

Fitzroy Basin Association CQ Mining Forum

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Some Important Obligations, Rights &
Responsibilities of Miners and Land Owners

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Notice of Entry

S.32, S.163, S.211 Mineral Resources Act

- Holder of:
 - Prospect Parcel Prospecting Permit;
 - Exploration Permit;
 - Mineral Development License

Must give landowner notice of entry 5 days entering the land.

Notice of Entry

S.32, S.163, S.211 Mineral Resources Act

- In relation to EP & MDL notice must:
 - Describe proposed activities and when to be carried out on the land;
 - Be accompanied by copy of codes of conduct or practice and any statement given to the Minister about rehabilitation;
 - Notice of entry only lasts 3 months unless land owner agrees to longer period.

Types of Mining Lease Application

- Mining Lease application over whole of surface area
- Mining Lease application over part only of surface area.
- Renewal of Mining Lease
- Applicant must hold an existing Prospecting Permit, Exploration Permit or MDL to be eligible to apply for a Mining Lease

Marking out Mining Lease Boundary

S.240 & S.241 Mineral Resources Act

- Before making application the Mining Lease Applicant must mark out boundary of the area subject to the application in prescribed manner:
 - Mark each corner of the land applied for with a post or cairn;
 - Mark out one post as a datum post;
 - Mark each post with Applicant's initials and the date of marking.

Mining Lease Application

S.245 Mineral Resources Act

- An Application for grant of a Mining Lease is lodged with the relevant Mining Registrar

Mining Lease Application

S.245 Mineral Resources Act

- The Mining Lease Application must:
 - Identify the boundaries of the land with sketch or map subject to the Application;
 - Describe the lands and improvement on land subject to the Application;
 - Nominate the term of the Lease sought and the size and shape of the proposed lease;
 - Be accompanied by a statement outlining the mining program and proposed infrastructure requirements.

Certificate of Application

S.252 Mineral Resources Act

- If the Mining Registrar is satisfied with the Mining Lease Application a Certificate of Application is issued;
- Within 5 business days after signing of the Certificate of Application the Applicant must give to each land owner:
 - A copy of the Certificate of Application;
 - A copy of the Application for Mining Lease.

Certificate of Public Notice

S.252 A & S.252 B Mineral Resources Act

- After a period of consideration of the Application for Mining Lease by the EPA and other stakeholders, the EPA will issue to the Mining Registrar:
 - Copy of the relevant Code of Environmental Compliance containing standard environmental conditions; or
 - A draft Environmental Authority.

Certificate of Public Notice

S.252 A & S.252 B Mineral Resources Act

- Within 5 business days the Mining Registrar must issue a Certificate of Public Notice which states:
 - The number of the proposed Mining Lease, the date and time the Application for Mining Lease was lodged;
 - The last objection day; and
 - Where the Application may be inspected.

Certificate of Public Notice

- The last objection day must be at least 20 business days after the date the Certificate is given;
- Mining Lease Applicant must:
 - Post a copy of the Certificate of Public Notice on the datum post;
 - Durably engrave or mark the number of the proposed Mining Lease on the datum post;
 - Give a copy of the Certificate of Public Notice to each relevant landowner;
 - Publish the Certificate of Public Notice in an approved newspaper.

Objections

S.260 & S.268 Mineral Resources Act

- An affected land owner or any other party may lodge objection to the Mining Lease Application
- The objection must:
 - Be in writing;
 - State the grounds of the objection;
 - State the facts and circumstances relied on by the objector in support of the grounds;
 - Lodge the objection with the Mining Registrar and serve a copy on Mining Lease Application before the last objection day.

Importance of Objections

- Only an objector has the right to be heard in the Land & Resources Tribunal in the hearing for the Application for the Mining Lease
- An objector is limited to the grounds set out in the objection
- If the objection is not sustainable the Mining Lease Applicant may apply to strike out all or some of the objections
- If an objector lodges an objection and withdraws the objection at or before the hearing costs may be awarded against the objector

Restricted Land

S.238 & definitions Mineral Resources Act

- Restricted land (exclusion zones) can be Category A or Category B
- Category A means land within 100m laterally of a permanent building used:
 - Mainly for accommodation or business; or
 - For community, sporting or recreational purposes or place of worship

Restricted Land

S.238 & definitions Mineral Resources Act

- Category B means land within 50m laterally of a:
 - A principle stock yard;
 - A bore or artesian well;
 - A dam;
 - Another artificial water storage connected to a water supply;
 - A cemetery or burial place.

Restricted Land

- If at the date of lodgment of the Mining Lease land was restricted land, the Mining Lease can only be granted over surface of land to which the land owner consents in writing
- Written consent of land owner must be given before the last objection day ends

Restricted Land



Dam

Sheds



House



Yards

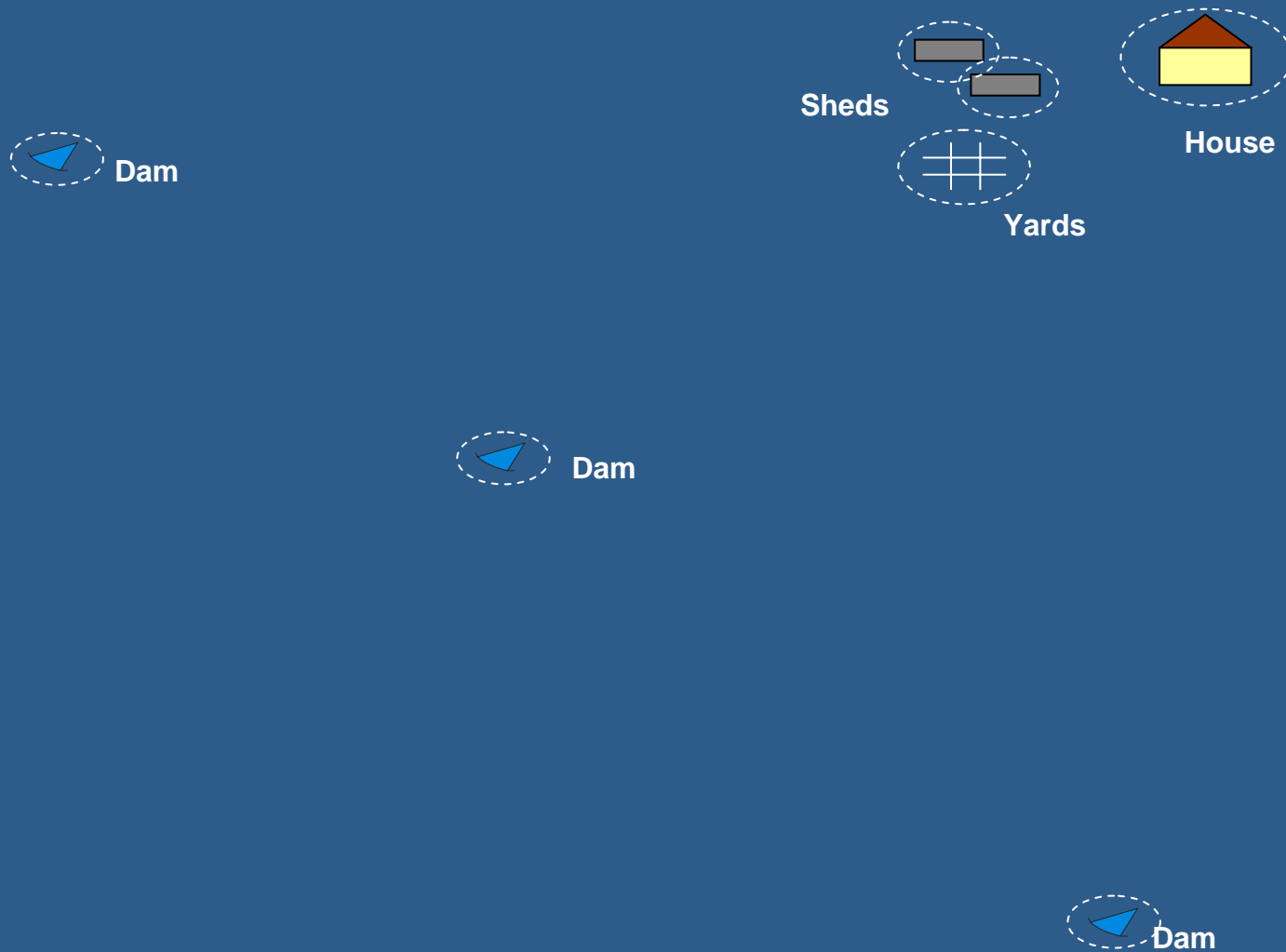


Dam



Dam

Restricted Land



Restricted Land



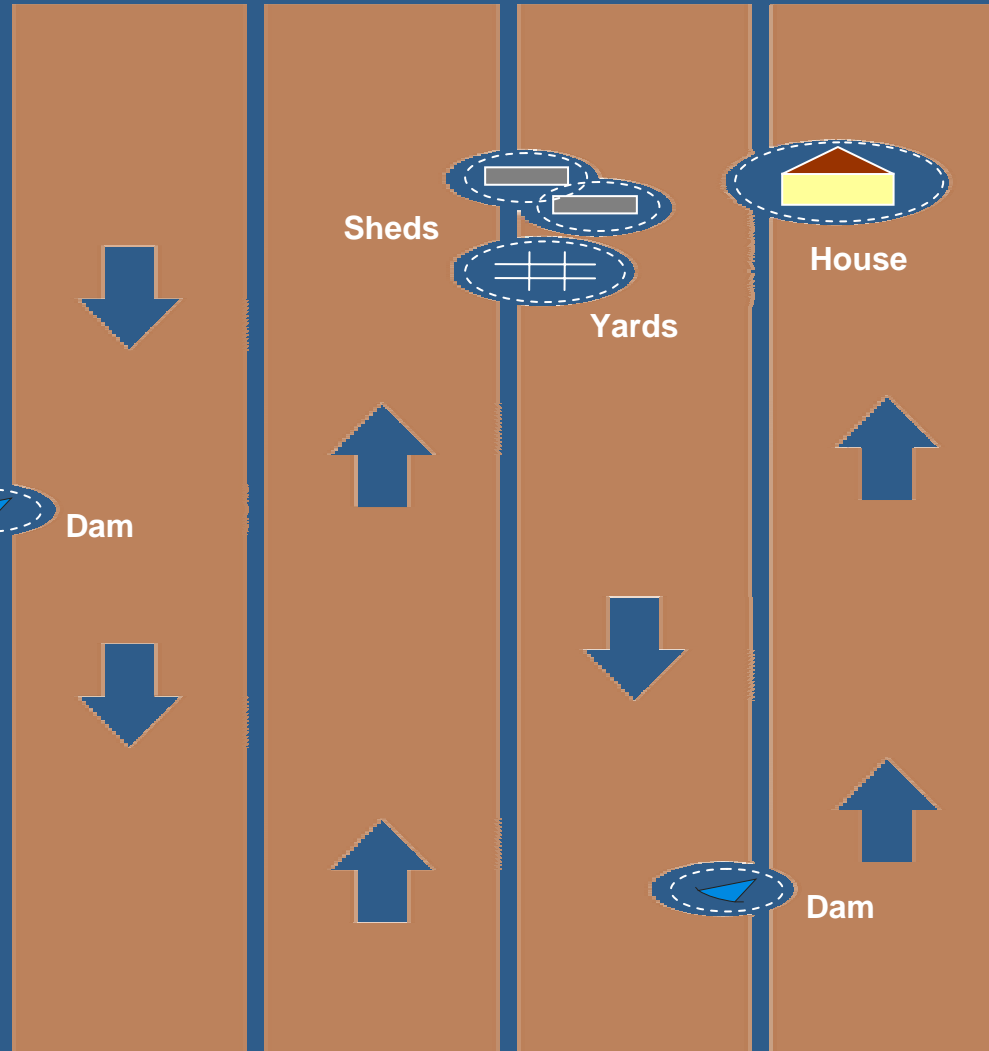
Dam



Dam



Dam



Sheds

Yards

House



In Summary

- Notice of entry must be given to the landowner by holder of:
 - Parcel Prospecting Permit;
 - Exploration Permit; or
 - Mineral Development License
- An Application for Mining Lease must be pegged correctly
- The Application, Certificate of Application and Certificate of Public Notice must be served correctly

- An objection must be in writing and lodged before the last objection day set out in the Certificate of Public Notice
- An objector is limited to the grounds set out in the written objection at the hearing of the Application for a Mining Lease
- Restricted areas are critical elements in negotiation of compensation between the land owner and the Mining Lease Applicant