



STATUTES AMENDMENT (NATIVE TITLE) ACT 1998

No. 23 of 1998

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ELIZABETHAE II REGINAE

A.D. 1998

No. 23 of 1998

An Act to amend the Mining Act 1971, the Native Title (South Australia) Act 1994 and the Opal Mining Act 1995.

[Assented to 2 April 1998]

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (Native Title) Act 1998*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2
AMENDMENT OF MINING ACT 1971**

Amendment of s. 19—Private mine

4. Section 19 of the principal Act is amended by striking out from subsection (19) "Supreme Court and substituting "ERD Court".

Amendment of s. 63K—Types of agreement authorising mining operations on native title land

5. Section 63K of the principal Act is amended by inserting in subsection (2) ", and is not an applicant for," after "who does not hold".

Amendment of s. 63O—Expedited procedure where impact of operations is minimal

6. Section 63O of the principal Act is amended—

(a) by inserting in subsection (4) "ERD" before "Court", first occurring;

(b) by inserting after subsection (4) the following subsection:

(5) An objection under subsection (4) must be given to the proponent and a copy given to the ERD Court.

Amendment of s. 63ZD—Expiry of this Part

7. Section 63ZD of the principal Act is amended by striking out "two years after the date of its commencement" and substituting "on 17 June 2000".

Amendment of s. 65—Powers, etc., of Warden's Court

8. Section 65 of the principal Act is amended by striking out from subsection (4) "Supreme Court" and substituting "ERD Court".

PART 3

AMENDMENT OF NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

Amendment of s. 9—Mediator

9. Section 9 of the principal Act is amended—

(a) by inserting in subsection (1) "the Judges of the Court and" after "among";

(b) by inserting after subsection (1) the following subsection:

(1a) A member of the Court may be appointed to assist a mediator in the conduct of the conference and a member so appointed is entitled to be present at the conference and to provide advice to the mediator.

Substitution of s. 12

10. Section 12 of the principal Act is repealed and the following section is substituted:

Disqualification

12. Unless all parties agree to the contrary, a member of the Court who has acted as mediator, or assisted a mediator, at a conference under this Division is disqualified from taking further part in the proceedings.

Amendment of s. 16—Notice of hearing and determination of native title questions

11. Section 16 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) This section does not apply to a native title question arising in proceedings of a kind prescribed by regulation.

PART 4

AMENDMENT OF OPAL MINING ACT 1995

Amendment of s. 53—Types of agreement authorising mining operations on native title land

12. Section 53 of the principal Act is amended by inserting in subsection (2) ", and is not an applicant for," after "who does not hold".

Amendment of s. 71—Expiry of this Part

13. Section 71 of the principal Act is amended by striking out "two years after the commencement of this Act" and substituting "on 17 June 2000".

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

E. J. NEAL Governor