

South Australia

Mining Variation Regulations 2014

under the *Mining Act 1971*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Mining Regulations 2011*

- 4 Variation of regulation 3—Interpretation
 - 5 Substitution of regulation 40
 - 40 Notice of terms and conditions
 - 6 Substitution of regulation 46
 - 46 Notice of terms and conditions
 - 7 Substitution of regulation 50
 - 50 Notice of terms and conditions
 - 8 Substitution of Schedules 1 and 2
 - Schedule 1—Fees
 - Schedule 2—Annual rents
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Mining Variation Regulations 2014*.

2—Commencement

These regulations will come into operation on 18 December 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Mining Regulations 2011*

4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *Act* insert:

capital cost means—

- (a) in relation to a mining lease, the aggregate of the costs incurred or reasonably expected to be incurred before operations constituting the mining or recovery of minerals commence under the lease; or
- (b) in relation to a miscellaneous purposes licence, the aggregate of the capital costs incurred or reasonably expected to be incurred under or in connection with the licence,

including costs associated with any of the following:

- (c) engineering, planning or design work;
- (d) works associated with open pit development or underground working development;
- (e) constructing or installing infrastructure for the operations including—
 - (i) pit and underground infrastructure; and
 - (ii) fixed plant; and
 - (iii) rock and tailings waste storage facilities; and
 - (iv) buildings, powerlines, bores and roads;
- (f) constructing or installing structures, or undertaking earthworks, to prevent, or limit, damage to or impairment of, the environment by the operations;
- (g) measures associated with the assessment, management, limitation and remediation of the environmental impacts of the operations;
- (h) making provision for contingencies,

excluding any costs incurred or reasonably expected to be incurred in acquiring land or constructing or installing infrastructure outside the area of the mining lease or miscellaneous purposes licence (as the case may be).

5—Substitution of regulation 40

Regulation 40—delete the regulation and substitute:

40—Notice of terms and conditions

The Minister must, before determining to grant a mining lease or a retention lease, notify the applicant of the proposed terms and conditions and give the applicant at least 7 days, or such longer period as the Minister may allow, to make submissions on those terms and conditions before the Minister finalises them.

6—Substitution of regulation 46

Regulation 46—delete the regulation and substitute:

46—Notice of terms and conditions

The Minister must, before determining to grant an exploration licence, notify the applicant of the proposed terms and conditions and give the applicant at least 7 days, or such longer period as the Minister may allow, to make submissions on those terms and conditions before the Minister finalises them.

7—Substitution of regulation 50

Regulation 50—delete the regulation and substitute:

50—Notice of terms and conditions

The Minister must, before determining to grant a miscellaneous purposes licence, notify the applicant of the proposed terms and conditions and give the applicant at least 7 days, or such longer period as the Minister may allow, to make submissions on those terms and conditions before the Minister finalises them.

8—Substitution of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules and substitute:

Schedule 1—Fees

1	Application for registration of mineral claim	\$449.00
2	Exploration licence—	
	(a) application fee—the sum of the following components:	
	(i) base component	\$750.00
	(ii) advertising component	\$809.00
	(b) annual fee—the sum of the following components:	
	(i) administration component	\$150.00
	(ii) regulation component	\$494.00 or
	The fee payable will be calculated according to the nominal area of the licence, and no allowance will be made for land that is not available for exploration.	\$11.40 per km ² or part of a km ² in the area of the licence, whichever is the greater
3	Mining lease—	
	(a) application fee—the sum of the following components:	
	(i) base component	\$1 500.00
	(ii) advertising component	\$809.00
	(iii) assessment component—	

- (A) in the case of a mining lease that is authorised to recover, use and sell or dispose of solely extractive minerals or minerals prescribed under regulation 3(3)—
- for a mining lease that has an estimated annual production of less than 100 000 tonnes of minerals \$1 000
 - for a mining lease that has an estimated annual production of 100 000 tonnes or more of minerals \$5 000
- (B) in any other case—
- if the whole or any part of the mining lease area is within the area of a council or a reserve within the meaning of the *National Parks and Wildlife Act 1972*—
 - for a mining lease that has a capital cost of less than \$1 000 000 \$1 000
 - for a mining lease that has a capital cost of \$1 000 000 or more 0.25% of capital cost up to a maximum of \$200 000
 - if the whole of the mining lease area is outside the area of a council *and* is outside a reserve within the meaning of the *National Parks and Wildlife Act 1972*—
 - for a mining lease that has a capital cost of less than \$1 000 000 \$1 000
 - for a mining lease that has a capital cost of \$1 000 000 or more 0.125% of capital cost up to a maximum of \$200 000
- (b) annual fee—the sum of the following components:
- (i) administration component \$150.00
 - (ii) regulation component (other than for an extractive minerals lease) \$297.00
- 4 Miscellaneous purposes licence—
- (a) application fee—the sum of the following components:
- (i) base component \$1 500.00
 - (ii) advertising component \$809.00
 - (iii) assessment component—the sum of the following components:
 - (A) if the whole or any part of the miscellaneous purposes licence area is within the area of a council or a reserve within the meaning of the *National Parks and Wildlife Act 1972*—

	<ul style="list-style-type: none"> • for a licence that has a capital cost of less than \$1 000 000 • for a licence that has a capital cost of \$1 000 000 or more 	<p>\$1 000</p> <p>0.25% of capital cost up to a maximum of \$200 000</p>
	(B) if the whole of the miscellaneous purposes licence area is outside the area of a council <i>and</i> is outside a reserve within the meaning of the <i>National Parks and Wildlife Act 1972</i>	
	<ul style="list-style-type: none"> • for a licence that has a capital cost of less than \$1 000 000 • for a licence that has a capital cost of \$1 000 000 or more 	<p>\$1 000</p> <p>0.125% of capital cost up to a maximum of \$200 000</p>
	(b) annual fee—the sum of the following components:	
	(i) administration component	\$150.00
	(ii) regulation component	\$297.00
5	Retention lease—	
	(a) application fee—the sum of the following components:	
	(i) base component	\$750.00
	(ii) advertising component	\$809.00
	(iii) assessment component	\$5 000.00
	(b) annual fee—the sum of the following components:	
	(i) administration component	\$150.00
	(ii) regulation component	\$297.00
6	Application for registration or renewal of access claim	\$84.50
7	Late lodgment of transfer of mining lease, retention lease, exploration licence or miscellaneous purposes licence	\$150.00
8	Lodgment of an agreement (including an indigenous land use agreement) or determination with the Mining Registrar under Part 9B of Act	\$528.00
9	Lodgment of caveat—per tenement	\$150.00
10	Late lodgment of mining return under section 76 of Act (administration fee)	\$257.00
11	Application for—	
	(a) variation of condition of tenement, working conditions or special approval to undertake particular work program	\$528.00
	(b) Ministerial consent under Act	\$528.00
12	Proposal for a safety net agreement under section 84A of Act	\$101.00
13	Application for issue of duplicate lease or licence	\$126.00
14	Inspection of Mining Register	\$51.50

15	Extract from Mining Register comprising copy of mining tenement	\$13.00
16	Extract from Mining Register comprising results of standard search query	\$50.50 plus \$1.60 per page
17	Extract from Mining Register comprising results of customised search query	\$101.00 plus \$1.60 per page

Schedule 2—Annual rents

1	Mining lease	\$225.00 or \$59.00 for each hectare or part of a hectare in the area of the lease, whichever is the greater
2	Mining lease—Extractives	\$190.00 or \$49.50 for each hectare or part of a hectare in the area of the lease, whichever is the greater
3	Retention lease	\$225.00 or \$29.75 for each hectare or part of a hectare in the area of the lease, whichever is the greater
4	Miscellaneous purposes licence	\$225.00 or \$59.00 for each hectare or part of a hectare in the area of the licence, whichever is the greater

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 December 2014

No 284 of 2014

MMRE14/27CS