

South Australia

# **Mining (Budget Measures) Variation Regulations 2019**

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 109—Fees
  - 5 Insertion of regulation 109A
    - 109A Fees in connection with submission of programs etc
  - 6 Variation of Schedule 1—Fees
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Mining (Budget Measures) Variation Regulations 2019*.

### **2—Commencement**

These regulations come into operation on 1 January 2020.

### **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 109—Fees**

Regulation 109—after subregulation (2) insert:

- (3) The Minister may, by notice in the Gazette, declare that an area of the State is an exploration regulation fee zone for the purposes of item 2 of Schedule 1.
  - (4) The Minister must specify in a notice under subregulation (3) whether an area declared in the notice to be an exploration regulation fee zone is a *zone 1 exploration regulation fee zone*, a *zone 2 exploration regulation fee zone* or a *zone 3 exploration regulation fee zone*.
-

- (5) A notice under subregulation (3) may—
- (a) declare more than 1 area of the State to be an exploration regulation fee zone; and
  - (b) be varied or revoked by the Minister by subsequent notice in the Gazette.

## **5—Insertion of regulation 109A**

After regulation 109 insert:

### **109A—Fees in connection with submission of programs etc**

- (1) For the purposes of section 70B(4a) of the Act, the fee payable in connection with the submission of a program in respect of a mineral claim or exploration licence is—
- (a) \$1 500; plus
  - (b) —
    - (i) if the program provides for the use of declared equipment in a specially protected area or an area adjacent to a specially protected area—\$500; or
    - (ii) if the program provides for mining operations to occur in a conservation reserve, a regional reserve, a prescribed lake, a prescribed watercourse, a prescribed well, a State Heritage Area, a State Heritage Place or a declared RAMSAR wetland or on land subject to a heritage agreement—\$500; or
    - (iii) if the program provides for mining operations to occur in a national park, a conservation park or a recreation park—\$1 500.
- (2) For the purposes of section 70B(4a) of the Act—
- (a) the fee payable in connection with the submission of a program in respect of a mining lease is an amount equal to 50% of the assessment component of the application fee payable under Schedule 1 in respect of the tenement; and
  - (b) the fee payable in connection with the submission of a program in respect of a retention lease is \$2 700; and
  - (c) the fee payable in connection with the submission of a program in respect of a miscellaneous purposes licence is an amount equal to the fee payable under this regulation in connection with the submission of a program in respect of the primary mining tenement to which the licence is ancillary.

- (3) If a program submitted for the purposes of section 70B of the Act is a combined program relating to a group of mining tenements, the fee payable in connection with the submission of the program is an amount equal to the fee payable under this regulation in connection with the submission of a program in respect of the primary mining tenement within the group.
- (4) For the purposes of section 73G(4a) of the Act—
- (a) the fee payable in connection with the submission to the Director of a draft set of objectives and criteria under subsection (4) of that section is \$2 500; and
  - (b) the fee payable in connection with the submission to the Director of a draft of objectives or criteria as altered under subsection (4) of that section is as follows:
    - (i) in the case of a tier 1 draft—\$1 000;
    - (ii) in the case of a tier 2 draft—\$2 500;
    - (iii) in the case of a tier 3 draft—\$5 000.
- (5) If a draft submitted to the Director under section 73G(4a) of the Act relates to new mining operations to be carried out at a private mine, an amount of \$924 is to be added to the amount specified in subregulation (4) as the fee payable in connection with the submission.
- (6) Despite subregulations (2) and (4), if—
- (a) land subject to a mining lease is contiguous with land on which a private mine is situated; and
  - (b) a single document is submitted in respect of mining operations on the land to satisfy the requirements of both sections 70B(4) and 73G(4) of the Act,
- the following provisions apply:
- (c) the fee payable in connection with the submission of the initial document is \$1 250;
  - (d) subregulation (7) applies for the purposes of determining the fee payable in connection with the submission of a revised document as if it were a revised program submitted to the Minister for the purposes of section 70C of the Act.
- (7) For the purposes of section 70C(4a) of the Act—
- (a) if a revised program is submitted in respect of a mineral claim or exploration licence, the fee payable in connection with the submission is as follows:
    - (i) if the program provides for the use of declared equipment in a specially protected area or an area adjacent to a specially protected area—\$500;

- (ii) if the program provides for mining operations to occur in a conservation reserve, a regional reserve, a prescribed lake, a prescribed watercourse, a prescribed well, a State Heritage Area, a State Heritage Place or a declared RAMSAR wetland or on land subject to a heritage agreement—\$500;
    - (iii) if the program provides for mining operations to occur in a national park, a conservation park or a recreation park—\$1 500; and
  - (b) if a revised program is submitted in respect of a mining lease that authorises mining operations for the recovery of extractive minerals or industrial minerals, the fee payable in connection with the submission is as follows:
    - (i) in the case of a tier 1 program—\$250;
    - (ii) in the case of a tier 2 program—\$1 000;
    - (iii) in the case of a tier 3 program—\$5 000; and
  - (c) if a revised program is submitted in respect of a retention lease, the fee payable in connection with the submission is \$2 500; and
  - (d) if a revised program is submitted in respect of a mining lease that authorises mining operations for the recovery of minerals (other than extractive minerals or industrial minerals), the fee payable in connection with the submission is as follows:
    - (i) in the case of a tier 1 program—\$500;
    - (ii) in the case of a tier 2 program—\$1 500;
    - (iii) in the case of a tier 3 program—\$10 000;
    - (iv) in the case of a tier 4 program—\$25 000; and
  - (e) if a revised program is submitted in respect of a miscellaneous purposes licence, the fee payable in connection with the submission is an amount equal to the fee payable under this regulation in connection with the submission of a revised program in respect of the primary mining tenement to which the licence is ancillary.
- (8) However, if the Minister determines that a revised program has been submitted for the purposes of section 70C of the Act merely because minor administrative revisions have been made to the program, the fee payable in connection with the submission is \$250.

- (9) If the Minister forms the view, after a program to which subregulation (2)(c), (3) or (7)(e) applies has been submitted, that the holder of the mining tenements has not paid the correct fee because the primary tenement has not been identified correctly, the Minister must, as the case requires, request the holder to pay, or provide the holder with a refund for, the amount of the difference between the amount paid and the correct fee (as determined by the Minister).
- (10) If a program under Part 10A of the Act is provided to the Minister pursuant to the requirements of regulation 114(3), a fee of \$2 500 is payable in connection with the submission.
- (11) The Minister must, for the purposes of subregulations (4) and (7), by notice in the Gazette, publish criteria to be used in determining whether a draft of objectives and criteria, or a revised program, is a tier 1, tier 2, tier 3 or tier 4 draft or program for the purposes of these regulations.
- (12) A draft of objectives and criteria, or a revised program, is a tier 1, tier 2, tier 3 or tier 4 draft or program (as the case requires) for the purposes of these regulations if it is classified as such under the criteria published under subregulation (11).
- (13) A notice under subregulation (11) may be varied or revoked by the Minister by subsequent notice in the Gazette.
- (14) In this regulation—

**conservation park** has the same meaning as in the *National Parks and Wildlife Act 1972*;

**conservation reserve** means land dedicated as a conservation reserve under section 5 of the *Crown Lands Act 1929* or section 18 of the *Crown Land Management Act 2009* or land in relation to which a declaration is in force under section 55 of the *Crown Land Management Act 2009*;

**declared RAMSAR wetland** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth;

**heritage agreement** means a heritage agreement entered into under section 23 of the *Native Vegetation Act 1991*;

**industrial minerals** means the following:

- (a) alunite;
- (b) andalusite;
- (c) anatase
- (d) barite;
- (e) bentonite;
- (f) calcrete;
- (g) celestite;

- (h) cement shale;
- (i) diamond;
- (j) dolomite;
- (k) diatomite;
- (l) feldspar;
- (m) fire clay;
- (n) garnet;
- (o) graphite;
- (p) gypsum;
- (q) ilmenite;
- (r) kaolin;
- (s) kyanite;
- (t) leucoxene;
- (u) lime sand;
- (v) limestone;
- (w) magnesite;
- (x) marble;
- (y) mica;
- (z) micaceous hematite;
- (za) monazite;
- (zb) palygorskite;
- (zc) peat;
- (zd) phosphate;
- (ze) potash;
- (zf) rutile;
- (zg) salt;
- (zh) shell grit;
- (zi) silica;
- (zj) silica sand;
- (zk) sillimanite;
- (zl) talc;
- (zm) vermiculite;
- (zn) wollastonite;
- (zo) xenotime;
- (zp) zircon;

- (zq) any other mineral that would be an extractive mineral for the purposes of the Act but for the fact that it is mined for a purpose prescribed for the purposes of paragraph (a) of the definition of *extractive minerals* in section 6(1) of the Act;

*national park* has the same meaning as in the *National Parks and Wildlife Act 1972*;

*prescribed lake*, *prescribed watercourse* and *prescribed well* have the same respective meanings as in the *Natural Resources Management Act 2004*;

*recreation park* has the same meaning as in the *National Parks and Wildlife Act 1972*;

*regional reserve* means a regional reserve constituted under Part 3 Division 4A of the *National Parks and Wildlife Act 1972*;

*State Heritage Area* and *State Heritage Place* have the same respective meanings as in the *Heritage Places Act 1993*.

## 6—Variation of Schedule 1—Fees

Schedule 1, item 2(b)(ii)—delete subparagraph (ii) and substitute:

- (ii) regulation component—
- |     |  |   |
|-----|--|---|
| (A) | in the case of an exploration licence in respect of land that is wholly within a zone 1 exploration regulation fee zone  | \$565.00 or<br>\$13.10 per km <sup>2</sup><br>or part of a km <sup>2</sup><br>in the area of<br>the licence,<br>whichever is the<br>greater |
| (B) | in the case of an exploration licence in respect of land that is within, or partly within, a zone 2 exploration regulation fee zone (and is not also partly within a zone 3 exploration regulation fee zone) | \$757.00 or<br>\$17.50 per km <sup>2</sup><br>or part of a km <sup>2</sup><br>in the area of<br>the licence,<br>whichever is the<br>greater |
| (C) | in the case of an exploration licence in respect of land that is within, or partly within, a zone 3 exploration regulation fee zone  | \$953.00 or<br>\$22.10 per km <sup>2</sup><br>or part of a km <sup>2</sup><br>in the area of<br>the licence,<br>whichever is the<br>greater |

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.

An area of the State is a *zone 1 exploration regulation fee zone*, a *zone 2 exploration regulation fee zone* or a *zone 3 exploration regulation fee zone* if it is declared as such by the Minister by notice under regulation 109.

**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 19 December 2019

No 247 of 2019