

MN303*

Mining Act 1978

Mining Amendment Regulations (No. 6) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mining Amendment Regulations (No. 6) 2000*.

2. Commencement

These regulations come into operation on the day on which section 5 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Mining Regulations 1981**.

[* Reprinted as at 21 July 2000.]

4. Regulation 66 amended

Regulation 66(d) is deleted and the following paragraph is inserted instead —

“ (d) Map Grid of Australia 1994 coordinates. ”.

5. Part V Division 5A inserted

After regulation 89 the following Division is inserted —

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Division 5A — Prescribed Australian datum

89A. Geocentric Datum of Australia — section 9B

- (1) This regulation has effect subject to the transitional provisions set out in the Third Schedule.
- (2) The Geocentric Datum of Australia (“**the GDA**”) is prescribed for the purposes referred to in section 9B.
- (3) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (“**GRS80**”) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (1/f) of 298.257 222 101.

- (4) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 012	Alice Springs	23° 40' 12.44592"	133° 53' 07.84757"	603.358 m
AU 013	Karratha	20° 58' 53.17004"	117° 05' 49.87255"	109.246 m
AU 014	Darwin	12° 50' 37.35839"	131° 07' 57.84838"	125.197 m
AU 015	Townsville	19° 20' 50.42839"	146° 46' 30.79057"	587.077 m
AU 016	Hobart	42° 48' 16.98506"	147° 26' 19.43548"	41.126 m
AU 017	Tidbinbilla	35° 23' 57.15627"	148° 58' 47.98425"	665.440 m
AU 019	Ceduna	31° 52' 00.01664"	133° 48' 35.37527"	144.802 m
AU 029	Yaragadee	29° 02' 47.61687"	115° 20' 49.10049"	241.291 m

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6. Third Schedule inserted

After the Second Schedule the following Schedule is inserted —

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Third Schedule — Transitional provisions relating to Geocentric Datum of Australia

[r. 89A]

1. Interpretation

- (1) In this Schedule —

“**Australian Geodetic Datum**” means the datum described in clause 2;

“**block**” means a block as described in section 56C;

“**commencement day**” means the day on which section 5 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation;

“**existing exploration licence**” means an exploration licence referred to in clause 3(1) or (3);

“**number**”, in relation to a block, has the same meaning as it has in section 56C(4);

“**prescribed land**” means all of an area of land that, as a result of the operation of section 9B in relation to the Geocentric Datum of Australia referred to in regulation 89A —

- (a) immediately before the commencement day, was on the western and southern boundaries, but not within, a block or blocks; and

- (b) on the commencement day, is in the block or blocks identified by reference to the same number or numbers by reference to which the block or blocks referred to in paragraph (a) was or were identified.
- (2) The note and diagram after clause 8 are provided to assist understanding and do not form part of this Schedule.

2. Australian Geodetic Datum

- (1) For the purposes of this Schedule, the Australian Geodetic Datum is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6 378 160 m and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.
- (2) The Johnston Geodetic Station is taken to be situated at —
 - (a) 25° 56' 54.5515" south latitude and 133° 12' 30.0771" east longitude; or
 - (b) where decimal reckoning is used, 25° 56.90919' south latitude and 133° 12.50129' east longitude,and to have a ground level elevation of 571.2 m above the ellipsoid referred to in subclause (1).

3. Exploration licences

- (1) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an exploration licence in force before the commencement day is to be determined by reference to the Australian Geodetic Datum.
- (2) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an application for an exploration licence lodged before the commencement day and pending immediately before that day is to be determined by reference to the Australian Geodetic Datum.
- (3) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an exploration licence granted on or after the commencement day in respect of an application referred to in subclause (2) is to be determined by reference to the Australian Geodetic Datum.

4. Land surrendered or forfeited etc.

- (1) If after the commencement day —
 - (a) land becomes available from an existing exploration licence; and

- (b) any portion of that land is in a block in respect of which an exploration licence has been granted in respect of an application lodged on or after the commencement day,

the exploration licence referred to in paragraph (b) is to be amended, by force of this subclause, to include the land that has become available from the existing exploration licence.

- (2) If after the commencement day —

- (a) land becomes available from an existing exploration licence; and
- (b) any portion of that land is in a block in respect of which an application for an exploration licence is lodged on or after the commencement day,

the application referred to in paragraph (b) is taken to extend to the land that has become available from the existing exploration licence and, if an exploration licence is granted in respect of that application, that land is to be included in the exploration licence.

- (3) Subclauses (1) and (2) do not apply if —

- (a) the land that becomes available from an existing exploration licence has been included in an application under section 67 or 70B; and
- (b) a mining lease, general purpose lease or retention licence has been granted in respect of the application.

- (4) Subclause (2) does not apply if the land that becomes available from an existing exploration licence is in a block identified by reference to the same number as a block in respect of which an application referred to in subclause (2)(b) has been lodged.

- (5) A reference in this clause to land becoming available from an existing exploration licence is a reference to the land that is the subject of the licence being surrendered under section 65 or to the surrender, forfeiture (otherwise than under section 98) or expiry of the licence.

5. Land exempted under section 19

For the purposes of the Act or these regulations, the position on the surface of the Earth of land that is the subject of an exemption given by an instrument in force under section 19 and made before the commencement day is to be determined by reference to the Australian Geodetic Datum.

6. Areas declared under section 57(4), and savings

- (1) For the purposes of the Act or these regulations, the position on the surface of the Earth of land that is the subject of a declaration in force under section 57(4) and made before the commencement day is to be determined by reference to the Geocentric Datum of Australia.
- (2) Subclause (1) does not affect the validity of —
 - (a) an existing exploration licence; or
 - (b) an application for an exploration licence lodged before the commencement day and pending immediately before that day.

7. Certain prospecting licences and mining leases may be amalgamated with existing exploration licences

- (1) If a person is the holder of both an existing exploration licence and another tenement, the person or an agent of the person may, without marking out the land, apply in writing to the Minister in the manner prescribed for the purposes of section 67A(1) for the other tenement, or part of the other tenement, to be amalgamated with the exploration licence.
- (2) Another tenement, or part of another tenement, cannot be amalgamated with an exploration licence under this clause unless the land that is the subject of the other tenement, or of that part of the other tenement, is —
 - (a) wholly within the same block or same blocks within which the land that is the subject of the exploration licence is situated; and
 - (b) contiguous with the land referred to in paragraph (a).
- (3) Subject to subclause (2), section 67A(4) and (5) apply to an application under subclause (1) as if —
 - (a) the application had been made under section 67A(1); and
 - (b) a reference in section 67A(4) or (5) to “secondary tenement” were a reference to, as the case requires, the “other tenement” or “part of the other tenement” mentioned in subclause (1).
- (4) This clause does not affect the operation of section 67A.
- (5) In this clause —

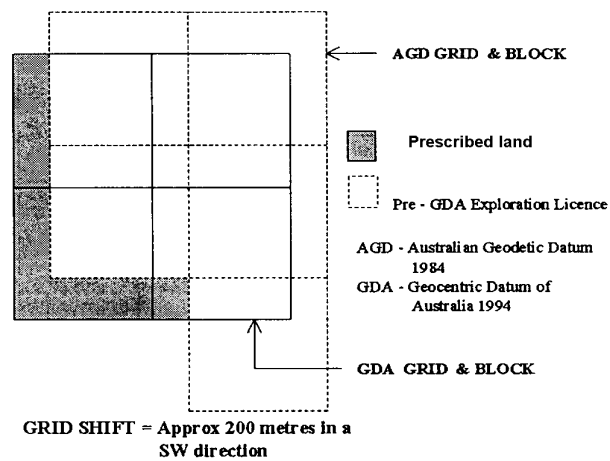
“another tenement” or “other tenement” means a prospecting licence or mining lease applied for and granted after the commencement day in respect of prescribed land.

8. Prescribed land does not need to be marked out

Despite section 105, if an application for a prospecting licence or mining lease is made on or after the

commencement day in respect of prescribed land only, that land does not need to have been marked out.

Note: The following diagram shows an example of prescribed land referred to in this Schedule.



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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.