



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 69 of 1970

An Act to amend the Mines and Works Inspection Act, 1920-1966.

[Assented to 17th December, 1970]

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

Short title.

1. (1) This Act may be cited as the "Mines and Works Inspection Act Amendment Act, 1970".

(2) The Mines and Works Inspection Act, 1920-1966, as amended by this Act, may be cited as the "Mines and Works Inspection Act, 1920-1970".

(3) The Mines and Works Inspection Act, 1920-1966, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 4— Interpretation.

2. Section 4 of the principal Act is amended by inserting after the definition of "owner" the following definition:—

"the appeal board" means the Mines and Works Appeal Board established under section 10b of this Act.

Amendment of principal Act, s. 10— Powers of inspector.

3. Section 10 of the principal Act is amended—

(a) by inserting after subparagraph (e) of paragraph III of subsection (1) the following subparagraph:—

(f) the effect of any mine, mining operation or practice, or operation or practice incidental or ancillary thereto, upon the amenity of any area or place; ;

(b) by inserting after paragraph IV of subsection (1) the following paragraph:—

IVa. He may order the cessation of any mining operation or practice, or any operation or practice incidental or ancillary thereto, that in his opinion, has impaired unduly or is likely to impair unduly the amenity of any area or place and he may give such other directions as he considers necessary or desirable to prevent or reduce undue impairment of the amenity of any area or place;

and

(c) by inserting in subsection (3) after the passage “for an offence under this section” the passage “(except an offence arising from contravention of, or failure to comply with, an order or direction that is appealable under section 10a of this Act)”;

4. The following sections are enacted and inserted in the principal Act after section 10 thereof:—

Enactment of new ss. 10a, 10b and 10c of principal Act—

10a. (1) A person who is required to comply with an order or direction under paragraph IVa of section 10 of this Act, may, by notice in writing addressed to the secretary to the appeal board, appeal against the order or direction.

Appeals.

(2) The appeal board shall consider any appeal under subsection (1) of this section and may affirm, vary or revoke the order or direction subject to appeal.

(3) The appeal board may inform itself in such manner as it thinks fit concerning the subject matter of the appeal.

(4) An appellant to the appeal board who is aggrieved by a decision of the board may, by notice in writing, appeal to the Minister.

(5) The Minister may, upon consideration of an appeal, affirm, vary or revoke the order or direction subject to appeal.

10b. (1) There shall be a board entitled the “Mines and Works Appeal Board”.

Establishment of appeal board.

(2) The appeal board shall consist of three members appointed by the Governor of whom—

(a) one shall be a person who is in the opinion of the Governor qualified and experienced in mining engineering;

(b) one shall be a person who has had, in the opinion of the Governor, extensive experience in the conduct of mining operations;

and

(c) one shall be a person who is, in the opinion of the Governor, qualified to assess the aesthetic effect of mining operations and practices upon the environment in which they are carried out.

(3) The Governor may appoint one of the members of the appeal board to be chairman of the appeal board.

(4) A person who holds office in the Department of Mines, or who has any direct or indirect financial interest in the conduct of mining operations in this State shall not be a member of the appeal board.

(5) The members of the appeal board shall hold office for such term, and upon such terms and conditions, as may be determined by the Governor.

(6) The Governor may make such appointments as are necessary to fill any vacancy occurring in the membership of the appeal board, and may appoint a person to be a deputy of a member if the member is unable to perform his duties as a member because of illness or any other cause, or if it is otherwise expedient so to do, and a person so appointed to be a deputy of the chairman shall be deemed to be the chairman while so appointed.

(7) The Public Service Act, 1967, as amended, shall not apply to or in relation to the appointment of a member of the appeal board and a member shall not, as such, be subject to that Act.

(8) The office of a member of the appeal board may be held in conjunction with any office in the public service of the State.

(9) A suitable person shall be appointed by the Governor to be secretary to the appeal board.

Quorum, etc.

10c. (1) Two members of the appeal board shall constitute a quorum of the appeal board and no business shall be transacted unless a quorum is present.

(2) A decision concurred in by two members of the appeal board shall be a decision of the board.

5. Section 18 of the principal Act is amended by inserting after the passage "caused by mining operations" in subsection (1) the passage "and for preserving the amenity of any area or place from impairment by mining operations and practices, and operations and practices incidental or ancillary thereto,".

Amendment of principal Act, s. 18—Regulations.

6. The second schedule to the principal Act is amended by inserting after paragraph 24 the following paragraph:—

Amendment of second schedule of principal Act.

25. The preservation of the amenity of any area or place from impairment by mining operations or practices, or any operations or practices incidental or ancillary thereto, and without limiting the generality of the foregoing, the regulations made under this paragraph may—

- (a) regulate, restrict or prohibit any such operations that interfere with the surface of any land;
 - (b) regulate the position in which any excavations or other mining operations may be made or conducted;
 - (c) regulate the treatment and disposal of overburden and waste products;
 - (d) regulate, restrict or prohibit the treatment or disposal of overburden or waste products in prescribed areas or places, or in areas or places of a prescribed kind;
 - (e) require that any plant or mining operations be screened from view in a prescribed manner;
 - (f) require the restoration of the surface of the land in a prescribed manner;
- and
- (g) regulate the positioning, installation and removal of mining equipment and buildings used in connection with mining operations.

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

J. W. HARRISON, Governor.