

South Australia

National Parks and Wildlife (Hincks Conservation Park—Mining Rights) Proclamation 2004

under section 43 of the *National Parks and Wildlife Act 1972*

Preamble

- 1 The Crown land described in Schedule 1 is, by another proclamation made on this day, added to the Hincks Conservation Park under section 29(3) of the *National Parks and Wildlife Act 1972*.
- 2 It is intended that, by this proclamation, certain existing and future rights of entry, prospecting, exploration or mining be preserved in relation to the land added to the conservation park.

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Hincks Conservation Park—Mining Rights) Proclamation 2004*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Acquisition or exercise of mining rights

- (1) Subject to clause 4, existing rights of entry, prospecting, exploration or mining under the *Mining Act 1971* may continue to be exercised in respect of the land described in Schedule 1.
- (2) Rights of entry, prospecting, exploration or mining may, with the approval of the Minister for Mineral Resources Development and the Minister for Environment and Conservation, be acquired pursuant to the *Mining Act 1971* in respect of the land described in Schedule 1 and may, subject to clause 4, be exercised in respect of that land.

4—Conditions for exercise of mining rights

A person in whom rights of entry, prospecting, exploration or mining are vested pursuant to the *Mining Act 1971* (whether those rights were acquired before or after the making of this proclamation) must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) if any drilling, excavation, vegetation clearance, construction or other work in relation to the land in the exercise of rights under the *Mining Act 1971* has not previously been authorised, the person must give at least 3 months notice of that proposed work to the Minister for Mineral Resources Development and the Minister for Environment and Conservation and supply each Minister with such information in relation to the proposed work as the Minister may require;
- (b) if directions are agreed upon by the Minister for Mineral Resources Development and the Minister for Environment and Conservation and given to the person in writing in relation to—
 - (i) carrying out work in relation to the land in a manner that minimises damage to the land (including vegetation or wildlife on the land) and the environment generally; or
 - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
 - (iii) rehabilitating the land (including vegetation or wildlife on the land) on completion of the work; or
 - (iv) (where the work is being carried out in the exercise of rights acquired after the making of this proclamation) prohibiting or restricting access to any specified area of the land that the Ministers believe would suffer significant detriment as a result of carrying out the work,

the person must comply with those directions in carrying out the work;

- (c) if a plan of management is in operation under section 38 of the *National Parks and Wildlife Act 1972* in respect of the land, the person must have regard to the provisions of the plan of management;
- (d) in addition to complying with the other requirements of this proclamation, the person—
 - (i) must take such steps as are reasonably necessary to ensure that objects, structures and sites of historical, scientific or cultural interest and any vegetation or wildlife on the land are not unduly affected by any work; and
 - (ii) must maintain all work areas in a clean and tidy condition; and
 - (iii) must, upon the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Minister for Mineral Resources Development and the Minister for Environment and Conservation as suitable for retention) used exclusively for the purposes of that work;

- (e) if no direction has been given by the Minister for Mineral Resources Development and the Minister for Environment and Conservation under paragraph (b)(iii), the person must rehabilitate the land (including its vegetation and wildlife) on completion of the work to the satisfaction of the Minister for Environment and Conservation.

5—Determination by Governor where Ministers do not agree

If the Minister for Mineral Resources Development and the Minister for Environment and Conservation cannot agree as to whether—

- (a) approval should be granted or refused under clause 3(2); or
- (b) a direction should be given under clause 4(b),

the Governor may, with the advice and consent of the Executive Council—

- (c) grant or refuse the necessary approval under clause 3(2); or
- (d) give a direction in writing under clause 4(b).

Schedule 1—Description of land

Allotment 2 of DP 31955, Hundred of Peachna.

Made by the Governor

with the advice and consent of the Executive Council
on 30 September 2004

EC04/0071CS