

CHAPTER 19 Mineral resource regulation

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ACTS AND REGULATIONS

In South Australia minerals are the property of the Crown, and access to land for mineral exploration is gained through provisions of the *Mining Act 1971* and Regulations, the *Offshore Minerals Act 2000* and the *Opal Mining Act 1995*. Exploration and mining cannot be undertaken either on Crown Land or private land, unless in accordance with the provisions of these Acts and Regulations.

Depending on the nature and location of the tenement, approvals and/or consultation may be required pursuant to legislation covering environmental, planning and Aboriginal issues. Specific details relating to these issues are discussed in the 'Land access and 'Aboriginal issues' sections below.

Mining Act

Regulation, administration and technical procedures relating to mineral exploration and mining in South Australia are dealt with by the Mineral Resources Group through the Mining Act and Regulations. In brief these:

- Provide that all minerals are the property of the Crown.
- Provide for the issue of mineral tenements that give rights with respect to mineral exploration and production.
- Establish landholder and licensee rights with regard to access to land and provides for compensation for any resulting damage.
- Provide for the regulation of operations within tenements.
- Provide for the collection of royalties on production; plus a range of fees for required approvals, annual tenement fees and penalties for breaches of the legislation.
- Provide for the appointment of inspectors and authorised persons to have access to tenements.
- Provide specific definitions of minerals, prospecting, exploration and mining.

The Mining Act and amendments can be accessed on the Parliament of South Australia website at <<http://www.parliament.sa.gov.au/dbsearch/acts-list.htm>>.

Review of the Mining Act

A comprehensive review of the Mining Act has commenced, with all areas of the current legislation (excluding Part 9B Native Title, and Part 11B Private Mines) being examined. Major areas of review are the number and types of mining title, royalties, the Extractive Areas Rehabilitation Fund, bonds and environmental assessments. An issues paper will be compiled in the near future for distribution to all relevant interest groups for comment.