

South Australia

# Mining (Fees) Notice 2020

under the *Mining Act 1971*

## 1—Short title

This notice may be cited as the *Mining (Fees) Notice 2020*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019*.

## 2—Commencement

This notice has effect on 1 January 2021.

## 3—Interpretation

In this notice—

*Act* means the *Mining Act 1971*;

*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);

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

*conservation reserve* means—

- (a) 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
- (b) 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;

*exploration regulation fee zone*—see regulation 87 of the *Mining Regulations 2020*;

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

*industrial minerals* has the same meaning as in the *Mining Regulations 2020*;

*level 1, level 2, level 3, or level 4 change*—see regulation 87 of the *Mining Regulations 2020*;

*tier 1, tier 2, tier 3 or tier 4 draft or tier 1, tier 2, tier 3 or tier 4 program*—see regulation 87 of the *Mining Regulations 2020*;

*zone 1 exploration regulation fee zone, zone 2 exploration regulation fee zone and zone 3 exploration regulation fee zone*—see regulation 87 of the *Mining Regulations 2020*.

#### 4—Fees

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act and payable as specified in that Schedule.
- (2) The fees set out in Schedule 2 are prescribed for the purposes of the Act and payable in connection with the submission of programs as specified in that Schedule.

### Schedule 1—Fees

1	Application for registration of mineral claim	\$615.00
2	Exploration licence—	
	(a) application fee	\$875.00
	(b) annual fee—the sum of the following components:	
	(i) administration component	\$175.00
	(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	\$576.00 or \$13.30 per km <sup>2</sup> or part of a km <sup>2</sup> in the area of the licence, whichever is the 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)	\$771.00 or \$17.80 per km <sup>2</sup> or part of a km <sup>2</sup> in the area of the licence, whichever is the 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	\$971.00 or \$22.50 per km <sup>2</sup> or part of a km <sup>2</sup> in the area of the licence, whichever is the 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.

3 Mining lease—

- (a) application fee—the sum of the following components:
- |                             |            |
|-----------------------------|------------|
| (i) base component          | \$1 750.00 |
| (ii) advertising component  | \$945.00   |
| (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 industrial minerals—
- |  |            |
|--|------------|
| • for a mining lease that has an estimated annual production of less than 100 000 tonnes of minerals | \$1 165.00 |
| • for a mining lease that has an estimated annual production of 100 000 tonnes or more of minerals   | \$5 820.00 |
- (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 <i>National Parks and Wildlife Act 1972</i> —         |  |
| — for a mining lease that has a capital cost of less than \$1 000 000  | \$1 165.00   |
| — 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 <i>and</i> is outside a reserve within the meaning of the <i>National Parks and Wildlife Act 1972</i> — |  |

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	—	for a mining lease that has a capital cost of less than \$1 000 000	\$1 165.00
	—	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	\$175.00
	(ii)	regulation component (other than for a mining lease that is authorised to recover, use and sell or dispose of solely extractive minerals)	\$345.00
4		Miscellaneous purposes licence—	
	(a)	application fee—the sum of the following components:	
	(i)	base component	\$1 750.00
	(ii)	advertising component	\$945.00
	(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 <i>National Parks and Wildlife Act 1972</i> —	
		• for a licence that has a capital cost of less than \$1 000 000	\$1 165.00
		• for a licence that has a capital cost of \$1 000 000 or more	0.25% of capital cost up to a maximum of \$200 000
	(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> —	
		• for a licence that has a capital cost of less than \$1 000 000	\$1 165.00
		• for a licence 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	\$175.00
	(ii)	regulation component	\$345.00
5		Retention lease—	
	(a)	application fee for an applicant who intends to carry out only exploration operations under the lease—the sum of the following components:	
	(i)	base component	\$875.00
	(ii)	assessment component; or	\$1 165.00

	(b)	application fee in any other case—the sum of the following components:	
	(i)	base component	\$875.00
	(ii)	advertising component	945.00
	(iii)	assessment component	\$5 820.00
	(c)	annual fee—the sum of the following components:	
	(i)	administration component	\$175.00
	(ii)	regulation component	\$345.00
6		Special mining enterprise—	
	(a)	application phase fee	\$250 000.00
	(b)	concept phase fee	\$25 000.00
7		Private mine— annual fee	\$175.00
8		Application for consent to transfer a mineral tenement or an interest in a mineral tenement—	
	(a)	base fee	\$615.00
	(b)	plus—	
	(i)	if the mineral tenement to which the application relates has an estimated rehabilitation liability of less than \$10 million as set out in the program approved under Part 10A of the Act; or	\$1 500.00
	(ii)	if the mineral tenement to which the application relates has an estimated rehabilitation liability of \$10 million or more as set out in the program approved under Part 10A of the Act	\$3 000.00
9		Application for approval under section 56R of the Act to make a change to which Part 8B Division 7 of the Act applies—	
	(a)	in relation to a mining lease that is authorised to recover, use and sell or dispose of solely extractive minerals or industrial minerals—	
	(i)	for a level 1 change	\$250.00
	(ii)	for a level 2 change	\$2 000.00
	(iii)	for a level 3 change	\$5 000.00
	(b)	in relation to a mining lease in any other case—	
	(i)	for a level 1 change	\$500.00
	(ii)	for a level 2 change	\$1 500.00
	(iii)	for a level 3 change	\$10 000.00
	(iv)	for a level 4 change	\$25 000.00
	(c)	in relation to a retention lease	\$2 500.00

(d)	in relation to a miscellaneous purpose licence	An amount equal to the fee payable under this notice in connection with the submission of a change in respect of the primary mining tenement to which the licence is ancillary
10	Application for approval under section 30AA(4)(c) of the Act	\$615.00
11	Application for approval of retention status in relation to a licence—	
	(a) under section 33B(3)(a) of the Act	\$615.00
	(b) under section 33B(3)(b) of the Act	\$1 000.00
	(c) under section 33B(3)(c) of the Act	\$615.00
12	Application for the amalgamation of the areas of 2 or more mineral tenements	\$615.00
13	Application for renewal of—	
	(a) mining lease	\$615.00
	(b) retention lease	\$615.00
	(c) miscellaneous purposes licence	\$615.00
	(d) exploration licence	\$615.00
14	Lodgement of an agreement (including an indigenous land use agreement) or determination with the Mining Registrar under Part 9B of the Act	\$615.00
15	Application for the registration of a mortgage	\$1 000.00
16	Application for registration of a caveat	\$1 000.00
17	Application for registration of dealing on Mining Register	\$1 000.00
18	Application for withdrawal of registration of a caveat, mortgage or dealing	\$500.00

## Schedule 2—Fees in relation to submission of programs etc

1	Submission of a program in respect of a mineral claim or exploration licence—	
	(a) base fee	\$1 500.00
	(b) plus—	
	(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; or	\$500.00
	(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; or	\$500.00
	(iii) if the program provides for mining operations to occur in a national park, a conservation park or a recreation park	\$1 500.00

2	Submission of a program in respect of a mining lease (other than if item 8 applies)	An amount equal to 50% of the assessment component of the application fee payable under this notice in respect of the tenement
3	Submission of a program in respect of a retention lease (other than if item 8 applies)	\$2 700.00
4	Submission of a program in respect of a miscellaneous purposes licence (other than if item 8 applies)	An amount equal to the fee payable under this notice in connection with the submission of a program in respect of the primary mining tenement to which the licence is ancillary
5	Combined program submitted for the purposes of section 70B of the Act relating to a group of mining tenements	An amount equal to the fee payable under this notice in connection with the submission of a program in respect of the primary mining tenement within the group
6	Submission to the Director of a draft set of objectives and criteria under section 73G(4) of the Act (other than if item 8 applies)	\$2 500.00
7	Submission to the Director of a draft of objectives or criteria as altered under section 73G(4) of the Act (other than if item 8 applies)—	
	(a) in the case of a tier 1 draft	\$1 000.00
	(b) in the case of a tier 2 draft	\$2 500.00
	(c) in the case of a tier 3 draft	\$5 000.00
	plus—	
	(d) if the draft relates to new mining operations to be carried out at a private mine	\$945.00
8	Despite items 2, 3, 4, 6 and 7 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 on submission of initial document is	\$1 250.00

	(d) the fees set out in item 9 apply for the purposes of determining the fee payable in connection with the submission of a revised document as if it were a revised program for the purposes set out in that item	
9	Submission of revised program—	
	(a) in respect of a mineral claim or exploration licence—	
	(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	\$500.00
	(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	\$500.00
	(iii) if the program provides for mining operations to occur in a national park, a conservation park or a recreation park	\$1 500.00
	(b) in respect of a mining lease that authorises mining operations for the recovery of extractive minerals or industrial minerals—	
	(i) in the case of a tier 1 program	\$250.00
	(ii) in the case of a tier 2 program	\$1 000.00
	(iii) in the case of a tier 3 program	\$5 000.00
	(c) in respect of a retention lease	\$2 500.00
	(d) in respect of a mining lease that authorises mining operations for the recovery of minerals (other than extractive minerals or industrial minerals)—	
	(i) in the case of a tier 1 program	\$500.00
	(ii) in the case of a tier 2 program	\$1 500.00
	(iii) in the case of a tier 3 program	\$10 000.00
	(iv) in the case of a tier 4 program	\$25 000.00
	(e) in respect of a miscellaneous purposes licence	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
	(f) lower prescribed fee in relation to submission of revised program in respect of which the Minister has made a determination under regulation 63(3) or (4) of the <i>Mining Regulations 2020</i>	\$250.00
10	Submission of a program pursuant to Schedule 5 clause 7 of the <i>Mining Regulations 2020</i>	\$2 500.00

**Made by the Minister for Energy and Mining**

on **11 DEC 2020**