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Title:
Press statement - Mining Act changes

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PRESS STATEMENT: 21/3/71.

FROM: THE PREMIER (MR. DUNSTAN)

Pr.D. 39/71.

SUBJECT: MINING ACT CHANGES.

Changes to South Australia's mining laws providing the framework for a new era of mineral exploration and discovery in the State were today foreshadowed by the Premier (Mr. Dunstan).

Mr. Dunstan, who is also Mines Minister, announced that he plans to introduce in the House of Assembly this week legislation for a new Mining Act.

"The present legislation contains a number of restrictive and obsolete provisions which have seriously hampered modern exploration in a number of important areas.

"Revision of the Act to provide a sound, rational basis for exploration and development was promised in the Labor Party's election programme and is urgently necessary.

"Recent discoveries in South Australia and elsewhere have again demonstrated the vast potential of our underground resources and underlined the need for Government encouragement of the expensive and risky exploration needed to prove these resources.

"Events have shown too that official encouragement must be coupled with the concern for the environment and provisions must be laid down to ensure that these wider obligations are met.

"The new Bill has the dual purpose of providing encouragement and control," Mr. Dunstan said.

One of the major changes in the Bill is aimed at improving access to potentially valuable mineral areas where exploration has until now been extremely difficult.

Freehold land throughout the State will be placed on the same basis, regardless of historical accident in the manner in which it was originally granted.

At the same time safeguards will be provided for holders of surface rights and existing mineral rights holders are to be given special transition and compensation facilities.

"Present arrangements governing access are anomalous. They date back to the last century with piecemeal alterations made from time to time since then", Mr. Dunstan said.

Before 1889, South Australian land grants included the ownership of minerals on or under the ground but land grants since then have vested mineral rights in the Crown.

The effect of this was to create two types of land for exploration and mining purposes, 'mineral land' with rights held by the Crown and 'private land' in which they were vested in the freehold owner.

The fact that the land is freehold does not matter. Land may be freehold and 'mineral' or 'private' depending entirely on the date of the original grant.

Access to mineral land is by means of a simple Miner's Right but access to private land must follow a complex procedure which has proved both cumbersome in operation and ineffective in protecting rights to discoveries.

The new Bill will provide for the resumption of all mineral rights by the Crown and will lay down the transition and compensation arrangements for present holders of mineral rights.

Any mining in operation on private land or starting within two years of proclamation ^(July 3) ~~of the new Act~~ will be permitted to take place outside of the Act.

Royalties paid on any minerals brought into production within ten years of the proclamation will continue to be paid to the former owners until the mine ceases operation.

The ~~Bill will also lay~~ ^{act has also laid} down machinery for giving written notice of entry to prospect on freehold land and consideration of objections.

Further protection for landowners ~~will be~~ ^{has been} provided by clauses requiring prospectors to convert mineral claims to mining leases before actual mining operations can begin.

Such leases ~~will~~ ^{will} specify that there should be progressive restoration and rehabilitation of land and payment of rent to the owner.

Prospectors will be able to take samples but will not be permitted to use heavy earth-moving equipment without consent of the landowner or Warden.

Only owners of freehold land will be entitled to peg stone, sand, gravel and shell on their land where mining can cause hardship out of proportion to the relatively low value of the minerals.

The ~~Bill will also simplify~~ ^{Present} provisions for the granting of exploration rights ~~have been simplified~~ ^{have been simplified}

An 'Exploration Licence' will supercede the present 'Special Mining Leases' and will permit exploration for all minerals except precious stones.

Licences will be issued for periods of up to two years and will normally be granted over areas not exceeding 2,500 square kilometres (about 1,000 square miles).

The holder of an Exploration Licence will have the right to obtain a Mining Title for any minerals found.

Special arrangements are ~~made in the new Bill~~ ^{have been made} for precious stones, including opal mining, Mr. Dunstan said.

"They will be designed to reserve known areas for small prospectors and to make provision for reasonable restoration of the ground after use.

"The proposals have been submitted to representatives of the miners at Coober Pedy and Andamooka fields and are generally acceptable."

Boundaries of precious stones fields will be defined and the opal fields will be declared as such. A special type of Miner's Right (a Precious Stones Prospecting Permit) will be required before a claim can be pegged.

To prevent further land destruction of the type that has taken place at Andamooka and Coober Pedy the use of bulldozers will not be permitted except on a registered claim and operators will be required to tidy up cuts before going on to a new claim.

Provision ~~will be made~~ ^{has been made} to enable joint operation of up to four adjoining claims by mutual agreement of the claimholders.

A general provision ~~in the Bill will~~ provide substantial penalties for illegal mining.

The Premier said ~~this had not been a serious problem in S.A. in the past but there had been some cases recently, especially on the opal fields, and it had been decided to increase the penalties.~~ ^{this had become an increasingly serious problem in S.A. particularly in the opal fields}

~~"During the second half of the last century, S.A. was a world mining centre because of its copper deposits. This headstart gave us a lead in mineral development which is still reflected in the concentration here on mining research operations.~~

~~"There have, too, been significant discoveries of ore bodies over the past few years, but in the nationwide race for mining development we have lagged behind.~~

~~"I am convinced this new Bill will provide the legislative basis for South Australia to give a lead once again", Mr. Dunstan said.~~