

EXPLORATION & MINING Part 2

What does it mean when it's your land?



Fiona Makin is an exploration geologist working with various exploration companies across the eastern states. Her work is primarily focused on community engagement, environmental management and regulatory compliance. Fiona is also the former editor of Town & Country Farmer Magazine. This article is part two in a series on exploration and mining in Australia.



By FIONA MAKIN

In this issue, we follow on from our previous article on exploration and take a closer look at the regulations that bind explorers and miners to codes of practice that they must comply with. This article is based around Victorian legislation, the Mineral Resources (Sustainable Development) Act 1990, and its associated regulations.

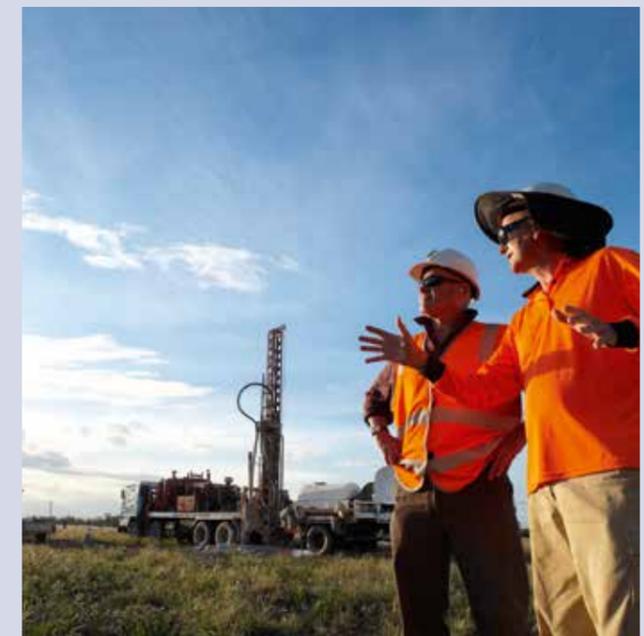
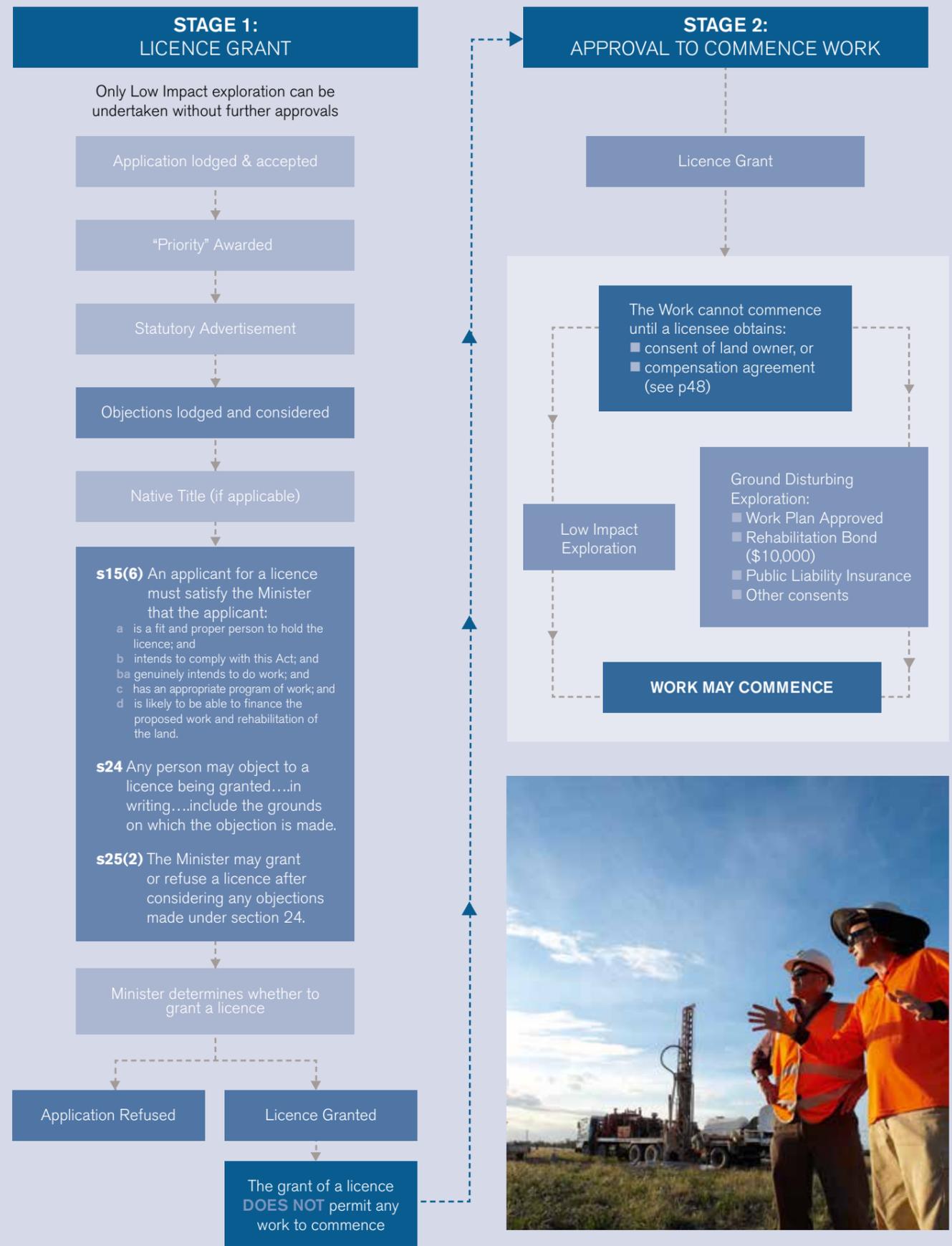
The page over outlines the process from when an exploration licence is lodged through to the commencement of work.

On pages 48 and 49, I've put together a series of frequently asked questions relating to both exploration and mining. As always, if you have questions you'd like to send in please contact me on fiona@tacfarmer.com.au.

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Licensing and Work Approvals



EXPLORATION & MINING Part 2

Exploration & Mining Licences

	Exploration Licence	Mining Licence
Rights to?	Explore for minerals	Commercially produce (mine) minerals
Objection process?	✓	✓
Is Mining permitted?	✗	✓
Area reduction?	✓ Year 2 (25%) and Year 4 (35%) (leaves 40% of granted area after Y4)	✗
Planning Consent?	✗	✓ Planning Permit (PP) or Environmental Effects Statement (EES)
Work Plan required?	✓ For all but low impact exploration	✓ For all but low impact exploration
Rehabilitation Bond?	✓ If Work Plan	✓ If Work Plan
Consent/Compensation prior to work commencing?	✓	✓
Public Liability Insurance	✓	✓
Work Authority	✗	✓

Comparison of exploration and mining requirements in Victoria.



WHAT IS THE DIFFERENCE BETWEEN LOW IMPACT AND HIGH IMPACT EXPLORATION?

Low Impact Exploration includes:

- Airborne geophysical surveys
- Surface geological mapping
- Geological & Geochemical sampling
- Use of 'non-mechanical' hand tools:
 - rock chip sampling
 - stream sediment sampling

Ground Disturbing(High Impact) Exploration requires a workplan and includes:

- Drilling
- Bulk Sampling
- Trenching/Costeaning

WHAT SHOULD A WORKPLAN INCLUDE?

Describes the work to be undertaken - includes:

- Site plans & description
- Rehabilitation
- Environmental Management
- Community Engagement (Mining)
- Other requirements e.g. Native Vegetation, Aboriginal Cultural Heritage
- Review and comment by relevant agencies- who input into the conditions of the Work Plan
- Standard Conditions – covers all environmental, amenity and locality concerns
- Conditions of approval – address specific issues
- Compliance audited by DPI



Frequently Asked Questions

WHO OWNS THE MINERALS?

According to Australian mining law - 'Land' is owned by citizens, and minerals are owned by the Crown. The Crown issues rights to access minerals with the Mineral Resources (Sustainable Development) Act 1990. An Exploration Licence (EL), is the right to explore for minerals. A Mining Licence (MIN) is the right to commercially produce (mine) minerals.

WHAT COMPENSATION IS AVAILABLE?

- Compensation may be payable for:
- deprivation of possession of land
 - damage to land or improvements
 - severance of land
 - loss of amenity
 - loss of opportunity to make improvements
 - decrease in market value

WHAT ARE THE REGULATIONS OF EXPLORATION LICENCES?

- MRSDA & licence conditions
- Mineral Resources Development Regulations 2002
- Code of Practice for Mineral Exploration

DOES ALL EXPLORATION LEAD TO MINING?

For every 1,000 prospects investigated:

- 100 are followed up
- 10 subject to detailed investigation
- 1 becomes a commercial mine

– Source: *Guide to Private Landowners Regarding Exploration and Mining on Private Land – Victorian Chamber of Mines, Jan 2000*

WHAT OPPORTUNITIES ARE THERE FOR PUBLIC INPUT?

- To object to the application (like ELs) – prior to grant
- To have input to the planning process (PP or EES) – prior to work approval
- Where other approvals are required ie; EPA Works Approval or Licence; Licence under the Water Act etc, there may also be opportunities for public input.

IS THE ECONOMIC SIGNIFICANCE OF MY PROPERTY CONSIDERED AGAINST THAT OF A MINING OPERATION?

Yes. Any company that wants to mine on your property must prepare a statement of economic significance. It must include:

- proposed benefits from mining and
- the benefits from use of land for agricultural purposes

The statement must be provided to landholder/occupier. The landholder/occupier may request the Minister excise land from the licence.

In Victoria, the Minister decides which activity has greater economic benefit.

ARE COUNCILS NOTIFIED OF EXPLORATION AND MINING OPERATIONS?

New mineral licence applications (ELs and MINs) lodged with DPI are forwarded to the relevant councils for their information.

- Mining proposals require a council planning permit prior to approval of any mining activity
- Council has the opportunity to have input where the preparation of an Environment Effects Statement is required

➔ Last issue we had a full listing of different state regulatory bodies, farmer's federations and other useful resources on this topic. If you would like to backorder that issue, please contact admin@tacfarmer.com.au

Resources

- Code of practice for mineral exploration, Victoria www.dpi.vic.gov.au/_data/assets/pdf_file/0010/21151/CoP_Min_Expl_2008.pdf
- Mineral Resources Tasmania provide a useful list of Land Owner questions under the states Mineral Resources Development Act 1995 www.mrt.tas.gov.au/portal/page?_pageid=35,830893&_dad=portal&_schema=PORTAL
- Area work plan guidelines for exploration, Victoria www.dpi.vic.gov.au/earth-resources/minerals/mineral-exploration-and-mining-requirements/area-work-plan-guidelines