

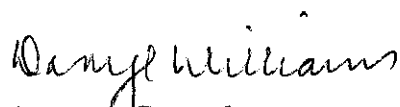


# Native Title (Approved Exploration etc. Acts — New South Wales) (Mining) Determination 2000<sup>1</sup>

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I, DARYL ROBERT WILLIAMS, Attorney-General, acting under subsection 26A (1) of the *Native Title Act 1993*, determine that each act included in the class of acts mentioned in Part 2 of Schedule 1 is an approved exploration etc. act.

Dated 17 October 2000

  
Attorney-General

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## Schedule 1 Approved exploration etc. acts

### Part 1 Interpretation

1. In Part 2 of this Schedule, a reference to a low-impact exploration licence is a reference to a low-impact exploration licence:
  - (a) that is subject to the condition that the holder of the licence is not authorised to carry out prospecting operations on any land in relation to which there are any registered native title bodies corporate or registered native title claimants otherwise than in accordance with an access arrangement between the holder of the licence and each registered native title body corporate or each registered native title claimant; and
  - (b) in relation to which each registered native title body corporate, or each registered native title claimant, has the same rights (including procedural rights) regarding the making and enforcement of the access arrangement as that body corporate or claimant would have if the body corporate or claimant were the holder of an estate in fee simple in relation to the land concerned; and

- (c) in relation to which (in the case of the acts mentioned in clauses 4 and 6 in Part 2) notice of the application for the grant of the licence or for the amendment of an exploration licence to convert it to the licence, as the case may be, was served on any representative Aboriginal/Torres Strait Islander body for the area that includes the land covered by the licence not less than 4 months before the grant or amendment.
2. In clause 1:  
**access arrangement** means an access arrangement under Division 2 of Part 8 of the *Mining Act 1992*<sup>2</sup> of New South Wales that is:
- (a) agreed between the holder of the licence and each registered native title body corporate or each registered native title claimant; or
  - (b) determined for those parties by an arbitrator who has the power to determine whether the holder of the licence is entitled to a right of access to the land concerned.
3. The following expressions used in this Part have the same meaning as in the *Mining Act 1992* of New South Wales:
- (a) prospecting operations;
  - (b) registered native title body corporate;
  - (c) registered native title claimant;
  - (d) representative Aboriginal/Torres Strait Islander body.

## Part 2 Class of acts

4. The grant of an exploration licence under section 22 of the *Mining Act 1992* of New South Wales that is a low-impact exploration licence under, and in accordance with, Division 5 of Part 3 of that Act.
5. The renewal of an exploration licence under section 114 of the *Mining Act 1992* of New South Wales that is a low-impact exploration licence under, and in accordance with, Division 5 of Part 3 of that Act.
6. The amendment, under clause 62 in Part 4 of Schedule 6 to the *Mining Act 1992* of New South Wales, of an exploration licence (and its conditions) that was in force immediately before the commencement of Division 5 of Part 3 of that Act, to convert the licence to a low-impact exploration licence under, and in accordance with, that Division.

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### Notes

1. This Determination commences on gazettal: see *Acts Interpretation Act 1901*, section 48 and *Native Title Act 1993*, section 214.
2. Paragraph 10A (a) of the *Acts Interpretation Act 1901* provides that a reference to the short title of a State Act is to be construed as a reference to the Act as originally enacted or made and as amended from time to time.