analyses and testing of samples and results of geophysical surveys carried out.

100. The Warden’s Court is invested with jurisdiction to award reasonable costs.

Duplicate Lease or Licence

101. An application for the issue of a duplicate copy of a lease or licence under section 84 of the Act shall be accompanied by the fee prescribed in Schedule B hereto.

* * * * *

* * * * *

Due Date for Payment of Royalty

104. Subject to the Act, after the expiry of the period of sixty days allowed for an appeal against an assessment of royalty, or, if an appeal has been instituted, after a determination by the ERD Court, the Minister shall cause an account for payment of royalty to be rendered to the mining lessee. A date one month from the date of rendering the account shall be the due date for payment of royalty.

Delegation of Ministerial Power and Function

105. For the purposes of section 12 of the Act, the powers or functions of the Minister under any of the provisions of the Act specified below may be delegated to the Director of Mines subject to any limitation specified below:

section 15(4), section 17(5), section 19(17), section 28(1) (extends only to execution of exploration licences prepared for granting in terms approved by the Minister), section 29(3), section 30a(2), section 33(1) and (7), section 34(1) (extends only to execution of mining leases prepared for granting in terms approved by the Minister), section 35(2), section 35a(1) and (2), section 38(3) (extends only to execution of memoranda of renewal of mining leases for term determined by Minister), section 41b(2), section 53(4), section 62(1) and (2), section 63(3), section 82, section 83(1) and (3), section 84.

Declaration of Invalidity of Mining Tenement

106. Where an application is made to the Warden’s Court for a declaration of invalidity of a mining tenement on the grounds that the tenement has not been lawfully acquired in accordance with these regulations, the declaration shall not be made unless the Court is satisfied that any breach of these regulations is a breach in a material respect and the matter is of sufficient gravity to justify the making of the declaration, but the Court may order the rectification of any non-compliance with these regulations.

* * * * *

Change of Address

108. The holder of any mining tenement, miner’s right, precious stones prospecting permit shall notify the Mining Registrar of any change of his address within 30 days of the change.

109. No person shall deface or damage posts or notices or alter any notice or date on any mining tenement.

Removal of posts

109A. (1) No person other than the owner of a mining tenement or a person authorised in writing by the owner shall remove the posts of that mining tenement.

(2) Notwithstanding the provisions of subregulation (1) the Mining Registrar, or a person authorised in writing by him, or an inspector may remove the posts from any precious stones claim which does not satisfy the requirements of regulation 25(2), 25A or 28(2) or which appear from the Mining Register to be cancelled or to have lapsed.

(3) Any posts so removed shall be stored at the nearest office of the Mining Registrar to that field. The owner of such posts may within one month of their removal, recover them or the identification plates affixed thereto on payment of the fee prescribed in Schedule B hereto.

(4) Any posts not recovered as provided for in subregulation (3) of this regulation shall become the property of the Crown.

* * * * *

Recording of Proceedings

111. The Warden's Court must give written notice to the Mining Registrar of any proceedings before the Warden's Court relating to a mining tenement and a note of the proceedings must be entered in the Mining Register against the entry of the mining tenement concerned.

Exempt land—residences

112. (1) For the purposes of section 9(1)(d) of the Act, a building or structure used as a place of residence is excluded from the ambit of that paragraph if—

- (a) it is situated within any part of a precious stones field not comprised of a pastoral lease under the *Pastoral Land Management and Conservation Act 1989*; or
- (b) it is situated within a part of a precious stones field comprised of a pastoral lease but is not used for pastoral purposes.

(2) The holder of a mining tenement is not authorised to conduct mining operations within 150 metres of a building or structure referred to in subregulation (1) except as authorised by an inspector, the Mining Registrar or a person authorised in writing by the Mining Registrar.

Special Mining Enterprises

112A. The requirements imposed by the provisions of the Act and these regulations listed in the first column of schedule D (a description of which is provided in the second column for convenience of reference only) are prescribed for the purposes of section 56C(2)(g) of the Act.

Application for native title declaration

112A. An application under section 63J of the Act for a declaration that land is not subject to native title is to be made as an application for a native title declaration under the *Native Title (South Australia) Act 1994*.

Approved associations for umbrella authorisations

112B. For the purposes of section 63L of the Act, the following associations are approved as associations that may be proponents of native title mining agreements conferring umbrella authorisations:

- (a) South Australian Opal Miner's Association Inc.;
- (b) Coober Pedy Miner's Association Inc.;
- (c) Andamooka Progress and Opal Miners Association Inc.;
- (d) Mintabie Progress Association Inc.

Notice initiating negotiations with native title parties

112C. A notice under section 63M of the Act given by a proponent initiating negotiations for a native title mining agreement under Part 9B of the Act must be in the form of Form No. 46 in Schedule A.

Execution and return of renewal documents

112D. If the Mining Registrar requests the holder of a mining tenement in writing to execute and return documents related to the renewal of the mining tenement within a specified period, the holder of the tenement must comply with the request.

Notices

113. A notice or other document required or authorised by the Act or these regulations to be given or served on a person (other than a person who holds or may hold native title in land¹) may—

- (a) be served on the person personally; or
- (b) be posted in an envelope addressed to the person at the person's last known address.

¹ Part 5 Native Title (South Australia) Act 1994 sets out the method of service on all who hold or may hold native title in land.

Execution of Forms

114. Unless otherwise provided for, any form provided for by these regulations shall be signed personally or in the case of a corporate body shall be under company seal, or by its duly constituted attorney.

Penalties

115. Any person contravening or failing to comply with any provision of these regulations shall be guilty of an offence and unless some other penalty has been specifically prescribed therefor in some other part of these regulations shall be liable on summary conviction to a fine not exceeding one thousand dollars.

SCHEDULE A

Form No. 1
MINING ACT, 1971
(see Regulation 13)

APPLICATION FOR MINER'S RIGHT

I
(Surname or Company name) (Other names)

of
hereby make application for a Miner's Right.

I certify that:

- 1. I do not hold a current Miner's Right issued under the *Mining Act, 1971*.
- *2. I am over the age of sixteen years.
- 3. No order has been made by the Warden's Court prohibiting me from holding a Miner's Right.

Date
(Signature or Company Seal)

I certify that as a result of my inquiries I am satisfied that the person named in this application is the person whose signature appears above (This certification is not required where the applicant is a registered company).

Witness.

Address.

Status.

(Justice of the Peace, Officer of the S.A. Department of Mines and Energy, Member of the Police Force, Proclaimed Bank Manager or Commissioner for Taking Affidavits).

*Delete works not applicable

Form No. 1A
MINING ACT, 1971
(See Regulation 16)

APPLICATION FOR RENEWAL OF MINER'S RIGHT

I, of.....

hereby apply for renewal of my Miner's Right No.

I certify that no order has been made by the Warden's Court prohibiting me from holding or obtaining a Miner's Right.

Date.
(Signature or Company Seal)

* * * * *

Form No. 3
MINING ACT, 1971
(See Regulations 17 and 22)

FORM OF DECLARATION OF LOSS OF.....

I,
(Surname or Company Name) (Other names)

of

do solemnly and sincerely swear that I have lost my

Number.and I make this declaration conscientiously believing the same to be true.

.....(Signature)

Declared before me at }
this day of }
19 ..

.....
(Commissioner for taking Affidavits,
Proclaimed Bank Manager or Justice
of the Peace).

Form No. 4
MINING ACT, 1971
(See Regulation 18)

APPLICATION FOR PRECIOUS STONES PROSPECTING PERMIT

I,
(Surname) (other names)

hereby make application for a Precious Stones Prospecting Permit.

My permanent address is
.....

My address for correspondence is

I certify that:

1. I do not hold a current Precious Stones Prospecting permit issued under the *Mining Act, 1971*.
2. I am over the age of sixteen years.
3. No order has been made by the Warden's Court prohibiting me from holding a Precious Stones Prospecting permit.

Date

Signature of applicant.

I certify that as a result of my inquiries I am satisfied that the person named in this application is the person whose signature appears above.

Witness.

Address.
.....

Status

(Justice of the Peace.
Officer of the S.A. Department of Mines and Energy.
Member of the Police Force, proclaimed Bank Manager
or Commissioner for Taking Affidavits.)

Form No. 4A
MINING ACT, 1971
(See Regulation 21)

APPLICATION FOR RENEWAL OF PRECIOUS STONES PROSPECTING PERMIT

I, of.....

hereby apply for renewal of my Precious Stones Prospecting Permit No.

I certify that no order has been made by the Warden's Court prohibiting me from holding or obtaining a Precious Stones Prospecting Permit.

Date (Signature)

* * * * *

Form 6
MINING ACT 1971
(regulation 28)

APPLICATION FOR REGISTRATION OF MINERAL CLAIM

TO: Mining Registrar

1. Applicant

I,
(full name)

of
(address)

apply for registration of the mineral claim described below.

2. Miner's right under which claim pegged

My miner's right number is

3. Location of claim

The claim is located at

A sketch plan delineating the location of the claim must be attached.

The plan must show—

- dimensions and bearings of claim boundaries; and
- bearings and distances from land boundaries or other known points; and
- the proposed means of access from a public road.

All measurements taken for the purposes of the plan must be taken with tape and compass or other survey equipment.

4. Details of pegging of claim

The claim was properly pegged out under the *Mining Act 1971* on
by

5. Ownership of land (including native title claims and declarations) within area of claim

The following searches have been conducted to establish ownership (or claims to ownership) of land within the area of the claim with the following results:

.....
[Include LTO searches and searches of the State Native Title Register and the Register of Native Title Claims kept under the *Native Title Act 1993* of the Commonwealth.]

A copy of each of the following must be attached:

- each title evidencing ownership of the land (if any); and
- an extract from the State Native Title Register relating to the land (if any entry exists); and
- an extract from the Register of Native Title Claims (Cwth) relating to claims to native title in the land (if any entry exists).

6. Potential native title land within area of claim

At the time of pegging out of the claim, native title (within the meaning of the *Native Title (South Australia) Act 1994*) exists or might exist in the following land within the area of the claim (even though there is currently no registered claim to, or declaration of, native title in the land):

.....
[Include all areas in respect of which native title has not been extinguished.]

"**native title land**" means land in respect of which native title exists or might exist but does not include—

- (a) land found or declared by the Supreme Court or the Environment, Resources and Development Court not to be subject to native title; or
- (b) land found or declared by a competent authority under a law of the Commonwealth not to be subject to native title;

Native title

4. (1) The expression "**native title**" means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters where—

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- (b) the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law; and
- (d) the rights and interests have not been extinguished or have revived.¹

(2) Without limiting subsection (1), "**rights and interests**" in that subsection includes hunting, gathering, or fishing, rights and interests.

(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples, those statutory rights and interests are also covered by the expression "**native title**".

(4) To avoid doubt, subsection (3) does not apply to rights and interests created by a reservation or condition (and which are not native title):

- (a) in a pastoral lease granted before 1 January 1994; or
- (b) in legislation made before 1 July 1993, where the reservation or condition applies because of the grant of a pastoral lease before 1 January 1994.

(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.

Explanatory note—

This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in *Mabo v Queensland (No. 2)* (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—

- (a) the valid grant, before 31 October 1975, of a freehold interest in land;
- (b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease);
- (c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land.

However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.

¹ If section 47 of the *Native Title Act 1993* (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.

7. Exempt land within area of claim

- The following land within the area of the claim is exempt land under section 9 of the *Mining Act 1971*:

.....
 [Do not include land that has ceased to be exempt land because of a waiver of exemption or a court determination about compensation payable to the owner.]

- Waivers of exemption have been negotiated in relation to the following land within the area of the claim:

.....
 A copy of each waiver must be attached.

8. Notice of entry to land

Give details, attach copies or tick box as appropriate:

- Notice of entry was given to the following owners of the land under section 58A of the *Mining Act 1971* on the following dates:

Owners	Date
.....

Exempt land

9. (1) Subject to this section—

- (a) land that is lawfully and genuinely used—
 - (i) as a yard, garden, cultivated field, plantation, orchard or vineyard;
 - (ii) as an airfield, railway or tramway;
 - (iii) as the grounds of a church, chapel, school, hospital or institution; or
- (b) land that constitutes any parklands or recreation grounds under the control of a council; or
- (ba) land—
 - (i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or
 - (ii) that is vested in the Minister of Public Works for the purpose of waterworks; or
 - (iii) that is comprised within an easement in favour of the Minister of Public Works; or
- (bb) land that constitutes a forest reserve under the *Forestry Act 1950*; or
- (c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or
- (d) land that is situated—
 - (i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or
 - (ii) within 150 metres of—
 - (A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or
 - (B) a spring, well, reservoir or dam,
 (but not if it is an improvement made for the purposes of mining operations);

shall be exempt from mining operations in pursuance of this Act and, unless the land ceases to be so exempt, no miner's right, precious stones prospecting permit, claim, lease or licence shall authorise prospecting, exploring or mining upon such land (but this section does not prevent the pegging out of a claim upon such land).

A copy of each notice must be attached.

- Notice of entry has not been given to the following owners of the land because entry is authorised by an agreement with those owners:

Owners

.....

- Notice of entry has not been given to the holders of native title in the land because entry is authorised by—

- a native title mining agreement under Part 9B of the *Mining Act 1971*
- a native title mining determination under Part 9B of the *Mining Act 1971*

Date: Signature:

**APPLICATION FOR REGISTRATION OF PRECIOUS STONES CLAIM
NOT IN PRECIOUS STONES FIELD**

TO: Mining Registrar

1. Applicant

I,
(full name)
of ,
(address)
apply for registration of the precious stones claim described below.

2. Precious stones prospecting permit under which claim pegged

My precious stones prospecting permit number is

3. Location of claim

The claim is located at

4. Size of claim

The claim covers—

- an area of 2 500 square metres or less (a small precious stones claim);
- an area greater than 2 500 square metres but not greater than 5 000 square metres (a large precious stones claim).

[tick one box]

5. Details of pegging of claim

The claim was properly pegged out under the *Mining Act 1971* on
by

6. Ownership of land (including native title claims and declarations) within area of claim

The following searches have been conducted to establish ownership (or claims to ownership) of land within the area of the claim with the following results:

.....
[Include LTO searches and searches of the State Native Title Register and the Register of Native Title Claims kept under the *Native Title Act 1993* of the Commonwealth.]

A copy of each of the following must be attached:

- each title evidencing ownership of the land (if any); and
- an extract from the State Native Title Register relating to the land (if any entry exists); and
- an extract from the Register of Native Title Claims (Cwth) relating to claims to native title in the land (if any entry exists).

7. Potential native title land within area of claim

At the time of pegging out of the claim, native title (within the meaning of the *Native Title (South Australia) Act 1994*) exists or might exist in the following land within the area of the claim (even though there is currently no registered claim to, or declaration of, native title in the land):

.....
[Include all areas in respect of which native title has not been extinguished.]

8. Negotiations with native title parties

If native title land is within the area of the claim, tick one box and give details:

"native title land" means land in respect of which native title exists or might exist but does not include—

- (a) land found or declared by the Supreme Court or the Environment, Resources and Development Court not to be subject to native title; or
- (b) land found or declared by a competent authority under a law of the Commonwealth not to be subject to native title;

Native title

4. (1) The expression "native title" means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters where—

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- (b) the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law; and
- (d) the rights and interests have not been extinguished or have revived.¹

(2) Without limiting subsection (1), "rights and interests" in that subsection includes hunting, gathering, or fishing, rights and interests.

(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples, those statutory rights and interests are also covered by the expression "native title".

(4) To avoid doubt, subsection (3) does not apply to rights and interests created by a reservation or condition (and which are not native title):

- (a) in a pastoral lease granted before 1 January 1994; or
- (b) in legislation made before 1 July 1993, where the reservation or condition applies because of the grant of a pastoral lease before 1 January 1994.

(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.

Explanatory note—

This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in *Mabo v Queensland (No. 2)* (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—

- (a) the valid grant, before 31 October 1975, of a freehold interest in land;
- (b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease);
- (c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land.

However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.

¹ If section 47 of the *Native Title Act 1993* (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.

A native title mining agreement was registered under Part 9B of the *Mining Act 1971*
on

A native title mining determination was registered under Part 9B of the *Mining Act 1971*
on

An agreement or determination has not been registered but the following steps have been taken towards negotiations with native title parties:
.....

Tick following box if the Minister is requested to process the application while a native title mining agreement is negotiated:

I seek an agreement with the Minister that the claim will be registered contingent on the registration of an agreement or determination under Part 9B of the *Mining Act 1971*. I understand that the claim cannot be registered until the agreement or determination is registered.

Note: The Minister may refuse an application for registration of a claim over native title land if it appears to the Minister that the applicant is not proceeding with reasonable diligence to obtain the agreement or determination necessary to the registration of the claim (and if the application is refused, the claim lapses).

9. Exempt land within area of claim

- The following land within the area of the claim is exempt land under section 9 of the *Mining Act 1971*:

.....
 [Do not include land that has ceased to be exempt land because of a waiver of exemption or a court determination about compensation payable to the owner.]

- Waivers of exemption have been negotiated in relation to the following land within the area of the claim:

.....
 A copy of each waiver must be attached.

<p>Exempt land</p> <p>9. (1) Subject to this section—</p> <p>(a) land that is lawfully and genuinely used—</p> <p>(i) as a yard, garden, cultivated field, plantation, orchard or vineyard;</p> <p>(ii) as an airfield, railway or tramway;</p> <p>(iii) as the grounds of a church, chapel, school, hospital or institution; or</p> <p>(b) land that constitutes any parklands or recreation grounds under the control of a council; or</p> <p>(ba) land—</p> <p>(i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or</p> <p>(ii) that is vested in the Minister of Public Works for the purpose of waterworks; or</p> <p>(iii) that is comprised within an easement in favour of the Minister of Public Works; or</p> <p>(bb) land that constitutes a forest reserve under the <i>Forestry Act 1950</i>; or</p> <p>(c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or</p> <p>(d) land that is situated—</p> <p>(i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or</p> <p>(ii) within 150 metres of—</p> <p>(A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or</p> <p>(B) a spring, well, reservoir or dam,</p> <p>(but not if it is an improvement made for the purposes of mining operations);</p> <p>shall be exempt from mining operations in pursuance of this Act and, unless the land ceases to be so exempt, no miner's right, precious stones prospecting permit, claim, lease or licence shall authorise prospecting, exploring or mining upon such land (but this section does not prevent the pegging out of a claim upon such land).</p>

10. Notice of entry to land

Give details, attach copies or tick box as appropriate:

- Notice of entry was given to the following owners of the land under section 58A of the *Mining Act 1971* on the following dates:

Owners	Date
.....

A copy of each notice must be attached.

- Notice of entry has not been given to the following owners of the land because entry is authorised by an agreement with those owners:

Owners

.....

- Notice of entry has not been given to the holders of native title in the land because entry is authorised by—
 - a native title mining agreement under Part 9B of the *Mining Act 1971*
 - a native title mining determination under Part 9B of the *Mining Act 1971*

Date: Signature:

* * * * *

* * * * *

Form No. 10
MINING ACT, 1971
(See Regulation 29)

APPLICATION FOR RENEWAL OF PRECIOUS STONES CLAIM

Date of Application

I, of.....

the holder of registered Precious Stones Claim No. hereby apply
for renewal of registration of the claim.

The prescribed application fee is enclosed.

.....
Signature of Claimholder

Form No. 10a
MINING ACT, 1971
(See Regulation 29)

APPLICATION FOR RENEWAL OF CONSOLIDATED PRECIOUS STONES CLAIMS

Date of Application.

We,	SURNAME	OTHER NAMES

of	.....	.....
and	.....	.....
of	.....	.....
and	.....	.....
of	.....	.....
and	.....	.....
of	.....	.....

the holders of registered consolidated Precious Stones Claims Numbers
and. and. and. hereby apply for renewal of registration of the claims.

Note, the signature is required of each person who is a party to the consolidation.	Signatures	(a). (b). (c). (d).
-------------------------------------------------------------------------------------------	------------	--------------------------------------------------------------

* * * * *

* * * * *

Form No. 13
MINING ACT, 1971
(See Regulations 82 and 83)

WAIVER OF EXEMPTION

Date / /

I, of.....
(Name) (Address)

being the of.....
(insert class of owner) (describe the land by Sec. & Hundred, Pastoral Block or other)

which, under the provisions of section 9 of the Act is exempt land by virtue of
(state specific reasons for land being exempt—refer to sec 9.)

have entered into an agreement with
(name of mining operator)

of
(address)

thereby allowing mining operations to be carried out on
.....
(describe the lands where the operations are to be carried out)

The agreement provides for the following operations to be carried out
.....
.....

The agreement is *as per attached copy
as follows

.....
.....
.....
.....

I hereby waive the exemption in relation to the land from /-/- to -/-/- or until such time as the mining operations described above have been completed.

Signature of Owner

I certify that the statements above are the matters agreed between the owner and myself.

Signature of Mining Operator or agent.

*Strike out whichever is inapplicable.
(Definition of "owner" and section 9 to be quoted in full).

Form No. 14
MINING ACT 1971
(regulation 39(1))

APPLICATION FOR MINING LEASE

TO: Minister for Mines and Energy

1. Applicant

I,
(full name)

of
(address)

apply for—

- a mineral lease
- an extractive minerals lease

[tick one box]

over—

- the whole of the land comprised in mineral claim number
- the following land comprising part of mineral claim number

.....

[tick one box and give details]

2. Ownership of land (including native title claims and declarations) within area of proposed lease

The following searches have been conducted to establish ownership (or claims to ownership) of land within the area of the proposed lease with the following results:

.....
[Include LTO searches and searches of the State Native Title Register and the Register of Native Title Claims kept under the *Native Title Act 1993* of the Commonwealth.]

A copy of each of the following must be attached:

- each title evidencing ownership of the land (if any); and
- an extract from the State Native Title Register relating to the land (if any entry exists); and
- an extract from the Register of Native Title Claims (Cwth) relating to claims to native title in the land (if any entry exists).

3. Potential native title land within area of proposed lease

At the time of application, native title (within the meaning of the *Native Title (South Australia) Act 1994*) exists or might exist in the following land within the area of the proposed lease (even though there is currently no registered claim to, or declaration of, native title in the land):

.....
[Include all areas in respect of which native title has not been extinguished.]

4. Negotiations with native title parties

If native title land is within the area of the proposed lease, *tick one box and give details:*

- A native title mining agreement was registered under Part 9B of the *Mining Act 1971* on

"**native title land**" means land in respect of which native title exists or might exist but does not include—

- (a) land found or declared by the Supreme Court or the Environment, Resources and Development Court not to be subject to native title; or
- (b) land found or declared by a competent authority under a law of the Commonwealth not to be subject to native title;

Native title

4. (1) The expression "**native title**" means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters where—

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- (b) the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law; and
- (d) the rights and interests have not been extinguished or have revived.¹

(2) Without limiting subsection (1), "**rights and interests**" in that subsection includes hunting, gathering, or fishing, rights and interests.

(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples, those statutory rights and interests are also covered by the expression "**native title**".

(4) To avoid doubt, subsection (3) does not apply to rights and interests created by a reservation or condition (and which are not native title):

- (a) in a pastoral lease granted before 1 January 1994; or
- (b) in legislation made before 1 July 1993, where the reservation or condition applies because of the grant of a pastoral lease before 1 January 1994.

(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.

Explanatory note—

This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in *Mabo v Queensland (No. 2)* (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—

- (a) the valid grant, before 31 October 1975, of a freehold interest in land;
- (b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease);
- (c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land.

However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.

¹ If section 47 of the *Native Title Act 1993* (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.

A native title mining determination was registered under Part 9B of the *Mining Act 1971* on

An agreement or determination has not been registered but the following steps have been taken towards negotiations with native title parties:

.....

Tick following box if the Minister is requested to process the application while a native title mining agreement is negotiated:

I seek an agreement with the Minister that the lease will be granted contingent on the registration of an agreement or determination under Part 9B of the *Mining Act 1971*. I understand that the lease cannot be granted until the agreement or determination is registered.

Note: The Minister may refuse an application for a lease over native title land if it appears to the Minister that the applicant is not proceeding with reasonable diligence to obtain the agreement or determination necessary to the grant of the lease.

5. Exempt land within area of proposed lease

- The following land within the area of the proposed lease is exempt land under section 9 of the *Mining Act 1971*:

.....
 [Do not include land that has ceased to be exempt land because of a waiver of exemption or a court determination about compensation payable to the owner.]

- Waivers of exemption have been negotiated in relation to the following land within the area of the proposed lease:

.....
 A copy of each waiver not previously forwarded to the Minister or Director of Mines must be attached.

<p>Exempt land</p> <p>9. (1) Subject to this section—</p> <p>(a) land that is lawfully and genuinely used—</p> <p>(i) as a yard, garden, cultivated field, plantation, orchard or vineyard;</p> <p>(ii) as an airfield, railway or tramway;</p> <p>(iii) as the grounds of a church, chapel, school, hospital or institution; or</p> <p>(b) land that constitutes any parklands or recreation grounds under the control of a council; or</p> <p>(ba) land—</p> <p>(i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or</p> <p>(ii) that is vested in the Minister of Public Works for the purpose of waterworks; or</p> <p>(iii) that is comprised within an easement in favour of the Minister of Public Works; or</p> <p>(bb) land that constitutes a forest reserve under the <i>Forestry Act 1950</i>; or</p> <p>(c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or</p> <p>(d) land that is situated—</p> <p>(i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or</p> <p>(ii) within 150 metres of—</p> <p>(A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or</p> <p>(B) a spring, well, reservoir or dam,</p> <p>(but not if it is an improvement made for the purposes of mining operations);</p> <p>shall be exempt from mining operations in pursuance of this Act and, unless the land ceases to be so exempt, no miner's right, precious stones prospecting permit, claim, lease or licence shall authorise prospecting, exploring or mining upon such land (but this section does not prevent the pegging out of a claim upon such land).</p>

6. Notice of entry to land

Give details, attach copies or tick box as appropriate:

- Notice of entry was given to the following owners of the land under section 58A of the *Mining Act 1971* on the following dates:

Owners _____ Date _____

.....
 A copy of each notice not previously forwarded to the Minister or Director of Mines must be attached.

- Notice of entry has not been given to the following owners of the land because entry is authorised by an agreement with those owners:

Owners

.....

- Notice of entry has not been given to the holders of native title in the land because entry is authorised by—

- a native title mining agreement under Part 9B of the *Mining Act 1971*
- a native title mining determination under Part 9B of the *Mining Act 1971*

7. Attached plans and statements

The following must be attached:

- a plan showing the area of the mineral claim and the area of the proposed lease; and
- a statement of the mining operations proposed to be carried out under the lease and the measures proposed to be taken to remedy damage to land that may result from the proposed mining operations (in the form of Form 14A of schedule A of the *Mining Regulations 1972* together with the plan required by that form).

Date: Signature:

Form No. 14A
MINING ACT, 1971
(See Regulation 39(2))

**STATEMENT OF PROPOSED MINING OPERATIONS AND MEASURES TO REMEDY
DAMAGE TO LAND**

/ /

Pursuant to my application for a mining lease over mineral claim No
I submit the following statement in accordance with section 35 of the Act.

1. (a) The mineral(s)* to be mined* is/are
- (b) Extraction will be* open cut/underground
- (c) Mining operations will be conducted* throughout the year/only between the months of and.
- (d) Hours of operation are expected to be from a.m. to p.m. on.days per week.
- (e) Explosives* will/will not be used.
- (f) The *open cut excavation/underground operation is expected to extend over an area of metres by.metres.
- (g) The screening measures shown on the plan consist of
- (h) The present land use is
- (i) The proposed after use is and will be achieved by
- (j) Access will be gained from road as shown on the accompanying plan.
- (k) Products will be transported to and it is expected that trucks* per day/week will use public roads.

*Strike out whichever is not applicable.

2. The attached plan shows with reasonable accuracy:

- (1) The physical features of the area including high and low ground, the location of creeks, drainage channels, dams, roads, fences, power lines, existing workings, dumps and tailings dams, standing trees and shrubs and any other relevant features within or adjacent to the claim area.
- (2) The location and extent of proposed open cut workings, shafts, adits, overburden dumps, mullock dumps, tailings dams, stockpiles, buildings and treatment plant, proposed access tracks to be constructed and silt dams to prevent stream pollution and siltation.

Plan

.....

Signature of Applicant

* * * * *

Form 15A
MINING ACT 1971
(regulation 56B)

APPLICATION FOR RETENTION LEASE

TO: Minister for Mines and Energy

1. Applicant

I,
(full name)
of ,
(address)
apply for a retention lease for a term of years
over—

- the whole of the land comprised in mineral claim number
- the following land comprising part of mineral claim number

[tick one box and give details]

2. Attached statement of exploratory operations conducted

A statement of the exploratory operations already conducted on the land and a summary of the results must be attached.

3. Application for rights to conduct mining operations (other than prospecting)

[Tick if applying for such rights and attach statement]

- I seek rights to conduct the mining operations (other than prospecting) described in the attached statement on the land.

4. Grounds for application

This application is made on the following grounds:

.....
[See section 41A of the *Mining Act 1971* for the grounds on which a retention lease may be granted.]

5. Ownership of land (including native title claims and declarations) within area of proposed lease

The following searches have been conducted to establish ownership (or claims to ownership) of land within the area of the proposed lease with the following results:

.....
[Include LTO searches and searches of the State Native Title Register and the Register of Native Title Claims kept under the *Native Title Act 1993* of the Commonwealth.]

A copy of each of the following must be attached:

- each title evidencing ownership of the land (if any); and
- an extract from the State Native Title Register relating to the land (if any entry exists); and
- an extract from the Register of Native Title Claims (Cwth) relating to claims to native title in the land (if any entry exists).

6. Potential native title land within area of proposed lease

At the time of application, native title (within the meaning of the *Native Title (South Australia) Act 1994*) exists or might exist in the following land within the area of the proposed lease (even though there is currently no registered claim to, or declaration of, native title in the land):

.....
[Include all areas in respect of which native title has not been extinguished.]

<p>"native title land" means land in respect of which native title exists or might exist but does not include—</p> <ul style="list-style-type: none"> (a) land found or declared by the Supreme Court or the Environment, Resources and Development Court not to be subject to native title; or (b) land found or declared by a competent authority under a law of the Commonwealth not to be subject to native title; <p>Native title</p> <p>4. (1) The expression "native title" means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters where—</p> <ul style="list-style-type: none"> (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and (b) the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and (c) the rights and interests are recognised by the common law; and (d) the rights and interests have not been extinguished or have revived.¹ <p>(2) Without limiting subsection (1), "rights and interests" in that subsection includes hunting, gathering, or fishing, rights and interests.</p> <p>(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples, those statutory rights and interests are also covered by the expression "native title".</p> <p>(4) To avoid doubt, subsection (3) does not apply to rights and interests created by a reservation or condition (and which are not native title):</p> <ul style="list-style-type: none"> (a) in a pastoral lease granted before 1 January 1994; or (b) in legislation made before 1 July 1993, where the reservation or condition applies because of the grant of a pastoral lease before 1 January 1994. <p>(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.</p> <p><i>Explanatory note—</i></p> <p>This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in <i>Mabo v Queensland (No. 2)</i> (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—</p> <ul style="list-style-type: none"> (a) the valid grant, before 31 October 1975, of a freehold interest in land; (b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease); (c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land. <p>However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.</p> <p>¹ If section 47 of the <i>Native Title Act 1993</i> (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.</p>

7. Exempt land within area of proposed lease

The following land within the area of the proposed lease is exempt land under section 9 of the *Mining Act 1971*:

.....
[Do not include land that has ceased to be exempt land because of a waiver of exemption or a court determination about compensation payable to the owner.]

- Waivers of exemption have been negotiated in relation to the following land within the area of the proposed lease:

.....
 A copy of each waiver not previously forwarded to the Minister or Director of Mines must be attached.

Exempt land

9. (1) Subject to this section—

- (a) land that is lawfully and genuinely used—
 - (i) as a yard, garden, cultivated field, plantation, orchard or vineyard;
 - (ii) as an airfield, railway or tramway;
 - (iii) as the grounds of a church, chapel, school, hospital or institution; or
- (b) land that constitutes any parklands or recreation grounds under the control of a council; or
- (ba) land—
 - (i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or
 - (ii) that is vested in the Minister of Public Works for the purpose of waterworks; or
 - (iii) that is comprised within an easement in favour of the Minister of Public Works; or
- (bb) land that constitutes a forest reserve under the *Forestry Act 1950*; or
- (c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or
- (d) land that is situated—
 - (i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or
 - (ii) within 150 metres of—
 - (A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or
 - (B) a spring, well, reservoir or dam,
 (but not if it is an improvement made for the purposes of mining operations);

shall be exempt from mining operations in pursuance of this Act and, unless the land ceases to be so exempt, no miner's right, precious stones prospecting permit, claim, lease or licence shall authorise prospecting, exploring or mining upon such land (but this section does not prevent the pegging out of a claim upon such land).

8. Notice of entry to land

Give details, attach copies or tick box as appropriate:

- Notice of entry was given to the following owners of the land under section 58A of the *Mining Act 1971* on the following dates:

Owners	Date
.....	

A copy of each notice not previously forwarded to the Minister or Director of Mines must be attached.

- Notice of entry has not been given to the following owners of the land because entry is authorised by an agreement with those owners:

Owners

- Notice of entry has not been given to the holders of native title in the land because entry is authorised by—

- a native title mining agreement under Part 9B of the *Mining Act 1971*
- a native title mining determination under Part 9B of the *Mining Act 1971*

Item 9 must be completed if the applicant seeks rights to conduct mining operations that are not limited to exploratory operations

9. Negotiations with native title parties

If native title land is within the area of the proposed lease, *tick one box and give details:*

A native title mining agreement was registered under Part 9B of the *Mining Act 1971*
on

A native title mining determination was registered under Part 9B of the *Mining Act 1971*
on

An agreement or determination has not been registered but the following steps have been taken
towards negotiations with native title parties:

.....

*Tick following box if the Minister is requested to process the application while a native title mining
agreement is negotiated:*

I seek an agreement with the Minister that the lease will be granted contingent on the registration
of an agreement or determination under Part 9B of the *Mining Act 1971*. I understand that the
lease cannot be granted until the agreement or determination is registered.

Note: The Minister may refuse an application for a lease over native title land if it appears to the
Minister that the applicant is not proceeding with reasonable diligence to obtain the agreement or
determination necessary to the grant of the lease.

Date: Signature:

Form No. 16
MINING ACT, 1971
(See Regulation 50 and Regulation 56K(1)(b))

TRANSFER OF LEASE

I, of.....
subject to the consent of the Minister, hereby transfer my
Lease No..situated at
to.of

The consideration paid to me in respect of this transfer is \$
and further conditions (if any) of the transfer are as follows:

Dated this. day of 19....

Witness.Signature of transferor

I, the abovenamed accept the above terms
and agree to hold the said.Lease No. ,
subject to the conditions thereof.

Dated this. day of 19....

Witness.Signature of transferee

Form No. 17
MINING ACT, 1971
(See Regulation 51)

FORM OF SURRENDER

I, of.....
being the lessee/licensee under the *Mining Act, 1971*, of the lands comprised in
..... Lease/Licence No.situated at.....do,
subject to the consent of the Minister, hereby surrender the said Lease/Licence and the lands comprised
therein and all my rights and title thereunder and thereto unto the Minister and his successors in office.

As witness my hand and seal the.....day of 19.....

Signature of Lessee/Licensee.....

Signed, sealed and delivered by the said
in the presence of

Form No. 18
MINING ACT, 1971
(See Regulation 53 and Regulation 56N(1))

APPLICATION FOR RENEWAL OF LEASE

Date of Application.....

I, hereby apply for the renewal of
..... Lease No. under the *Mining Act, 1971*, now held by me, for a
period of years, from the date of expiry of the current lease.

Signature

Form No. 18A
MINING ACT, 1971
(See Regulation 56N)

APPLICATION FOR RENEWAL OF RETENTION LEASE

Date of application / /

I, hereby apply for renewal for a period of years from the date of expiry of Retention Lease No. held by me under the *Mining Act*.

The following statement details the reasons for this application.

.....
.....
.....
.....

.....
Signature of Lessee

Form No. 19
MINING ACT, 1971
(See Regulation 77)

APPLICATION FOR A MISCELLANEOUS PURPOSES LICENCE

Date of Application / /

I,
of
.....

hereby apply for a Miscellaneous Purposes Licence over the land described in plan No. 1 below, for the purpose of as described in further detail herein.

1. A copy of the title evidencing ownership of the land is attached.
2. The area applied for as a licence is within the *Council area.
3. I certify that the land *is/is not exempt land as defined in section 9 of the Act. I *have/have not obtained the appropriate waiver of exemption for the purposes of the proposed licence.
4. *Copies of the waiver agreements negotiated are attached.
5. The attached plan No. 2 shows with reasonable accuracy:
 - (1) The physical features of the area including high and low ground, the location of creeks, drainage channels, dams, roads, houses, fences, power lines, existing workings, dumps and tailings dams, standing trees and shrubs and any other relevant features within or adjacent to the licence area.
 - (2) The location of proposed buildings, treatment plant, tailings or other disposal areas, road and tracks and other features of the proposal.

The present land use is

The proposed after use is

Protection of the environment and rehabilitation will be achieved by
.....

I forward herewith \$ being application and preparation fees and \$ being the first year's rent in advance.

*Strike out whichever is inapplicable

.....
Signature of Applicant

Plan No. 1 of area applied for

Showing dimensions, bearings of boundaries of area applied for and bearings and distances from land boundaries and other known points. (All measurements are to be taken with tape and compass or other survey equipment). The proposed means of access from a public road is to be shown on the plan.

Plan No. 2 showing information set out in 5 above

71.

Form No. 20
MINING ACT, 1971
(See Regulation 20)

APPLICATION FOR RENEWAL OF A MISCELLANEOUS PURPOSES LICENCE

Date of Application

I,of

hereby apply for renewal of Miscellaneous Purposes Licence No.

Signature.

Form No. 21
MINING ACT 1971
(regulation 79)

NOTICE OF ENTRY

TO:
(name of owner¹ of land)
of
(address)

1. I,
(full name of mining operator)
of
(address),
give notice of my intention to enter the following land:

.....
for the purpose of carrying out the following operations:

2. The operations are authorised by the following exploration authorities and/or production tenements under the *Mining Act 1971*:

.....

3. *Rights of objection*

If you hold the land under a form of title (other than a pastoral lease) that confers a right to exclusive possession of the land, you have the following rights of objection under section 58A of the *Mining Act 1971*:

- Within 3 months after service of this notice, you may lodge a notice of objection with the Wardens' Court, Environment, Resources and Development Court or Supreme Court objecting—
 - to entry on the land by the mining operator; or
 - to the use, or the unconditional use, of the land, or a portion of the land, for mining operations.
- If the court is satisfied on the hearing of an objection that the conduct of the mining operations on the land would be likely to result in substantial hardship or substantial damage to the land, the court may—
 - determine that the land, or a particular part of the land, should not be used by the mining operator for the purpose of mining operations; or
 - determine conditions on which operations may be carried out on the land by the mining operator with least detriment to the interest of the owner and least damage to the land.

4. *Rights of compensation*

As the owner¹ of land, you have the following rights of compensation under section 61 of the *Mining Act 1971*:

- The owner of land on which mining operations are carried out under the *Mining Act 1971* is entitled to receive compensation for any economic loss, hardship and inconvenience suffered by the owner in consequence of mining operations.
- In determining the compensation payable, the following matters are considered:
 - any damage caused to the land by the mining operator; and
 - any loss of productivity or profits as a result of the mining operations; and
 - any other relevant matters.

- The amount of compensation is the amount determined by agreement between the owner and the mining operator or, in default of agreement, an amount determined, on application by an interested party, by the appropriate court (the Supreme Court, the Environment, Resources and Development Court or, if proceedings do not involve a native title question, a monetary claim, or a claim for more than \$100 000, the Warden’s Court).
- The court, in determining compensation, must take into consideration any work that the mining operator has carried out, or undertakes to carry out, to rehabilitate the land.
- On the hearing of an application for compensation, the court may order a mining operator to carry out such work to rehabilitate the land as the court thinks fit.

5. Land exempt from mining operations

Generally, under section 9 of the *Mining Act 1971* mining operations (apart from pegging out a claim) may not be conducted on the following land:

- (a) land that is lawfully and genuinely used—
 - (i) as a yard, garden, cultivated field, plantation, orchard or vineyard;
 - (ii) as an airfield, railway or tramway;
 - (iii) as the grounds of a church, chapel, school, hospital or institution; or
- (b) land that constitutes any parklands or recreation grounds under the control of a council; or
- (ba) land—
 - (i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or
 - (ii) that is vested in the Minister of Public Works for the purpose of waterworks; or
 - (iii) that is comprised within an easement in favour of the Minister of Public Works; or
- (bb) land that constitutes a forest reserve under the *Forestry Act 1950*; or
- (c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or
- (d) land that is situated—
 - (i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or
 - (ii) within 150 metres of—
 - (A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or
 - (B) a spring, well, reservoir or dam,
 (but not if it is an improvement made for the purposes of mining operations).

However—

- this does not apply if the land only falls into one of the above categories subsequent to the pegging out, or granting of a claim, lease or licence over the land;
- a person who has the benefit of the exemption (including the owner of the land) may, by agreement with the mining operator, waive the exemption until the mining operations are completed or a specified earlier time;
- a court may, on application of the mining operator, determine compensation to be paid by the mining operator to the person who has the benefit of the exemption and the land would then cease to be exempt until the mining operations are completed or a specified earlier time.

For further details see section 9 of the *Mining Act 1971*.

Date: Signature:

¹ Under the *Mining Act 1971*, **owner** of land means—

- a person who holds a registered estate or interest in the land conferring a right to immediate possession of the land; or
- a person who holds native title in the land; or
- a person who has, by statute, the care, control or management of the land; or
- a person who is lawfully in occupation of the land.

Note:

Native title land

This notice of entry may only be given in relation to native title land if the operations will not affect native title: see section 58(c) of the *Mining Act 1971*.

A mining operator cannot enter native title land to carry out mining operations on the land that may affect the native title unless the operations are authorised by a native title mining agreement or determination under Part 9B of the *Mining Act 1971*. The agreement or determination will deal with notices to be given or other conditions to be met before the land is entered for the purposes of carrying out mining operations.

The following information about service on native title holders is provided for the convenience of the mining operator and need not be included in the notice given to the owner of the land.

Part 5 of the *Native Title (South Australia) Act 1994* sets out how a notice may be served on a person who holds or may hold native title in the land as follows:

- If a native title declaration establishes who are the holders of native title in the land—the notice must be given to the registered representative of the native title holders and the relevant representative Aboriginal body for the land.
- If there is no native title declaration establishing who are the holders of native title in the land—
 - the notice must be given personally or by post to—
 - all registered representatives of holders of native title in the land (see the State Native Title Register kept by the Registrar of the ERD Court); and
 - all registered representatives of persons who are registered under the law of the Commonwealth or the State as claimants to native title in the land (see the State Native Title Register kept by the Registrar of the ERD Court and the Commonwealth Register of Native Title Claims); and
 - the relevant representative Aboriginal body (under the regulations this is the Aboriginal Legal Rights Movement Inc. except on lands of the Maralinga Tjarutja or Anangu Pitjantjatjara); and
 - the Commonwealth Minister (under the regulations this is the Attorney-General of the Commonwealth); and
 - the State Minister (under the regulations this is the Attorney-General of the State); and
 - notice of the nature and effect of the notice (including a description of the land concerned) must be given—
 - by publishing a notice (at least 4cm x 4cm) in each of the following:
 - a newspaper circulating generally throughout the State;
 - if there is a local or regional newspaper that is published at least weekly and circulated generally in the area in which the land, or part of the land, concerned is situated—that newspaper; and
 - if there is a newspaper or magazine that caters mainly or exclusively to the interests of Aboriginal people and is published at least monthly and circulated generally in the area in which the land, or part of the land, concerned is situated—that newspaper or magazine; and
 - by informing each of the following broadcasting services of the fact that the notice has been published and where it has been published:
 - a general broadcasting service that serves the area within which the land, or part of the land, is situated;
 - if there is a broadcasting service that caters mainly or exclusively to the interests of Aboriginal people and serves the area within which the land, or part of the land, is situated—that broadcasting service.

75.

Form No. 22
MINING ACT, 1971
(See Regulation 80)

NOTICE OF USE OF DECLARED EQUIPMENT

Date of Notice.

To of.

I, of.
hereby give notice of my intention after the expiry of 21 days from the date of this notice to use declared
equipment on the following mining tenements
situated at pursuant to the provisions of section 59 of the *Mining Act*.

Signature.

(Sections 9, 59 and 61 of the Act to be quoted in full)

Form No. 22A
MINING ACT, 1971
(See Regulation 30)

**NOTICE OF INTENTION TO USE DECLARED EQUIPMENT WITHIN A PRECIOUS
STONES FIELD**

Date.

TO THE DIRECTOR OF MINES

I,
of
.....
hereby give notice of my intention to use declared equipment on *precious stones/access claim

No. on. diggings
on. precious stones field.

The equipment to be used is
(Describe)

and the operations will be carried out by
(name of operator)

The operations are proposed to commence on or about the day
of19 ..

.....
Signature of Claimowner

*Strike out whichever is inapplicable.

*Non-Metallic Minerals**—

Ore, concentrate or mineral sold, used or disposed of during period:

Ore Type	Ore Grade	Tonnes Ore	Value of Mineral Production (see notes)
.....
.....
.....
Total			\$

*Non-metallic minerals include: talc, kaolin, sillimanite, jade, gypsum, barite, felspar, salt, mica, dolomite, flint pebbles, limestone (Agric), limestone (cement), magnesite, phosphate, silica, semi-precious stones, mineral specimens, coal, etc.

Mineral, concentrate or ore sold to:

(List all customers including small purchasers)

.....

.....

Quarry products sold, used or disposed of during period:

Product Type	Rock Type* (tonnes)	Rock Type* (tonnes)	Rock Type* (tonnes)
Screenings			
Rail Ballast			
Crushed Rock			
Rubble			
Filling			
Rip Rap & Spalls			
Filling Sand			
Washed Sand			
Specification Sand			
Dimension Stone			
Coloured Aggregates and Ornamentals			
.....			
.....			
.....			
Total Value of Mineral Production (see notes)			\$

*Dolomite/limestone, quartzite, sandstone, slate, shale, basalt, granite, rhyolite, hornfels, greywacke, gneiss, river gravels, etc.

Natural sand products sold, used or disposed of during period:

Product Type	Washed Product (tonnes)	Dry Screened (tonnes)	Untreated (tonnes)
Concrete Sand			
Plastering Sand			
Bricklaying Sand			
Concrete Block Sand			
Bitumen Sand			
Packing or Filling Sand			
Foundry Sand			
Gravels			
Limesands			
Loam			
Garden Sand			
Shell Grit			
.....			
.....			
Total Value of Mineral Production (see notes)			\$

Clay products sold, used or disposed of during period:

Clay Type	(tonnes)
White Shale	
Coloured Shale	
White Plastic Clay	
Red Plastic Clay	
Fine Tailings	
Fire Clay	
.....	
.....	
Total Value of Mineral Production (see notes)	\$

NOTES

1. The value of mineral production as defined by this Department is the "ex-site" value received from mineral sales. This value includes those costs (mining, processing and packaging) carried out on-site. It does not include transport costs to the point of sale. This value is used for statistical purposes.

2. If the spaces provided are not sufficient for statement of production figures, attach additional details as necessary.

*IF THERE HAVE BEEN ANY SIGNIFICANT CHANGES TO YOUR PRODUCTION LEVEL DURING THE PERIOD PLEASE STATE REASONS.

.....
.....
.....
.....
.....
.....
.....

Your representative who should be contacted if any queries arise regarding this return:

Name of Representative
Business Address
Telephone No(s)

I,
do solemnly and sincerely declare that the above is a true and correct statement of the working and proceeds for the six months ended.

All relevant information has been presented.

Signature of owner Date. / /

*1. IF NO WORK WAS DONE DURING THE PERIOD, A "NIL" RETURN MUST BE FORWARDED.

2. SHOULD ANY PROBLEMS ARISE DURING THE COMPLETION OF THIS ROOM, PLEASE CONTACT THE RETURNS OFFICER AT THE DEPARTMENT.

Telephone No. 272 5711 Ext. 43 or 36.

* * * * *

* * * * *

* * * * *

Form No. 26
MINING ACT, 1971
(See Regulation 25A)

NOTICE OF PEGGING

To the Mining Registrar

I,
(Surname or Company name) (Other Names)

of give notice that a Precious Stones Claim
*forenoon

was pegged on. . . / . . . / . . . at afternoon under my Precious Stones Prospecting
Permit No. The Claim is located on. diggings field and has
been pegged in accordance with the *Mining Regulations, 1972* as varied from time to time. The sketch below
gives the dimensions of the claim, the bearings of the claim boundaries and the bearing and distance of one of
the pegs in relation to a Departmental survey peg. Any other claim either registered or unregistered held by
me has been abandoned and the pegs removed from the area(s) as required by the said *Mining Regulations*.

.....
(Signature or Company seal of holder of
precious stones prospecting permit)

SKETCH

*(delete what is inapplicable)

* * * * *

* * * * *

Form No. 31
MINING ACT, 1971
(See Regulation 78A(b))

TRANSFER OF MISCELLANEOUS PURPOSES LICENCE

I,of

subject to the consent of the Minister, hereby transfer my Miscellaneous Purposes Licence No.

situated at

toof

The consideration paid to me in respect of this transfer is \$

and conditions (if any) of the transfer are as follows:

Dated thisday.....19

Witness.

Signature or Company Seal of
Transferor.

I, the abovenamed accept the above terms and agree
to hold the said Miscellaneous Purposes Licence No. subject to the conditions thereof.

Dated thisday.....19

Witness.

Signature or Company Seal of
Transferee

Form No. 32
MINING ACT 1971
(regulation 28)

**APPLICATION FOR REGISTRATION OF PRECIOUS STONES CLAIM
IN PRECIOUS STONES FIELD**

TO: Mining Registrar

1. Applicant

I,
(full name)
of ,
(address)
apply for registration of the precious stones claim described below.

2. Precious stones prospecting permit under which claim pegged

My precious stones prospecting permit number is

3. Location of claim

The claim is located at

4. Size of claim

The claim covers—

- an area of 2 500 square metres or less (a small precious stones claim);
- an area greater than 2 500 square metres but not greater than 5 000 square metres (a large precious stones claim).

[tick one box]

5. Details of pegging of claim

The claim was properly pegged out under the *Mining Act 1971* on
by
and was notified to the Mining Registrar at
on

6. Ownership of land (including native title claims and declarations) within area of claim

The following searches have been conducted to establish ownership (or claims to ownership) of land within the area of the claim with the following results:

.....
[Include LTO searches and searches of the State Native Title Register and the Register of Native Title Claims kept under the *Native Title Act 1993* of the Commonwealth.]

A copy of each of the following must be attached:

- each title evidencing ownership of the land (if any); and
- an extract from the State Native Title Register relating to the land (if any entry exists); and
- an extract from the Register of Native Title Claims (Cwth) relating to claims to native title in the land (if any entry exists).

7. Potential native title land within area of claim

At the time of pegging out of the claim, native title (within the meaning of the *Native Title (South Australia) Act 1994*) exists or might exist in the following land within the area of the claim (even though there is currently no registered claim to, or declaration of, native title in the land):

.....
[Include all areas in respect of which native title has not been extinguished.]

"native title land" means land in respect of which native title exists or might exist but does not include—

- (a) land found or declared by the Supreme Court or the Environment, Resources and Development Court not to be subject to native title; or
- (b) land found or declared by a competent authority under a law of the Commonwealth not to be subject to native title;

Native title

4. (1) The expression **"native title"** means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters where—

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- (b) the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law; and
- (d) the rights and interests have not been extinguished or have revived.¹

(2) Without limiting subsection (1), **"rights and interests"** in that subsection includes hunting, gathering, or fishing, rights and interests.

(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples, those statutory rights and interests are also covered by the expression **"native title"**.

(4) To avoid doubt, subsection (3) does not apply to rights and interests created by a reservation or condition (and which are not native title):

- (a) in a pastoral lease granted before 1 January 1994; or
- (b) in legislation made before 1 July 1993, where the reservation or condition applies because of the grant of a pastoral lease before 1 January 1994.

(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.

Explanatory note—

This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in *Mabo v Queensland (No. 2)* (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—

- (a) the valid grant, before 31 October 1975, of a freehold interest in land;
- (b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease);
- (c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land.

However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.

¹ If section 47 of the *Native Title Act 1993* (Cwth) is a valid enactment of the Commonwealth Parliament, it is possible that native title may revive in certain circumstances under that section.

8. Negotiations with native title parties

If native title land is within the area of the claim, *tick one box and give details:*

A native title mining agreement was registered under Part 9B of the *Mining Act 1971*
on

A native title mining determination was registered under Part 9B of the *Mining Act 1971*
on

An agreement or determination has not been registered but the following steps have been taken
towards negotiations with native title parties:

.....

*Tick following box if the Minister is requested to process the application while a native title mining
agreement is negotiated:*

I seek an agreement with the Minister that the claim will be registered contingent on the
registration of an agreement or determination under Part 9B of the *Mining Act 1971*. I understand
that the claim cannot be registered until the agreement or determination is registered.

Note: The Minister may refuse an application for registration of a claim over native title land if it
appears to the Minister that the applicant is not proceeding with reasonable diligence to obtain the
agreement or determination necessary to the registration of the claim (and if the application is refused,
the claim lapses).

9. Exempt land within area of claim

- The following land within the area of the claim is exempt land under section 9 of the *Mining Act 1971*:

.....
 [Do not include land that has ceased to be exempt land because of a waiver of exemption or a court determination about compensation payable to the owner.]

- Waivers of exemption have been negotiated in relation to the following land within the area of the claim:

.....
 A copy of each waiver must be attached.

<p>Exempt land</p> <p>9. (1) Subject to this section—</p> <p>(a) land that is lawfully and genuinely used—</p> <ul style="list-style-type: none"> (i) as a yard, garden, cultivated field, plantation, orchard or vineyard; (ii) as an airfield, railway or tramway; (iii) as the grounds of a church, chapel, school, hospital or institution; or <p>(b) land that constitutes any parklands or recreation grounds under the control of a council; or</p> <p>(ba) land—</p> <ul style="list-style-type: none"> (i) that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or (ii) that is vested in the Minister of Public Works for the purpose of waterworks; or (iii) that is comprised within an easement in favour of the Minister of Public Works; or <p>(bb) land that constitutes a forest reserve under the <i>Forestry Act 1950</i>; or</p> <p>(c) any separate parcel of land of less than 2 000 square metres within any city, town or township; or</p> <p>(d) land that is situated—</p> <ul style="list-style-type: none"> (i) within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or (ii) within 150 metres of— <ul style="list-style-type: none"> (A) a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or (B) a spring, well, reservoir or dam, (but not if it is an improvement made for the purposes of mining operations); <p>shall be exempt from mining operations in pursuance of this Act and, unless the land ceases to be so exempt, no miner's right, precious stones prospecting permit, claim, lease or licence shall authorise prospecting, exploring or mining upon such land (but this section does not prevent the pegging out of a claim upon such land).</p>

Date: Signature:

* * * * *

Form No. 34
MINING ACT, 1971
(See Regulation 85A)

CAVEAT AGAINST A MINING TENEMENT

TO THE MINING REGISTRAR:

TAKE NOTICE that Iof

by virtue of

.....

.....

claim an interest in (describe tenement)

No. and I forbid the registration of any transfer, mortgage, lien or surrender affecting

such tenement and I appoint

.....

as the place at which notices and proceedings hereto may be served.

Dated this day of19 ..

.....

Caveator, or his Agent

Signed by the said

.....

in the presence of

Caveator, or his Agent

.....

Witness

The above caveat was received at o'clock.m on the

..... day of 19 with fee of

\$.

.....

Mining Registrar

Form No. 35
MINING ACT, 1971
(See Regulation 85A)

CAVEAT BY CONSENT

TO THE MINING REGISTRAR:

Whereas.of

is the holder of No.

and whereas.of

has agreed to purchase the right, title and interest of the first named person in and to the said tenement on the terms stated in the copy agreement hereunto annexed:

Now it is hereby agreed between the said parties that, pending the completion of the said purchase and the final registration of the transfer of the above described tenement to this caveat shall be an effectual bar to the transfer or assignment of the same during such period and no longer.

In witness whereof the parties have hereunto set their hands this

day of 19

Signed by the said

. in the presence of Signature

. witness

Signed by the said

. in the presence of Signature

. witness

Signed by the said

. in the presence of Signature

. witness

The above caveat was received at o'clock.m on
the. day of 19 with fee
of \$

.
Mining Registrar

* * * * *

Form No. 37
MINING ACT, 1971
(See Regulation 36E(1))

APPLICATION FOR REGISTRATION OF AN ACCESS CLAIM

Date of application / /

Iof

hereby apply to register the access claim pegged in my name, particulars of which are given below. I am the holder of
(here describe tenement)

being a sub-surface stratum tenement immediately below the area of the access claim.

The claim is located at

.....
Signature of holder of sub-surface stratum tenement.

Iof

certify that the claim was properly pegged out in accordance with the *Mining Regulations 1972*, as amended on the
..... day of 19 ..

.....
Signature of person pegging the claim.

Sketch Plan of claim showing dimensions, bearings of claim boundaries and bearings and distance from known points.

* * * * *

89.

Form No. 39
MINING ACT, 1971
(See Regulation 36G)

APPLICATION FOR RENEWAL OF ACCESS CLAIM

Date of application / /

I,of

the holder of access claim registered No. hereby apply for renewal of the registration of the claim.

.....
Signature of claim holder.

* * * * *

Form No. 41
MINING ACT, 1971
(See Regulation 36I)

SURRENDER OF ACCESS CLAIM

Date / /

I, being the holder of access claim registered No. hereby surrender the said claim.

I certify that the posts of the claim were removed on / /19 .

.....
Signature of claim holder.

Form No. 42
MINING ACT, 1971
(See Regulation 31)

SURRENDER OF CLAIM

I, being the holder of

..... claim registered No. pegged under
* miner's right

* precious stones prospecting permit No. hereby surrender the said claim.

I declare that: *the posts of the claim were removed by me on / /19 .

*I have been informed by

of who was authorised in writing by
me to remove the posts from the claim, that they were removed on / /19 .

A copy of the authorisation is attached.

*Strike out whichever is inapplicable
Signature of claimowner.

Form No. 43
MINING ACT, 1971
(See Regulation 31)

SURRENDER OF CONSOLIDATED PRECIOUS STONES CLAIMS

..... of.

..... of.

..... of.

..... of.

being equal owners in consolidated precious stones claim registered Nos. pegged under precious
stones prospecting permits Nos. hereby surrender the said claims.

X

X

X

X

Signature of claim owners.

I, being one of the owners of the
above claims declare that the posts of the claims were removed on / /19 .

.....
Signature.

Form No. 44
MINING ACT, 1971
(See Regulation 17A)

SURRENDER OF MINER'S RIGHT

TO THE MINING REGISTRAR:

I,of

being the holder of Miner's Right No. hereby surrender the said miner's right.

*The miner's right is attached.

*I declare that the miner's right has been

.....
.....

thereby preventing its presentation.

*Strike out whichever is inappropriate.

.....
Signature.

Form No. 45
MINING ACT, 1971
(See Regulation 22A)

SURRENDER OF PRECIOUS STONES PROSPECTING PERMIT

TO THE MINING REGISTRAR:

I,of

being the holder of Precious Stones Prospecting Permit No. hereby surrender the said permit

*The permit and its associated identification plates are attached.

*I declare that the permit/identification plates has/have not been presented because

.....
.....

*Strike out whichever is inapplicable.

.....
Signature.

Form No. 46
MINING ACT 1971
(regulation 112B)

**NOTICE INITIATING NEGOTIATIONS WITH NATIVE TITLE PARTIES
UNDER SECTION 63M MINING ACT 1971**

TO: NATIVE TITLE PARTIES
ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT
MINISTER FOR MINES AND ENERGY

1. I,
(full name)
of
(address)
propose to carry out mining operations on the following land:

.....

2. The general nature of the proposed mining operations that are to be carried out on the land is as follows:

.....

3. The proposed operations are or will be authorised by the following exploration authorities and/or production tenements under the *Mining Act 1971*:

.....

[Give details and indicate whether the authority or tenement is currently held, applied for or proposed to be applied for.]

4. I—

seek to negotiate a native title mining agreement under Part 9B of the *Mining Act 1971*.

Note: If, two months after this notice is given as required by the *Mining Act 1971*, there are no persons registered under the law of the State or the Commonwealth as the holders of, or claimants to, native title in the land, I may apply *ex parte* to the Environment, Resources and Development Court for a summary determination authorising entry to the land for the purpose of carrying out mining operations on the land, and the conduct of mining operations on the land.

propose to rely on section 63O of the *Mining Act 1971* (**Expedited procedure where impact of operations is minimal**) on the grounds that the mining operations—

- will not directly interfere with the community life of the holders of native title in the land on which the operations are to be carried out; and
- will not interfere with areas or sites of particular significance, in accordance with their traditions, to the holders of native title in the land on which the operations are to be carried out; and
- will not involve major disturbance to the land on which the operations are to be carried out.

Note: I may apply *ex parte* to the Environment, Resources and Development Court for a summary determination authorising mining operations in accordance with the proposals made in this notice. If, within two months after this notice is given, a written objection to my reliance on section 63O is given by the Minister, or a person who holds, or claims to hold, native title in the land, the Court must not make the determination unless satisfied, after giving the objectors an opportunity to be heard, that the operations are in fact operations to which section 63O applies.

[tick one box]

Date: Signature:

The following information about service on native title holders is provided for the convenience of the mining operator and need not be included in the notice given under section 63M.

If a native title declaration establishes who are the holders of native title in the land—the notice must be given to the registered representative of the native title holders and the relevant representative Aboriginal body for the land.

If there is no native title declaration establishing who are the holders of native title in the land—the notice must be given to all who hold or may hold native title in the land in accordance with the method set out in Part 5 of the *Native Title (South Australia) Act 1994* as follows:

- the notice must be given personally or by post to—
 - all registered representatives of holders of native title in the land (see the State Native Title Register kept by the Registrar of the ERD Court); and
 - all registered representatives of persons who are registered under the law of the Commonwealth or the State as claimants to native title in the land (see the State Native Title Register kept by the Registrar of the ERD Court and the Commonwealth Register of Native Title Claims); and
 - the relevant representative Aboriginal body (under the regulations this is the Aboriginal Legal Rights Movement Inc. except on lands of the Maralinga Tjarutja or Anangu Pitjantjatjara); and
 - the Commonwealth Minister (under the regulations this is the Attorney-General of the Commonwealth); and
 - the State Minister (under the regulations this is the Attorney-General of the State); and
- notice of the nature and effect of the notice (including a description of the land concerned) must be given—
 - by publishing a notice (at least 4cm x 4cm) in each of the following:
 - a newspaper circulating generally throughout the State;
 - if there is a local or regional newspaper that is published at least weekly and circulated generally in the area in which the land, or part of the land, concerned is situated—that newspaper; and
 - if there is a newspaper or magazine that caters mainly or exclusively to the interests of Aboriginal people and is published at least monthly and circulated generally in the area in which the land, or part of the land, concerned is situated—that newspaper or magazine; and
 - by informing each of the following broadcasting services of the fact that the notice has been published and where it has been published:
 - a general broadcasting service that serves the area within which the land, or part of the land, is situated;
 - if there is a broadcasting service that caters mainly or exclusively to the interests of Aboriginal people and serves the area within which the land, or part of the land, is situated—that broadcasting service.

SCHEDULE B*Fees*

1.	Application for issue or renewal of miner's right	\$38.00
2.	Application for issue or renewal of precious stones prospecting permit	\$38.00
3.	Declaration of loss	\$9.00
4.	Application for registration of mineral claim	\$22.00
5.	Precious Stones Claim—	
	(a) Application for registration of small precious stones claim	\$16.00
	(b) Application for registration of large precious stones claim	\$32.00
	(c) Application for renewal of small precious stones claim	\$59.00
	(d) Application for renewal of large precious stones claim	\$118.00
6.	Application for registration or renewal of access claim	\$38.00
7.	Mining Lease—	
	(a) Application fee (per lease)	\$57.00
	(b) Preparation fee (per lease)	\$57.00
	(c) Renewal fee (per lease)	\$57.00
8.	Miscellaneous Purposes Licence—	
	(a) Application fee (per licence)	\$57.00
	(b) Preparation fee (per licence)	\$57.00
	(c) Renewal fee (per licence)	\$57.00
9.	Retention lease—	
	(a) Application fee (per lease)	\$57.00
	(b) Preparation fee (per lease)	\$57.00
	(c) Renewal fee (per lease)	\$57.00
10.	Exploration Licence—Application fee (per licence)	\$163.00
11.	Rental (per annum)—	
	(a) Mining lease (per hectare)	\$22.00
	(b) Retention lease (per hectare)	\$11.00
	(c) Minimum rental in respect of any lease	\$57.00
	(d) Miscellaneous purposes licence (per hectare)	\$11.00
	Minimum rental	\$53.00
	(e) Exploration licence (per square kilometre)	\$3.00
	Minimum rental	\$222.00
12.	Inspection of register	\$24.00
	(a) Extract of lease or licence	\$6.00
	(b) Extract of claim	\$4.00
13.	Application for Ministerial consent to dealing with the following—	
	(a) Exploration licence	\$236.00
	(b) Mining lease	\$47.00
	(c) Retention lease	\$47.00
	(d) Miscellaneous purposes licence	\$47.00
14.	Registration of Ministerial consent (in respect of each tenement affected by the instrument)	\$9.00
15.	Application for issue of duplicate lease	\$57.00
16.	Application for issue of duplicate licence	\$57.00
17.	Replacement of identification plates (per plate)	\$4.00
18.	Recovery of posts	\$12.00
19.	Late lodgment of transfer	\$22.00
20.	Further fee for late lodgment of transfer, if lodged more than 90 days late	\$6.00
21.	Lodgment of caveat	\$38.00
22.	Withdrawal of caveat	\$38.00
23.	Registration of any other document	\$9.00
24.	Exemption from removing posts	\$6.00

* * * * *

SCHEDULE D
Prescribed Requirements

Section of Act	Description
Section 35A	Representations in relation to grant of lease
Section 53	Application licence
Section 54	Compensation
Section 58	Notice of entry
Section 58A	Entry on certain land for mining purposes
Section 61	Compensation
Regulation	Description
Regulation 9	Entry on reserves, public roads, streets and highways
Regulation 45	Form of mining lease
Regulation 54	Terms of renewal of lease
Regulation 76	Form of miscellaneous purposes licence
Regulation 77A	Licence number to be displayed
Regulation 77B	Licensee to maintain posts, etc.

APPENDIX**LEGISLATIVE HISTORY**

Legislative history since 20 September 1984 is as follows:

Regulation 6:	definition of "consolidated claims" revoked by 120, 1989, reg. 3(c) definition of "large precious stones claim" inserted by 120, 1989, reg. 3(a) definition of "Mining Register" inserted by 120, 1989, reg. 3(a) definition of "small precious stones claim" inserted by 120, 1989, reg. 3(b)
Regulation 7:	substituted by 120, 1989, reg. 4; revoked by 191, 1995, reg. 3
Regulation 7A:	revoked by 120, 1989, reg. 4
Regulation 9(2):	varied by 120, 1989, reg. 5
Regulation 11:	redesignated as reg. 11(1) by 117, 1995, reg. 3
Regulation 11(2):	inserted by 117, 1995, reg. 3
Regulation 14:	revoked by 191, 1995, reg. 4
Regulation 17:	varied by 120, 1989, reg. 6
Regulation 19:	revoked by 191, 1995, reg. 5
Regulation 20A(1):	varied by 120, 1989, reg. 7(a)
Regulation 20A(2):	substituted by 120, 1989, reg. 7(b)
Regulation 20A(4):	revoked by 120, 1989, reg. 7(c)
Regulation 20A(5):	varied by 120, 1989, reg. 7(d)
Regulation 22:	varied by 120, 1989, reg. 8
Regulation 24:	substituted by 120, 1989, reg. 9
Regulation 25(2):	varied by 120, 1989, reg. 10(a)
Regulation 25(2)(f):	revoked by 120, 1989, reg. 10(b)
Regulation 25(3):	varied by 120, 1989, reg. 10(c), (d)
Regulation 25A(2):	revoked by 120, 1989, reg. 11(a)
Regulation 25A(3):	varied by 120, 1989, reg. 11(b)
Regulation 25A(4):	revoked by 120, 1989, reg. 11(c)
Regulation 26a and heading:	inserted by 120, 1989, reg. 12
Regulation 27(4):	varied by 120, 1989, reg. 13(a)
Regulation 27(4a):	inserted by 120, 1989, reg. 13(b)
Regulation 27(5):	varied by 120, 1989, reg. 13(c)
Regulation 28(2):	varied by 120, 1989, reg. 14(a)-(c), (e), (f)
Regulation 28(2)(b)(ii):	revoked by 120, 1989, reg. 14(d)
Regulation 28(3):	varied by 120, 1989, reg. 14(g); 191, 1995, reg. 6
Regulation 28a(3):	varied by 120, 1989, reg. 15
Regulation 29(2):	revoked by 191, 1995, reg. 7
Regulation 31(5):	substituted by 120, 1989, reg. 16(a)
Regulation 31(8):	substituted by 120, 1989, reg. 16(b); varied by 191, 1995, reg. 8
Regulation 31(9):	revoked by 120, 1989, reg. 16(b)
Regulation 35:	revoked by 191, 1995, reg. 9
Regulation 36(1):	varied by 120, 1989, reg. 17(a)
Regulation 36(2):	varied by 120, 1989, reg. 17(b)
Regulation 36E(2):	varied by 120, 1989, reg. 18; 191, 1995, reg. 10
Regulation 36H:	revoked by 191, 1995, reg. 11
Regulation 38(1):	varied by 191, 1995, reg. 12(a)
Regulation 38(2):	varied by 191, 1995, reg. 12(b)
Regulation 38(3):	revoked by 120, 1989, reg. 19
Regulation 39(1):	varied by 120, 1989, reg. 20
Regulation 42:	revoked by 120, 1989, reg. 21
Regulation 45:	substituted by 191, 1995, reg. 13
Regulation 50(1):	varied by 120, 1989, reg. 22(a)-(e)

Regulation 50(1)(d)(iii):	revoked by 120, 1989, reg. 22(c)
Regulation 50(2):	varied by 120, 1989, reg. 22(f)
Regulation 53(2) and (3):	revoked by 191, 1995, reg. 14
Regulation 56B(1):	varied by 120, 1989, reg. 23(a)
Regulation 56B(3):	revoked by 120, 1989, reg. 23(b)
Regulation 56D:	substituted by 191, 1995, reg. 15
Regulation 56J(2a):	inserted by 120, 1989, reg. 24
Regulation 56K(1):	varied by 120, 1989, reg. 25(a)-(e)
Regulation 56K(1)(d)(iii):	revoked by 120, 1989, reg. 25(c)
Regulation 56K(2):	varied by 120, 1989, reg. 25(f)
Regulation 56N(2) and (3):	revoked by 191, 1995, reg. 16
Regulation 57(1):	varied by 191, 1995, reg. 17(a)
Regulation 57(2):	revoked by 120, 1989, reg. 26
Regulation 57(3):	varied by 191, 1995, reg. 17(b)
Regulation 57(4)(c):	revoked by 191, 1995, reg. 17(c)
Regulation 58(1):	substituted by 120, 1989, reg. 27(a)
Regulation 58(1a):	inserted by 120, 1989, reg. 27(b)
Regulation 58(2a):	revoked by 120, 1989, reg. 27(c)
Regulation 58(10):	inserted by 120, 1989, reg. 27(d)
Regulation 64(1):	varied by 120, 1989, reg. 28(a)
Regulation 64(1)(b):	revoked by 120, 1989, reg. 28(b)
Regulation 69(1):	varied by 120, 1989, reg. 29
Regulation 69(2):	revoked by 191, 1995, reg. 18
Regulation 71:	substituted by 191, 1995, reg. 19
Regulation 76:	revoked by 191, 1995, reg. 20
Regulation 77(1):	varied by 120, 1989, reg. 30
Regulation 77C:	revoked by 120, 1989, reg. 31
Regulation 78A:	varied by 120, 1989, reg. 32
Regulation 84:	varied by 191, 1995, reg. 21
Regulation 85A(3):	revoked by 191, 1995, reg. 22
Regulation 86:	varied by 120, 1989, reg. 33
Regulation 87(2):	varied by 120, 1989, reg. 34
Regulation 88 and heading:	revoked by 120, 1989, reg. 35
Regulation 89(2):	varied by 191, 1995, reg. 23
Heading preceding regulation 91:	varied by 120, 1989, reg. 36
Regulation 91:	varied by 191, 1995, reg. 24
Heading preceding regulation 92:	varied by 120, 1989, reg. 37
Regulation 92:	varied by 120, 1989, reg. 38
Regulation 97:	varied by 120, 1989, reg. 39; substituted by 191, 1995, reg. 25
Regulation 104:	varied by 191, 1995, reg. 26
Regulation 105:	substituted by 214, 1991, reg. 2
Regulation 108:	varied by 120, 1989, reg. 40
Regulation 109A(2):	varied by 120, 1989, reg. 41
Regulation 110:	revoked by 191, 1995, reg. 27
Regulation 111 and heading:	substituted by 120, 1989, reg. 42
Regulation 112:	varied by 120, 1989, reg. 43; substituted by 191, 1995, reg. 28
Regulation 112A:	inserted by 63, 1996, reg. 3
Regulation 112A (second occurring):	inserted by 191, 1995, reg. 28
Regulation 112B - 112D:	inserted by 191, 1995, reg. 28
Regulation 113:	varied by 120, 1989, reg. 44; substituted by 191, 1995, reg. 28
Schedule A	
Form 2:	revoked by 191, 1995, reg. 29(a)
Form 5:	revoked by 191, 1995, reg. 29(a)
Form 6:	substituted by 191, 1995, reg. 29(b)
Form 7:	substituted by 120, 1989, reg. 45(a); 191, 1995, reg. 29(b)

Form 8:	revoked by 120, 1989, reg. 45(b)
Forms 9A, 9B and 11:	revoked by 191, 1995, reg. 29(a)
Form 14:	substituted by 191, 1995, reg. 29(b)
Form 15A:	substituted by 120, 1989, reg. 45(a); 191, 1995, reg. 29(b)
Form 21:	substituted by 191, 1995, reg. 29(b)
Form 27:	revoked by 120, 1989, reg. 45(b)
Forms 28 and 29:	substituted by 120, 1989, reg. 45(a); revoked by 191, 1995, reg. 29(a)
Form 30:	revoked by 191, 1995, reg. 29(a)
Form 32:	substituted by 191, 1995, reg. 29(b)
Form 33:	revoked by 120, 1989, reg. 45(b)
Forms 36, 38 and 40:	revoked by 191, 1995, reg. 29(a)
Form 46:	inserted by 191, 1995, reg. 29(c)
Schedule B:	varied by 198, 1986, reg. 2; substituted by 204, 1987, reg. 3; 109, 1988, reg. 3; 120, 1989, reg. 46; 108, 1990, reg. 3; 127, 1991, reg. 3; 123, 1992, reg. 3; 119, 1993, reg. 3; varied by 191, 1995, reg. 30; substituted by 82, 1996, reg. 3
Schedule C:	revoked by 191, 1995, reg. 31
Schedule D:	inserted by 63, 1996, reg. 4