

Government of India
Ministry of Mines

**A COMPARATIVE STUDY OF
MINING LAWS OF INDIA AND
AUSTRALIA**



INDIAN BUREAU OF MINES
Nagpur

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Preface


The publication entitled 'A comparative Study of Mining Laws of India and Australia' is the latest addition to the Mining Law Series of Indian Bureau of Mines publications. The scope of the study of the publication is restricted to the mining laws of India and Australia. The intent of the study is to reconnoitre the prevailing mining laws in the four Australian states of New South Wales, Queensland, South Australia & Western Australia and one Territory of Northern Australia besides India. This publication succeeds the earlier publication, namely, 'A comparative study of Mining Laws of India and five selected countries — Brazil, Canada, Indonesia, Namibia and South Africa published by Indian Bureau of Mines in November, 2006.

Indian Bureau of Mines, a multi-disciplinary organisation under the Ministry of Mines, Government of India, through its multifarious functions, such as, inspection of mines & scientific development, promotion of conservation, geological studies, approval of mining plans, conducting environmental studies, technical upgradation and beneficiation of low grade ores, preparation of mineral maps and national mineral inventory plays a pivotal role in serving the nation particularly the mineral industry. The mainstay of the Bureau is its role as adviser to the Government and the industry on matters regarding development of mineral industry, protection of environment, export & import of minerals and related matters. The Bureau, inter alia, submits suggestions & advises the Central Government on legislative matters concerning mines and minerals. As a repository body of Mines & Minerals information, the Bureau collates and analyses information on mining legislation in force in the major mineral producing countries of the world periodically to ascertain and assimilate the experiences of these countries. The relevance of this exercise has become all the more pronounced – especially in the backdrop of the liberalisation of Indian economy – in matters of mineral policies to juxtapose their relevance in tandem with the globalisation of economies worldwide. The knowledge thus gained forms a basis for a hopeful prognosis of framing useful mining laws to suit the Indian context.

The publication broadly delves into the status of mining laws of India and Australia and draws comparison between the following important legislative aspects, such as, purpose, definitions, ownership rights & administration/control, mineral concessions for prospecting licence, exploration licence, retention licence, mining lease, general purpose lease, mineral claims, royalty/dead rent, environment, etc. Additionally, salient features of mineral legislation of the states of Australia included in the study and India are presented in a tabular form at the end of the respective chapters of the publication.

The materials of study were largely compiled from the information obtained from the websites as suggested by the embassies of India and Australia. Even though, access to the latest official texts on the mining laws of the countries was limited, a concerted effort to prepare a comprehensive publication was nonetheless undertaken. It is hoped that the publication will be of use to planners, the industry and all those who are engaged in the study of world mining laws alike, enabling them to construe a broad elucidation of the mining legislation in the aforementioned states of Australia and India.

Nagpur
Dated: 26 June 2007


(C.P. Ambesh)
Controller General
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Introduction

This publication titled 'A comparative study of Mining Laws of India and Australia' was taken up with a view to study the mining legislation of India and Australia, which includes New South Wales, Queensland, South Australia Western Australia and Northern Territory. Australia represents one of the important mineral producing countries. Though, Australia is federal in structure, various states have their own mining legislation. In 1901, separately constituted colonies of New South Wales, Victoria, Queensland, South Australia, Western Australia & Tasmania were federated under the name of Commonwealth of Australia, the designation of "colonies" was changed into respective states except the Northern Territory. In Australia, there is no central mining legislation. Australia has also opened up its mining sector for private participation both domestic and foreign. As mentioned above the salient features of the four Australian states and one territory of Australia covered in this publication are broadly indicated below:

New South Wales: The systems of the Act related to mining activity, may be cited as the Mining Act 1992. The Act makes provision with respect to prospecting and mining of minerals; to repeal the Mining Act 1973 and the Coal Mining Act 1973. This Acts binds the Crown in right of New South Wales and in so far as the legislative power of Parliament permits, the crown in all its other capacities. New South Wales contains extensive mineral deposits. Coal and metal ore are major minerals produced.

Queensland: The system of the Act related to mining activity, may be cited as the Mineral Resources Act, 1989. The Act provides for the assessment, development and utilization of mineral resources to maximum extent practicable, consistent with sound economic and land use management. It also provides an administrative framework to expedite and regulate prospecting and exploring and mining of minerals. Queensland has large reserves of coal, bauxite, gold, copper, silver, lead, zinc, nickel, phosphate rock and limestone.

South Australia: South Australian mining activity is governed by the Mining Act, 1971. It provides to regulate and control the activities such as prospecting, exploration for minerals and mining operations. The principal metallic minerals produced are copper, iron ore, uranium oxide, gold and silver.

Western Australia: The Act related to mining, may be cited as Mining Act, 1978. The main purpose of this Act is to carry out mining operations in systematic manner, so as to help the growth of this sector speedily. Mining is a significant contributor to the Western Australian economy. Petroleum is the most valuable contributor to the resource sector in the state. The major minerals produced are gold, iron ore, nickel, bauxite, mineral sand and salt.

Northern Territory: The Northern Territory is a federal territory of Australia. The Act related to mining, may be cited as the Mining Act. The main objects of this Act are to provide a framework within which persons may undertake activities to explore for and mine mineral resources.

As stated above, the present study comprising the legislative framework of India and Australian States like New South Wales, Queensland, South Australia, Western Australia & Northern Territory, seeks to highlight the salient general features, such as, ownership rights & administrative control, prospecting licence, exploration licence, retention licence, mining lease, general purpose lease, mineral claims, royalty & dead rent, environmental aspects, etc.

It is hoped that the publication will throw ample light on the mining laws of Australian states facilitating the reader to appreciate better the mineral legislation of Australia.

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