

South Australia

National Parks and Wildlife (Nilpena Ediacara National Park—Mining Rights) Proclamation 2021

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

Preamble

- 1 The Crown land described in Schedule 1, together with other land, is, by another proclamation made on this day, constituted as a national park under section 28(1) of the *National Parks and Wildlife Act 1972* and assigned the name *Nilpena Ediacara National Park*.
- 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 described in Schedule 1.

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Nilpena Ediacara National Park—Mining Rights) Proclamation 2021*.

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 *Mining Act 1971* or the Minister for the time being administering the *Petroleum and Geothermal Energy Act 2000*, as the case requires.

4—Existing rights to continue

Subject to clause 6, existing rights of entry, prospecting, exploration or mining under the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* may continue to be exercised in respect of the land described in Schedule 1.

5—New rights may be acquired

Rights of entry, prospecting, exploration or mining may, with the approval of the Mining Minister and the Environment Minister, be acquired pursuant to the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* in respect of the land described in Schedule 1 and may, subject to clause 6, be exercised in respect of that land.

6—Conditions for exercise of rights

A person in whom rights of entry, prospecting, exploration or mining are vested pursuant to the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* (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 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 rights under the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* 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 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; 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,

- (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.

7—Governor may give approvals, directions

If—

- (a) the Mining Minister and the Environment Minister cannot agree as to whether—
 - (i) approval should be granted or refused under clause 5; or
 - (ii) a direction should be given under clause 6(c); or
- (b) the Environment Minister does not approve a statement of environmental objectives under clause 6(a),

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

- (c) grant or refuse the necessary approval under clause 5; or
- (d) give a direction in writing under clause 6(c); or
- (e) grant or refuse the necessary approval under clause 6(a).

Schedule 1—Description of land

- (a) Allotment 200 in Deposited Plan 120617, Out of Hundreds (Andamooka), Out of Hundreds (Copley), Out of Hundreds (Parachilna); and
- (b) Section 1049 Out of Hundreds (Copley),

but excluding the portion of that land that is contained within and bounded by a line commencing at 30° 52.574' South, 138° 5.561' East (Point 1), then eastnortheast to 30° 52.279' South, 138° 6.626' East (Point 2), then east-northeast to 30° 52.183' South, 138° 6.966' East (Point 3), then east-northeast to 30° 52.132' South, 138° 7.151' East (Point 4), then east-northeast to 30° 51.624' South, 138° 8.955' East (Point 5), then east-northeast to 30° 51.443' South, 138° 9.601' E (Point 6), then south to 30° 52.161' South, 138° 9.690' East (Point 7), then south-southeast to 30° 52.556' South, 138° 9.903' East (Point 8), then south-east to 30° 52.762' South, 138° 10.069' East (Point 9), then south-southeast to 30° 53.753' South, 138° 10.388' East (Point 10), then south-southeast to 30° 54.309' South, 138° 10.528' East (Point 11), then south-southeast to 30° 55.351' South, 138° 10.927' East (Point 12), then south-east to 30° 56.371' South, 138° 12.052' East (Point 13), then southsoutheast to 30° 57.002' South, 138° 12.345' East (Point 14), then eastsoutheast to 30° 57.172' South, 138° 13.248' East (Point 15), then south-east to 30° 58.109' South, 138° 14.699' East (Point 16), then south-east to 30° 58.145' South, 138° 14.731' East (Point 17), then south-southwest to 30° 58.429' South, 138° 14.649' East (Point 18), then south-east to 30° 58.492' South, 138° 14.690' East (Point 19), then south-southwest to 30° 59.483' South, 138° 14.383' East (Point 20), then south-west to 30° 59.834' South, 138° 14.098' East (Point 21), then south to 31° 0.210' South, 138° 14.150' East (Point 22), then south-west to 31° 0.397' South, 138° 13.923' East (Point 23), then west-southwest to 31° 0.458' South, 138° 13.717' East (Point 24), then south-west to 31° 0.562' South, 138° 13.600' East (Point 25), then south to 31° 0.604' South, 138° 13.606' East (Point 26), then east-southeast to 31° 0.667' South, 138° 13.890' East (Point 27), then west-southwest to 31° 0.719' South, 138° 13.737' East (Point 28), then west-southwest to 31° 0.778' South, 138° 13.619' East (Point 29), then south-southwest to 31° 0.873' South, 138° 13.585' East (Point 30), then south to 31° 0.999' South, 138° 13.600' East (Point 31), then west to 31° 0.989' South, 138° 13.342' East (Point 32), then west-southwest to 31° 1.041' South, 138° 13.219' East (Point 33), then southwest to 31° 1.234' South, 138° 13.047' East (Point 34), then south-west to 31° 1.295' South, 138° 12.992' East (Point 35), then south-southwest to 31° 1.691' South, 138° 12.828' East (Point 36), then south-southwest to 31° 2.134' South, 138° 12.722' East (Point 37), then west to 31° 2.112' South, 138° 12.448' East (Point 38), then west to 31° 1.784' South, 138° 8.436' East (Point 39), then north-northwest to the point of commencement. (Geocentric Datum of Australia (GDA2020)).

Made by the Governor

with the advice and consent of the Executive Council
on 17 June 2021