

South Australia

National Parks and Wildlife (Big Heath Conservation Park—Mining Rights) Proclamation 2010

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 Big Heath Conservation Park under section 29(3) of the *National Parks and Wildlife Act 1972*.
- 2 It is intended that, by this proclamation, certain existing rights of entry, prospecting, exploration or mining be preserved in relation to the land described in Schedule 1.

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Big Heath Conservation Park—Mining Rights) Proclamation 2010*.

2—Commencement

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

3—Interpretation

In this proclamation—

Environment Minister means the Minister for the time being administering the *National Parks and Wildlife Act 1972*;

Mining Minister means the Minister for the time being administering the *Petroleum and Geothermal Energy Act 2000*.

4—Existing rights to continue

Subject to clause 5, rights of entry, prospecting, exploration or mining under the *Petroleum and Geothermal Energy Act 2000* existing immediately before the commencement of this proclamation may continue to be exercised in respect of the land described in Schedule 1.

5—Conditions for exercise of rights

A person in whom rights of entry, prospecting, exploration or mining are vested pursuant to the *Petroleum and Geothermal Energy Act 2000* must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) if work to be carried out in relation to the land in the exercise of those rights is a regulated activity within the meaning of the *Petroleum and Geothermal Energy Act 2000*, the person must ensure that—
 - (i) the work is not carried out until a statement of environmental objectives in relation to the activity that has been approved under that Act has also been approved by the Environment Minister; and
 - (ii) the work is carried out in accordance with the statement as so approved;
- (b) if work to be carried out in relation to the land in the exercise of those rights has not previously been authorised (whether by inclusion in an approved statement of environmental objectives referred to in paragraph (a) or otherwise), the person must give at least 3 months notice of the proposed work to the Mining Minister and the Environment Minister and must supply each Minister with such information relating to the proposed work as the Minister may require;
- (c) if directions are agreed between the Mining Minister and the Environment Minister 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 the land's vegetation and wildlife) and the environment generally; or
 - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
 - (iii) rehabilitating the land (including the land's vegetation and wildlife) on completion of the work,(being directions that do not reduce or otherwise detract from any requirement in respect of any of those matters contained in an approved statement of environmental objectives referred to in paragraph (a)), the person must comply with those directions in carrying out the work;
- (d) 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;
- (e) 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 the land's vegetation and wildlife are not unduly affected by any work; and
 - (ii) must maintain all work areas in a clean and tidy condition; and

- (iii) must, on the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Mining Minister and the Environment Minister as suitable for retention) used exclusively for the purposes of that work;
- (f) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (c)(iii), the person must (in addition to complying with any approved statement of environmental objectives referred to in paragraph (a)) rehabilitate the land (including its vegetation and wildlife) on completion of any work to the satisfaction of the Environment Minister.

6—Governor may give approvals, directions

If—

- (a) the Environment Minister does not approve a statement of environmental objectives under clause 5(a); or
- (b) the Mining Minister and the Environment Minister cannot agree as to whether a direction should be given under clause 5(c),

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

- (c) grant or refuse the necessary approval under clause 5(a); or
- (d) give a direction in writing under clause 5(c).

Schedule 1—Description of land

Allotment 500 of Deposited Plan 36919, Hundred of Spence, County of Robe.

Made by the Governor

with the advice and consent of the Executive Council
on 16 September 2010

MEC10/0043CS