



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 97 of 1982

An Act to amend the Mining Act, 1971-1981.

[Assented to 23 December 1982]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Mining Act Amendment Act, 1982".

(2) The Mining Act, 1971-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Mining Act, 1971-1982".

Commencement.

2. This Act shall be deemed to have come into operation upon the commencement of the Mining Act Amendment Act, 1981.

Amendment of s. 9—
Exempt lands.

3. Section 9 of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:

(a) the person who has the benefit of an exemption under this section, by agreement with a mining operator, waives the exemption;

or

(b) the Land and Valuation Court, on the application of a mining operator, determines compensation to be paid by the mining operator to the person or persons who have the benefit of the exemption,;

and

(b) by inserting after subsection (3a) the following subsections:

(3b) The following persons shall, for the purposes of this section, be regarded as having the benefit of an exemption under this section—

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- (a) the owner of the exempt land;
and
- (b) in the case of land that is exempt from mining operations under subsection (1) (d) by reason of its proximity to other land on which a dwellinghouse, factory, building, spring, well, reservoir or dam is situated—the owner of that other land.
- (3c) An agreement or determination under subsection (3) is binding on—
- (a) successors in title to those owners of land who had the benefit of the former exemption;
and
- (b) the holders from time to time of any mining tenement in pursuance of which mining operations (being mining operations in respect of which the agreement or determination was made) are carried out.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor