

**Authorised Version No. 001**  
**Mineral Resources (Sustainable  
Development) (Mineral Industries) Interim  
Regulations 2018**

**S.R. No. 78/2018**

Authorised Version as at  
1 July 2018

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## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe various procedures, details, royalties, fees, forms, rents, information required in documents and other matters authorised by the **Mineral Resources (Sustainable Development) Act 1990**; and
- (b) to set out requirements relating to survey of licence areas; and
- (c) to prescribe certain offences as infringement offences; and
- (d) to set out requirements relating to declared mines; and
- (e) to set out the requirements for persons who are required, under the **Mineral Resources (Sustainable Development) Act 1990**, to disclose any interests.

### **2 Authorising provision**

These Regulations are made under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**.

### 3 Commencement

These Regulations come into operation on 1 July 2018.

### 4 Revocation

The Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013<sup>1</sup> are **revoked**.

### 5 Definitions

In these Regulations—

*business day* means a day other than a Saturday, Sunday or public holiday appointed under the **Public Holidays Act 1993**;

*continuing licence* means—

- (a) an exploration licence; or
- (b) a mining licence; or
- (c) a retention licence;

*exploration hazard* means any of the following—

- (a) the use of explosives;
- (b) the taking of flora listed under section 10 or Schedule 2 to the **Flora and Fauna Guarantee Act 1988**, unless that flora is taken from private land that is not owned by a public authority;
- (c) the taking of flora from a community listed under section 10 or Schedule 2 to the **Flora and Fauna Guarantee Act 1988**, unless that community is found on private land that is not owned by a public authority;

- (d) the taking of fauna listed under section 10 or Schedule 2 to the **Flora and Fauna Guarantee Act 1988**;
- (e) the taking of any taxon or community of flora or fauna from any habitat or parts of habitat determined under section 20 of the **Flora and Fauna Guarantee Act 1988**;
- (f) the removal or damaging of more than 1 hectare of native vegetation if that area does not contain any native trees during either the term of the licence or a period of 5 years from the grant of the licence, whichever ends first;
- (g) the removal or damaging of more than 15 native trees that have a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level during either the term of the licence or a period of 5 years from the grant of the licence, whichever ends first;
- (h) the removal or damaging of more than 5 native trees that have a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level during either the term of the licence or a period of 5 years from the grant of the licence, whichever ends first;
- (i) the creation of any road, structure or hardstand area without the consent of the owner or occupier of the land on which it is created;

- (j) the use of any closed road without the consent of the owner or occupier of the land on which the road is located or undertaking works on any road without the consent of the owner or occupier of the land on which the road is located;
- (k) ground intrusive work that—
  - (i) is within 200 metres of a waterway; or
  - (ii) is on a slope steeper than a ratio of 1 vertical:3 horizontal; or
  - (iii) is of greater than 2 hectares in an area of cultural heritage sensitivity during either the term of the licence or a period of 5 years from the grant of the licence, whichever ends first; or
  - (iv) involves taking water from an aquifer, hydraulic fracturing, or excavation using heavy earth moving equipment;
- (l) any other activity and circumstance that causes the Department Head to declare that a work plan must be lodged under section 40(2) of the Act;

**gold** means any gold or silver content of ore, concentrates, alloy or metal that is sold as a product from a mine the principal activity of which is the mining of gold;

**mining hazard** means any mining activity and circumstance that may pose a risk to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of work carried out at a mine;

*net market value*, of a mineral, means the market value of the mineral at the time it is first sold, transferred or disposed of, less any costs reasonably, necessarily and directly incurred by the licensee in connection with the sale, transfer or disposal (including insurance, freight and marketing expenses);

*the Act* means the **Mineral Resources (Sustainable Development) Act 1990**.

## **Part 2—Royalties and production returns**

### **6 Calculation of royalties**

- (1) For the purposes of section 12(1) of the Act, unless otherwise specified in the licence, royalties for all minerals, other than gold and lignite, are payable by the holder of a mining licence or the holder of a prospecting licence at the rate of 2.75 per cent of the net market value.
- (2) For the purposes of section 12(2) of the Act, royalties are payable at the rate of \$1.43 per cubic metre for tailings from Crown land disposed of by the holder of—
  - (a) a mining licence under section 14(2)(b) of the Act; or
  - (b) a prospecting licence under section 14B(2A) of the Act.

### **7 Minister may determine net market value in certain circumstances**

- (1) If the Minister is of the opinion that the net market value reported in respect of a particular mineral is not a true or fair net market value of the mineral, the Minister may require the licensee to pay a royalty in relation to that mineral on the basis of the net market value of the mineral as determined by the Minister.

#### **Example**

This regulation may apply if the Minister is of the view that the costs reported in relation to the sale of a mineral do not all relate to the sale of that mineral, or are unreasonably high.

This regulation may also apply if the Minister is of the view that the reported sale price of a mineral resulted from a transaction that was not a genuine commercial transaction because the parties to the contract were related bodies corporate.

- (2) Before making a determination under this regulation, the Minister—
  - (a) must give the licensee a written notice—
    - (i) that states that the Minister is of the opinion that the net market value of the mineral may not be a true or fair net market value of the mineral; and
    - (ii) that states the reasons for that opinion; and
    - (iii) that invites the licensee to make a written submission in response to the notice within the time specified by the Minister in the notice; and
  - (b) must consider any submission that is made by the licensee within the time specified in the notice.
- (3) The Minister must not specify a period of less than 7 days for the purposes of subregulation (2)(a)(iii).
- (4) If the Minister makes a determination under this regulation, the licensee must pay the difference between the amount of royalty already paid in respect of the mineral and the amount of royalty that is payable on the basis of the determination within 28 days after the date the licensee is given written notice of the determination.
- (5) The licensee must also pay interest on the amount of that difference calculated from the date the royalty was payable to the date of the payment of the difference at the rate specified in the notice of the determination.

- (6) For the purposes of subregulation (5), the Minister may specify a rate that is up to 5 per cent greater than the rate for the time being fixed under section 2 of the **Penalty Interest Rates Act 1983**.

### **8 Time of payment**

For the purposes of section 12(1)(b) and (2) of the Act—

- (a) royalties must be paid for each financial year and are due on 30 June each year; and
- (b) payment must be received within 28 days after the due date; and
- (c) despite paragraphs (a) and (b), the Minister may by notice to the licensee vary the period for which royalties must be paid and the due date for payment; and
- (d) unless payment is received within 28 days after the due date (or any other period set by the Minister under paragraph (c)), the payment is subject to interest at the rate prescribed under the **Penalty Interest Rates Act 1983**; and
- (e) if interest is payable under paragraph (d), the interest is to be calculated from the date the royalty was payable to the date of the payment of the royalty and interest.

### **9 Production and royalty return**

- (1) The holder of a mining licence or prospecting licence must, within 28 days after 30 June each year (or any other period set by the Minister under regulation 8(c)), send to the Department Head—

- (a) in relation to the production of lignite, a statement for the 12 months preceding 30 June (or any other period set by the Minister under regulation 8(c)) in a form approved by the Department Head setting out the quantity of lignite produced and the value of the net wet specific energy content of that coal used for the purpose of the calculation of the royalty; and
- (b) in relation to tailings from Crown land, a statement for the 12 months preceding 30 June (or any other period set by the Minister under regulation 8(c)) in a form approved by the Department Head setting out the quantity of tailings disposed of; and
- (c) in relation to all other minerals, a statement for the 12 months preceding 30 June (or any other period set by the Minister under regulation 8(c)) in a form approved by the Department Head setting out full details of the quantity of minerals produced and the net market value, including the costs deducted.

Penalty: 20 penalty units.

- (2) The Department Head, or an officer of the Department authorised by the Department Head, may inspect the mine and books and records of the whole or any part of the last 5 years of production, disposals, transfers, sales and costs to enable the amount of royalty to be assessed.
- (3) The licensee must retain the books and records of production, disposals, transfers, sales and costs for inspection purposes for at least 5 years.

Penalty: 10 penalty units.

**10 Timing and manner of measurement for calculation of a gigajoule unit of lignite produced**

(1) For the purposes of section 12A(5) of the Act—

- (a) the prescribed manner for measuring a gigajoule unit of lignite, in units of tonnes per gigajoule, is by using the following formula—

$$1/NWSE$$

where—

**NWSE** is net wet specific energy measured in units of gigajoules per tonne, and calculated on the basis of historic drillhole data representative of the lignite for which the royalty is being paid, with gross energy value converted to net energy value using International Organization for Standardization standard ISO 1928:2009(E); and

- (b) the prescribed time at which the measurement is made is a time that is suitable for performing the measurement in the prescribed manner.

(2) For the purposes of section 12A(3)(a) of the Act, the number of gigajoule units of lignite produced is calculated using the following formula—

$$NWSE \times \rho V$$

where—

**NWSE** is measured in accordance with subregulation (1); and

**$\rho$**  is the average annual in situ density value of the lignite for which the royalty is being paid, in tonnes/m<sup>3</sup>, and calculated in accordance with the following formula to 3 decimal places—

$$\rho = \frac{D}{1 + ((0.01 \times M) \times (D - 1))}$$

where—

**D** is the weighted average true density of composite lignite samples taken each month during the period for which the royalty is being paid, with analysis performed using a method involving helium displacement that accords with industry standard, calculated to three decimal places;

**M** is the average in situ moisture of the lignite which is representative of the lignite for which the royalty is being paid, based on historic drillhole data, expressed as a percentage, and calculated to one decimal place; and

**V** is the volume of the lignite in m<sup>3</sup> based on volumetric survey measurements taken for the lignite for which the royalty is being paid.

## Part 3—Licences

### 11 Meaning of competent person

(1) For the purposes of section 15(1BG) of the Act, a ***competent person*** is—

- (a) a person who—
  - (i) is a Member or a Fellow of the Australasian Institute of Mining and Metallurgy, or of the Australian Institute of Geoscientists, or of a Recognised Professional Organisation with enforceable disciplinary processes including the power to suspend or expel a member; and
  - (ii) has a minimum of 5 years' experience which is relevant to the style of mineralisation or type of deposit under consideration and to the activity being undertaken; or
- (b) in the case of—
  - (i) coal seam gas; or
  - (ii) a mineral deposit that is easily and readily assessed visually at the ground surface—

a person who the Minister has determined, on a case-by-case basis, has the relevant experience in mining or mineral exploration appropriate to the described mineral resource.

- (2) In this regulation, ***Recognised Professional Organisation*** means an organisation included in a list of recognised overseas professional organisations as published on the Australasian Joint Ore Reserves Committee (JORC) website or the Australian Stock Exchange (ASX) website.

**Note**

On the commencement of these Regulations, the website of the Australasian Joint Ore Reserves Committee is [www.jorc.org](http://www.jorc.org) and the website of the Australian Stock Exchange is [www.asx.com.au](http://www.asx.com.au).

## **12 Exploration licences**

- (1) An application for an exploration licence under section 15(1), 26AD(1) or 26AJ(1) of the Act must—
- (a) contain the information set out in Schedule 1; and
  - (b) be submitted in accordance with the procedure approved by the Department Head; and
  - (c) be accompanied by the fee specified in item 1 of Part 1 of Schedule 25.
- (2) An exploration licence must be in the form set out in Schedule 20.

## **13 Mining licences**

- (1) An application for a mining licence under section 15(1), 26AD(1) or 26AJ(1) of the Act must—
- (a) contain the information set out in Schedule 2; and
  - (b) be submitted in accordance with the procedure approved by the Department Head; and

- (c) be accompanied by the fee specified in item 2 of Part 1 of Schedule 25; and
  - (d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence in accordance with regulation 24(1) and Schedule 2.
- (2) A mining licence must be in the form set out in Schedule 21.

#### **14 Prospecting licences**

- (1) An application for a prospecting licence under section 15(1) of the Act must—
- (a) contain the information set out in Schedule 3; and
  - (b) be submitted in accordance with the procedure approved by the Department Head; and
  - (c) be accompanied by the fee specified in item 3 of Part 1 of Schedule 25; and
  - (d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence, if required by regulation 24(2) and Schedule 3.
- (2) A prospecting licence must be in the form set out in Schedule 22.

#### **15 Retention licences**

- (1) An application for a retention licence under section 15(1), 26AD(1) or 26AJ(1) of the Act must—
- (a) contain the information set out in Schedule 4; and
  - (b) be submitted in accordance with the procedure approved by the Department Head; and

- (c) be accompanied by the fee specified in item 4 of Part 1 of Schedule 25; and
  - (d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence in accordance with regulation 24(1) and Schedule 4.
- (2) A retention licence must be in the form set out in Schedule 23.

#### **16 Additional fee for mineralisation report**

If an application for a mining licence or retention licence requires a mineralisation report, the application must be accompanied by the additional fee specified in item 5 of Part 1 of Schedule 25.

#### **17 Additional fee for native title assessment**

- (1) An application for an exploration licence, mining licence, prospecting licence or retention licence must be accompanied by the additional fee specified in item 6 of Part 1 of Schedule 25 if—
- (a) Crown land is included in the licence application area; and
  - (b) an assessment is required of whether or not the provisions of the Native Title Act 1993 of the Commonwealth apply.
- (2) Subregulation (1) does not apply if—
- (a) a land use activity agreement under the **Traditional Owner Settlement Act 2010** applies in relation to all of the Crown land covered by the application; or
  - (b) if the applicant chooses to excise all Crown land from the licence application area.

## **18 Miner's rights**

- (1) An application for a miner's right under Part 5 of the Act—
  - (a) may be made electronically, orally or in writing; and
  - (b) must contain the name and address of the applicant; and
  - (c) must be accompanied by the fee specified in item 7 of Part 1 of Schedule 25.
- (2) A miner's right must be in the form set out in Schedule 5.

### **Note**

A miner's right is current for the time, not exceeding 10 years, specified in the miner's right (see section 55(3) of the Act).

## **19 Tourist fossicking authorities**

An application for a tourist fossicking authority under section 60 of the Act must—

- (a) contain the information set out in Schedule 6; and
- (b) be accompanied by the fee specified in item 8 of Part 1 of Schedule 25.

### **Note**

A tourist fossicking authority is current for the time, not exceeding 10 years, specified in the authority (see section 59(2) of the Act).

## **20 Advertising of exploration licence or retention licence application**

- (1) An applicant under section 15(1) of the Act for an exploration licence or a retention licence must, within 14 days after being notified that the application has been given the highest ranking—
  - (a) insert a notice of the application containing the information set out in Part 1 of Schedule 7 in—

- (i) a Wednesday edition of a newspaper circulating generally in Victoria; and
    - (ii) one newspaper circulating in each locality of the licence application area; and
  - (b) make the information set out in Part 2 of Schedule 7 publicly available for at least 21 days after the latest date on which the application was advertised under paragraph (a)—
    - (i) by publishing the information on an Internet site maintained by the applicant; or
    - (ii) if an Internet site is not available—
      - (A) by including the information in each of the notices under paragraph (a); or
      - (B) by another method approved by the Department Head.
- (2) If the approval of the Department Head is required under subregulation (1)(b)(ii)(B)—
- (a) the applicant must seek the approval of the Department Head within 3 business days after the applicant has been notified that the application has been given the highest ranking; and
  - (b) the Department Head must notify the applicant of his or her approval or rejection within 3 business days after receiving the applicant's request for approval.
- (3) The Department Head may only approve another method under subregulation (1)(b)(ii)(B) if satisfied that the method will ensure the information will be readily accessible to communities in the locality of the licence
-

application area, for the period during which a person may submit an objection to the licence being granted.

- (4) An applicant for an exploration licence or retention licence must lodge a copy of any advertisement under subregulation (1)(a) with the Department Head within 28 days after publication of the advertisement.
- (5) If the applicant for an exploration or retention licence makes the information set out in Part 2 of Schedule 7 publicly available by another method approved by the Department Head, the applicant must lodge a copy of the information with the Department Head within 28 days after the information is made publicly available.

## **21 Advertising of mining licence application**

- (1) An applicant under section 15(1) of the Act for a mining licence must, within 14 days after being notified that the application has been given the highest ranking—
  - (a) insert a notice of the application containing the information set out in Part 1 of Schedule 8 in—
    - (i) a Wednesday edition of a newspaper circulating generally in Victoria; and
    - (ii) one newspaper circulating in each locality of the licence application area; and
  - (ab) serve a copy of the notice of the application that was advertised under paragraph (a) on the owner and occupier of the land; and
  - (b) make the information set out in Part 2 of Schedule 8 publicly available for at least 21 days after the latest date on which the

- application was advertised under paragraph (a)—
- (i) by publishing the information on an Internet site maintained by the applicant; or
  - (ii) if an Internet site is not available—
    - (A) by including the information in each of the notices under paragraph (a); or
    - (B) by another method approved by the Department Head.
- (2) If the approval of the Department Head is required under subregulation (1)(b)(ii)(B)—
- (a) the applicant must seek the approval of the Department Head within 3 business days after the applicant has been notified that the application has been given the highest ranking; and
  - (b) the Department Head must notify the applicant of his or her approval or rejection within 3 business days after receiving the applicant's request for approval.
- (3) The Department Head may only approve another method under subregulation (1)(b)(ii)(B) if satisfied that the method will ensure the information will be readily accessible to communities in the locality of the licence application area, for the period during which a person may submit an objection to the licence being granted.
- (4) An applicant for a mining licence must lodge a copy of any advertisement under subregulation (1)(a) with the Department Head within 28 days after publication of the advertisement.

- (5) If the applicant for a mining licence makes the information set out in Part 2 of Schedule 8 publicly available by another method approved by the Department Head, the applicant must—
- (a) serve a copy of the information to the owner and occupier of the land affected within 14 days after being notified that the application has been given the highest ranking; and
  - (b) lodge a copy of the information with the Department Head within 28 days after the information is made publicly available.

## **22 Advertising of prospecting licence application**

- (1) An applicant under section 15(1) of the Act for a prospecting licence must, within 14 days after being notified that the application has been given the highest ranking—
- (a) insert in one newspaper circulating in each locality of the licence application area a notice of the application containing the information set out in Part 1 of Schedule 8; and
  - (b) serve a copy of the notice on the owner and occupier of the land affected.
- (2) An applicant for a prospecting licence must lodge a copy of any advertisement under subregulation (1) with the Department Head within 28 days after publication of the advertisement.

## **23 Advertising of exploration licence, mining licence or retention licence application relating to coal on exempted land**

- (1) For the purposes of sections 26AD(4)(a) and 26AK(3)(a) of the Act, the advertisement of an application for a licence must—

- (a) be published in a daily newspaper circulating generally throughout Victoria and in one newspaper circulating in each locality of the licence application area, containing a notice of the application with—
    - (i) in the case of an exploration licence or retention licence, the information set out in Part 1 of Schedule 7; and
    - (ii) in the case of a mining licence, the information set out in Part 1 of Schedule 8; and
  - (b) be made publicly available for at least 21 days after the latest date on which the application was advertised under paragraph (a) by publishing on an Internet site maintained by the applicant—
    - (i) in the case of an exploration licence or retention licence, the information set out in Part 2 of Schedule 7; or
    - (ii) in the case of a mining licence, the information set out in Part 2 of Schedule 8.
- (2) For the purposes of sections 26AD(4)(b) and 26AK(3)(b) of the Act, the applicant for a mining licence must give notice by serving a copy of the notice specified in subregulation (1)(a)(ii) on the owner or occupier of the land affected by the licence.

#### **24 Survey of mining, prospecting or retention licence area**

- (1) A person who intends to apply for a mining licence or retention licence must survey the boundaries of the land proposed to be covered by the licence and provide the survey as part of the licence application.

- (2) The Department Head may require a person who intends to apply for a prospecting licence to survey the boundaries of the land proposed to be covered by the licence and to provide the survey as part of the licence application, if the Department Head is satisfied that a survey is required—
  - (a) to ensure that the location of the application area is specified accurately; or
  - (b) to avoid the possibility of a boundary dispute with a nearby licence.
- (3) If the Department Head considers it necessary, the Department Head may direct a licensee of a mining, prospecting or retention licence to complete a survey of an existing licence area in order to clarify the boundaries of the licence area.
- (4) A licensee of a mining, prospecting or retention licence who is required to survey the boundaries of land which are covered by or proposed to be covered by a licence must comply with the surveying requirements and standards stipulated in the Surveying (Cadastral Surveys) Regulations 2015.

## **25 Application for the renewal of a licence**

An application under section 29(1) of the Act for the renewal of a licence must—

- (a) for an exploration licence—
  - (i) contain the information set out in Schedule 9; and
  - (ii) be accompanied by the fee specified in item 9 of Part 1 of Schedule 25; and

- (b) for a mining licence—
  - (i) contain the information set out in Schedule 10; and
  - (ii) be accompanied by the fee specified in item 10 of Part 1 of Schedule 25; and
- (c) for a retention licence—
  - (i) contain the information set out in Schedule 11; and
  - (ii) be accompanied by the fee specified in item 11 of Part 1 of Schedule 25.

## **26 Notice of application for the renewal of a mining licence**

The applicant for the renewal of a mining licence must, within 14 days after lodging an application under section 29(1) of the Act, give notice of the application containing the information set out in Schedule 12 to the owner and occupier of the land affected.

## **27 Work plan**

- (1) A work plan must contain the following—
  - (a) in the case of an exploration licence or retention licence—the information set out in Schedule 13;
  - (b) in the case of a mining licence or prospecting licence—
    - (i) if the work proposed to be carried out under the licence is exploration work, the information set out in Schedule 13; or
    - (ii) if the work proposed to be carried out under the licence is mining work, the information set out in Part 1 of Schedule 14; or

- (iii) if the work proposed to be carried out under the licence is mining work that is the mining of coal, the information set out in Parts 1 and 3 of Schedule 14.
- (2) In the case of a mining licence or prospecting licence, a work plan lodged under section 40 of the Act (being a work plan that relates to mining) must be accompanied by the relevant fee specified in Schedule 24.

## **28 Application for variation of work plan**

- (1) For the purposes of section 41(2) of the Act, if the work proposed to be carried out under the licence is mining work, the prescribed information is—
  - (a) a description of any new or changed mining hazard arising from the proposed changes to the work set out in the work plan that significantly increases the risks posed to—
    - (i) the environment; or
    - (ii) any member of the public; or
    - (iii) land, property and infrastructure in the vicinity of the relevant work; and
  - (b) the information that relates to, and is applicable to, the proposed changes to the work that is set out in items 3.1 and 4.1 of Part 1 of Schedule 14 in relation to any new or changed mining hazard described under paragraph (a); and
  - (c) the information that relates to, and is applicable to, the proposed changes to the rehabilitation plan that is set out in item 5.1 of Part 1 of Schedule 14 (as is relevant); and

- (d) the information that relates to, and is applicable to, the proposed changes to the community engagement plan that is set out in items 6.1 and 6.2 of Part 1 of Schedule 14 (as is relevant); and
  - (e) in the case of work proposed to be carried out at a declared mine, the information that relates to, and is applicable to, the proposed changes to the work that may affect mine stability that is set out in Part 2 of Schedule 14; and
  - (f) in the case of mining work that is the mining of coal, the information that relates to, and is applicable to, the proposed variation to the work that is set out in Part 3 of Schedule 14; and
  - (g) a description of how the proposed variation to the work plan relates to the current approved work plan.
- (2) For the purposes of section 41(2) of the Act, if the work proposed to be carried out under the licence is exploration work, the prescribed information is—
- (a) a description of any new or changed exploration hazard arising from the proposed changes to the work set out in the work plan that significantly increases the risks posed to—
    - (i) the environment; or
    - (ii) any member of the public; or
    - (iii) land, property and infrastructure in the vicinity of the relevant work; and

- (b) the information that relates to, and is applicable to, the proposed changes to the work that is set out in items 2.1 and 3.1 of Schedule 13 in relation to any new or changed exploration hazard described under paragraph (a); and
  - (c) the information that relates to, and is applicable to, the proposed changes to rehabilitation that is set out in item 4 of Schedule 13; and
  - (d) the information that relates to, and is applicable to, the proposed changes to consultation that is set out in item 5 of Schedule 13; and
  - (e) a description of how the proposed variation to the work plan relates to the current approved work plan.
- (3) In the case of a mining licence or prospecting licence, an application under section 41 of the Act for a variation of an approved work plan (being a work plan that relates to mining) must be accompanied by the relevant fee specified in Schedule 24.

## **29 Reportable events**

- (1) For the purpose of section 41AC(1) of the Act—
- (a) a report of a reportable event notifying the Chief Inspector of the event must be made either orally or in writing as soon as practicable after the event and must include—
    - (i) the date, time and place of the event; and
    - (ii) a description of the event; and
    - (iii) the steps taken to minimise the impact of the event; and

- (b) if the Chief Inspector so requests, a written report of a reportable event must be given to the Chief Inspector as soon as practicable after the event occurs and must include all of the following—
  - (i) the date, time and place of the event;
  - (ii) the details of the event, including the impact, or likely impact of the event on public safety, the environment or infrastructure;
  - (iii) any known or suspected causes of the event;
  - (iv) details of the actions taken to minimise the impact of the event;
  - (v) details of actions taken or to be taken to prevent a recurrence of the event.
- (2) For the purpose of section 41AC(2) of the Act, the following are reportable events—
  - (a) an abnormal event, or usual operations that result, or may result, in significant impacts on public safety, the environment or infrastructure;
  - (b) an explosion or major outbreak of fire;
  - (c) slope failure, unexpected slope creep, progressive slope collapse or failure of slope stability control measures;
  - (d) an injury to a member of the public caused by the carrying out of mining or associated operations;
  - (e) an uncontrolled outburst of gas;
  - (f) an unexpected or abnormal inrush of groundwater, other water or other fluid;

- (g) an ejection of fly rock from blasting, outside the approved work plan area;
- (h) an escape, spillage or leakage of a harmful or potentially harmful—
  - (i) substance; or
  - (ii) slurry; or
  - (iii) tailings;
- (i) a breach of a condition of a licence that results or is likely to result in a risk to—
  - (i) the environment; or
  - (ii) any member of the public; or
  - (iii) property, land, or infrastructure in the vicinity of the work;
- (j) an occurrence that results in non-compliance with the work plan or work plan conditions relating to the licence that results or is likely to result in a risk to—
  - (i) the environment; or
  - (ii) any member of the public; or
  - (iii) property, land or infrastructure in the vicinity of the work.

### **30 Area work plan schedules**

For the purposes of section 41AD(1) of the Act, the prescribed information to be contained in an area work plan schedule is—

- (a) a description of the activities to be undertaken for the exploration works;  
and
- (b) accurate site plans that show—
  - (i) the location of the exploration works;  
and

- (ii) access routes in relation to identifiable geographic features, including but not limited to tracks, buildings and fences, waterways and vegetation; and
- (c) the location and conservation status of native vegetation and the presence of threatened flora and fauna; and
- (d) any other relevant site-specific information about impacts and proposed control or mitigation measures and rehabilitation.

### **31 Annual activity and expenditure return**

- (1) The holder of a licence must keep a record of the exploration and mining activities undertaken under the licence.  
Penalty: 20 penalty units.
- (2) The holder of a licence must submit to the Minister an annual return of expenditure and activities containing—
  - (a) for an exploration licence—the information set out in Schedule 15;
  - (b) for a mining licence—the information set out in Schedule 16;
  - (c) for a prospecting licence—the information set out in Schedule 17;
  - (d) for a retention licence—the information set out in Schedule 18.
- (3) The holder, or former holder, of a licence must submit the annual return—
  - (a) within 28 days after the reporting date specified in subregulation (4) or within the period extended under subregulation (6); and

(b) within 28 days after the licence ceases to have effect.

Penalty: 20 penalty units.

- (4) For the purposes of subregulation (3), the reporting date is—
- (a) for mining licences and prospecting licences—30 June; and
  - (b) for exploration licences and retention licences—the date that is specified in the licence or licence renewal as the reporting date.
- (5) For the purposes of subregulation (4)(b), one of the following dates must be specified as the reporting date—
- (a) 30 June;
  - (b) 30 September;
  - (c) 31 December;
  - (d) 31 March.
- (6) The Minister may, on a request from the holder, or former holder, of a licence received within the period of 28 days under subregulation (3)(a), extend the period for the submission of the return.

### **32 Technical report of exploration**

- (1) The holder of an exploration, mining or retention licence must submit an annual technical report to the Minister in relation to the exploration activities undertaken under the licence containing the information set out in Schedule 19.
- (2) The holder, or former holder, of the licence must submit the annual report—
- (a) within 28 days after the reporting date specified in subregulation (3) or within the period extended under subregulation (6); and

(b) within 28 days after the licence ceases to have effect.

Penalty: 20 penalty units.

- (3) For the purposes of subregulation (2), the reporting date is—
- (a) for mining licences—30 June; and
  - (b) for exploration licences and retention licences—the date that is specified in the licence or licence renewal as the reporting date.
- (4) For the purposes of subregulation (3)(b), one of the following dates must be specified as the reporting date—
- (a) 30 June;
  - (b) 30 September;
  - (c) 31 December;
  - (d) 31 March.
- (5) A technical report may encompass the activities occurring in relation to more than one licence if the licences are—
- (a) held by the same licensee; and
  - (b) over adjoining areas; and
  - (c) have the same reporting date.
- (6) The Minister may, on a request from the holder, or former holder, of a licence received within the period of 28 days under subregulation (2)(a), extend the period for the submission of the report.
- (7) Subregulation (1) does not apply to the holder of a mining licence that covers an area of 5 hectares or less that was granted before 1 February 2012.

### **33 Rent on a licence**

- (1) This regulation applies for the purposes of section 26(4) of the Act.
- (2) The holder of a licence must pay rent in relation to the land covered by the licence as at 30 June of each year—
  - (a) for an exploration licence—at the rate specified in item 1 of Part 2 of Schedule 25; and
  - (b) for a mining licence—at the rate specified in item 2 of Part 2 of Schedule 25; and
  - (c) for a prospecting licence—at the rate specified in item 3 of Part 2 of Schedule 25; and
  - (d) for a retention licence—at the rate specified in item 4 of Part 2 of Schedule 25.
- (3) Rent must be paid each year under subregulation (2) on or before 28 July of that year.
- (4) The holder of a licence is not required to pay rent in relation to any land covered by the licence once a notice of surrender is submitted to the Minister in relation to the land.
- (5) Despite subregulation (3), the Minister may set a later date, no more than 28 days after a date specified, by which rent must be paid where a holder of a licence can demonstrate that there are special circumstances preventing the payment of rent by the date specified in this subregulation.

### **34 Variation of licence**

- (1) A licence may be varied by the Minister if it is necessary to provide another licensee with access for conveying minerals or materials across the land covered by the licence.
- (2) The variation may be an excision from the licence.

- (3) The Minister may vary, suspend or revoke a condition of a licence, or add a new condition, if the Minister decides it is necessary to do so to ensure public safety in relation to work done under the licence.
- (4) The circumstances specified in subregulations (1), (2) and (3) are prescribed circumstances for the purposes of section 34(2)(d) of the Act.
- (5) An application for the variation of a licence under section 34(2)(a) of the Act must be accompanied by the fee specified in item 12 of Part 1 of Schedule 25.

### **35 Variation to increase licence area**

- (1) This regulation applies to the holder of a continuing licence covering land that surrounds an area of land covered by—
  - (a) another licence that is a mining licence not exceeding 5 hectares; or
  - (b) another licence that is a prospecting licence; or
  - (c) an application for a prospecting licence.
- (2) The holder of a continuing licence may, within 28 days of a licence referred to in subregulation (1)(a) or (b) or an application referred to in subregulation (1)(c) ceasing to have effect, request that the Minister vary the licence to include the land covered by that licence or application within the continuing licence.
- (3) The continuing licence is taken to surround a licence referred to in subregulation (1)(a) or (b) or an application referred to in subregulation (1)(c) if the land covered by the continuing licence shares at least one common boundary with the land covered by the licence or application for a licence.

- (4) A request to vary a licence for the purposes of this regulation is to be treated as an application for a licence for the purposes of section 23 of the Act.
- (5) Unless the Department Head directs that the boundaries of the licence area be clarified by a survey, a survey of the boundaries of land proposed to be covered by the continuing licence is not required in an application for a variation of a licence.
- (6) The circumstances specified in subregulation (2) are prescribed circumstances for the purposes of section 34(2)(d) of the Act.
- (7) An application for a variation of a licence under section 34(2)(a) of the Act must be accompanied by the fee specified in item 13 of Part 1 of Schedule 25.

### **36 Tenders**

For the purposes of section 27(2) of the Act, the information required to be contained in a tender is—

- (a) in the case of a tender for an exploration licence, all the items specified in Schedule 1; and
- (b) in the case of a tender for a mining licence, all the items specified in Schedule 2; and
- (c) in the case of a tender for a retention licence, all the items specified in Schedule 4.

### **37 Advertising and notice of accepted tenders**

- (1) For the purposes of section 27B(1)(a) of the Act, the advertisement of the acceptance of a tender must—
  - (a) be published in a daily newspaper circulating generally throughout Victoria and in one newspaper circulating in each locality of the

accepted tender licence area, containing a notice with—

- (i) in the case of an exploration licence or retention licence—the information set out in Part 1 of Schedule 7; or
  - (ii) in the case of a mining licence—the information set out in Part 1 of Schedule 8; and
- (b) be made publicly available for at least 21 days after the latest date on which the acceptance of a tender was advertised under paragraph (a) by publishing on an Internet site maintained by the successful tenderer—
- (i) in the case of an exploration or retention licence—the information set out in Part 2 of Schedule 7; or
  - (ii) in the case of a mining licence—the information set out in Part 2 of Schedule 8.
- (2) For the purposes of section 27B(1)(b) of the Act, the successful tenderer for a mining licence must give notice by serving a copy of the notice specified in subregulation (1)(a)(ii) on the owner or occupier of the land to be affected by the licence.

### **38 Fee for grant of a licence (accepted tender)**

Before the Minister may grant a licence following the acceptance of a tender, the successful tenderer must pay—

- (a) for an exploration licence, the fee specified in item 14 of Part 1 of Schedule 25; or
- (b) for a mining licence, the fee specified in item 15 of Part 1 of Schedule 25; or

- (c) for a retention licence, the fee specified in item 16 of Part 1 of Schedule 25.

**39 Fees for licence transaction**

- (1) An application for the transfer of a licence under section 33, 33A or 33B of the Act must be accompanied by the relevant fee specified in item 17 of Part 1 of Schedule 25.
- (2) An application for the amalgamation of a licence under section 36 of the Act made at the request of the licensee must be accompanied by the fee specified in item 18 of Part 1 of Schedule 25.

**40 Fee for lodging an impact statement**

An impact statement submitted to the Minister under section 41A(1) of the Act must be accompanied by the fee specified in item 19 of Part 1 of Schedule 25.

## **Part 4—Requirements for declared mines**

### **41 Mine stability requirements for declared mines**

For the purposes of sections 40(3)(f) and 41AE of the Act, the prescribed mine stability requirements and processes are the requirements and processes set out in Part 2 of Schedule 14.

### **42 Reporting relating to declared mines**

(1) The holder of a mining licence that relates to a declared mine must report in writing to the Department Head in respect of each period of 6 months—

- (a) ending on 30 June or 31 December; or
- (b) if the Department Head nominates other dates in writing to the holder, ending on a date so nominated—

and must provide the report to the Department Head within 3 months after the end of the period to which it relates.

(2) A report under subregulation (1) must include—

- (a) the outcomes of reviews of the assessment, plan and controls for the management of geotechnical and hydrogeological risks for the declared mine, taking into account the results of monitoring carried out under the monitoring plan, and details of the following—
  - (i) the implementation of control measures;
  - (ii) any stability modelling undertaken;
  - (iii) any significant changes in the operation of the declared mine;

- (iv) implications for the mine design components;
- (b) the results of the monitoring plan set out in the work plan;
- (c) a description of activities taken to implement the declared mine stability controls and the groundwater control system set out in Part 2 of Schedule 14 and any recommended changes to the work plan.

#### **43 Mine stability levy**

For the purposes of section 38AAA of the Act, the mines set out in Schedule 26 are prescribed for the purposes of the mine stability levy.

#### **44 Amount of mine stability levy**

For the purposes of section 38AAD of the Act, the total amount of the mine stability levy is 34 868 fee units.

#### **45 How the mine stability levy is to be paid**

- (1) For the purposes of section 38AAE of the Act—
  - (a) the mine stability levy must be paid in respect of each financial year; and
  - (b) a licence holder in respect of a prescribed mine must pay the mine stability levy within 28 days of—
    - (i) 30 June in respect of a financial year ending on that day; or
    - (ii) any alternative due date specified by the Minister under subregulation (2).
- (2) The Minister may, by notice to the licensee, vary the period for which the mine stability levy must be paid and the due date on which the mine stability levy is payable.

- (3) The amount of any mine stability levy that is not paid by the due date is subject to interest at the rate prescribed under the **Penalty Interest Rates Act 1983**.
- (4) Any interest payable under subregulation (3) is to be calculated from the due date to the date of the payment of the mine stability levy and interest.
- (5) In this regulation, *due date* means the date by which the mine stability levy is payable under subregulation (1)(b).

## **Part 5—Mining register**

### **46 Information in documents**

- (1) For the purposes of section 69(2)(b) of the Act, the information to be recorded in relation to a document listed in column 2 of Schedule 27 is the information set out in relation to that document in column 3 of that Schedule.
- (2) The Department Head must register documents accepted for registration as soon as is practicable.

### **47 Fees for information and copies**

- (1) For the purposes of section 74(1) of the Act—
  - (a) the prescribed fee for each access allowed to the register is specified in item 20 of Part 1 of Schedule 25; and
  - (b) the prescribed fee for each instance of information provided or each copy provided is specified in item 21 of Part 1 of Schedule 25.
- (2) Despite anything to the contrary in this regulation, no fee is payable for accessing the register via the Internet or for downloading information from the register via the Internet.
- (3) The fee for a certificate of information issued by the Department Head under section 76 of the Act specified in item 22 of Part 1 of Schedule 25.

### **48 Certificate of information**

A certificate of information is in the prescribed form under section 76 of the Act if it states that it is a certificate of information issued under section 76 by the Department Head.

#### **49 Approved form**

For the purposes of sections 71 and 72 of the Act, an instrument is in an approved form if it is in a form approved by the Department Head.

## **Part 6—Infringements**

### **50 Infringements**

- (1) An offence specified in column 2 of Schedule 28 is prescribed for the purposes of Part 12 of the Act.
- (2) For the purposes of section 106(3) of the Act, the penalty prescribed for an infringement offence is the infringement penalty in column 4 of Schedule 28 set out opposite the infringement offence.
- (3) A summary of an infringement offence in column 3 of Schedule 28 is not to be taken to affect the nature or elements of an offence to which the summary refers or the operation of these Regulations.

## Part 7—Disclosure of interests

### 51 Definitions

In this Part—

*domestic partner* of a person means a person with whom the person is in a *domestic relationship* within the meaning of section 35(1) of the **Relationships Act 2008**;

*family*, in relation to an officer, means—

- (a) a spouse or domestic partner of that officer; or
- (b) a relative of the officer who is under the age of 18 years and who normally resides with the officer;

*officer* means a person to whom section 118 of the Act applies;

*spouse* of a person means a person to whom the person is married.

### 52 Duty of disclosure

(1) An officer—

- (a) who has an interest exceeding \$1000 in value derived from exploration or mining operations in Victoria; or
- (b) who has an interest, or who experiences a change in an interest (whether of a pecuniary nature or not) which might appear to raise a conflict with the officer's responsibilities as an officer engaged in the administration of the Act—

must disclose the interest or income source in accordance with these Regulations.

- (2) An officer to whom subregulation (1) applies must not perform or exercise any function or power under the Act in relation to the matter to which the interest relates unless the Minister authorises him or her to do so.
- (3) Subregulation (1) does not apply to any remuneration or allowance received by an officer under the Act or the **Public Administration Act 2004**.

**Note**

Under section 118(2) of the Act, a person who contravenes this regulation is liable to a penalty not exceeding 50 penalty units.

**53 Officer must submit statement of disclosure**

An officer must submit to the Minister a statement of disclosure which contains the information specified in Schedule 29—

- (a) within 30 days after becoming an officer;  
and
- (b) when notifying the Minister of any change in an interest.

**54 Disclosure of interest register**

The Minister must maintain an interest register containing completed statements of disclosure.

**55 Inspection of register**

The register must be kept at a place nominated by the Minister and must be open for inspection by any person who has the consent of the Minister.

## **Part 8—General**

### **56 Consent for work near dwelling**

For the purposes of section 45(3)(a) of the Act,  
the prescribed form of consent is the form in  
Schedule 30.

### **57 Expiry**

These Regulations expire on 30 June 2019.

## **Schedule 1—Information required in application for exploration licence**

Regulations 12 and 36

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. If the applicant is a company—
  - (a) a list of the directors and company secretary of the company; and
  - (b) a copy of the certificate of registration of the company or certificate of registration on change of name.
4. Area of land applied for in km<sup>2</sup>.
5. An attached map of 1:100 000 scale indicating the land applied for (the map must show graticular sections).
6. If the application includes Crown land, indicate which of the following options will be utilised to comply with the Native Title Act 1993 of the Commonwealth or the **Traditional Owner Settlement Act 2010** (where applicable and if required)—
  - (a) excision of all Crown land as advised by the Department;
  - (b) compliance with the right to negotiate provisions of the Native Title Act 1993 of the Commonwealth;
  - (c) the entering into of an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth;
  - (d) compliance with a relevant land use activity agreement under the **Traditional Owner Settlement Act 2010**.
7. The term required (in years).

8. The estimated annual expenditure for each year of the licence.
9. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 13).
10. The names and qualifications of technical advisers who will be assisting in the exploration program (if the advisers are not employees of the applicant, include evidence that the advisers have agreed to assist in the exploration).
11. Details of the applicant's experience in exploration or mining activities or both.
12. For the purpose of showing that the applicant is a fit and proper person—
  - (a) if the Minister has taken action under section 83 of the Act to rehabilitate land because the applicant or an associate of the applicant has not complied with Part 7 of the Act, provide details regarding—
    - (i) the circumstances which led to the taking of that Ministerial action; and
    - (ii) when those circumstances arose; and
  - (b) if a licence held by the applicant or an associate of the applicant has been cancelled, provide details regarding—
    - (i) the circumstances which led to that cancellation; and
    - (ii) when those circumstances arose; and
  - (c) if the applicant or an associate of the applicant has been convicted of an offence against the Act, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed;

- (d) if the applicant or an associate of the applicant has been convicted of an offence involving fraud or dishonesty, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.
13. Details of the proposed program of work for each year of the licence including—
- (a) the nature of the work to be undertaken in the following areas—
    - (i) office-based activities;
    - (ii) on-ground exploration activities (including, for example, geological mapping, rock and soil sampling (and related geochemistry and mineralogy), ground and airborne geophysical surveys, and remote sensing);
    - (iii) subsurface evaluation activities (including, for example, drilling, trenching, bulk sampling, underground development, and related geochemistry, mineralogy and metallurgy);  
and
  - (b) as far as is practicable, an indication of the location and focus of the proposed activities with location maps; and
  - (c) a description of the nature of the targets that the program seeks to delineate; and
  - (d) a description of the geological rationale behind the proposed program; and
  - (e) a proposed timing schedule of the exploration program.

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14. Preferred annual reporting date.
15. Signature of the applicant/s (see notes 4 and 5).
16. The date of application.

**Notes**

- 1 See section 4(1) of the Act for the definition of *graticular section*.
- 2 An application for an exploration licence under section 15(1) of the Act must specify the mineral or minerals to which the licence will relate (see further section 15(1BA) of the Act).
- 3 See section 16(4) of the Act for the definition of *associate*.
- 4 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 5 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.
- 6 The Department will advise the applicant about addressing any native title requirements.

## **Schedule 2—Information required in application for mining licence**

Regulations 13 and 36

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. If the applicant is a company—
  - (a) a list of the directors of the company; and
  - (b) a copy of the certificate of registration of the company.
4. Area of land applied for (in hectares).
5. An attached map of 1:25 000 scale or larger indicating the land applied for. The map must clearly show—
  - (a) any boundaries of private and Crown land; and
  - (b) the extent of land used as agricultural land.
6. A survey of the boundaries of land applied for.
7. The names and addresses of the owner/occupier of any private land covered by the application.
8. If the application includes Crown land, indicate which of the following options will be utilised to comply with the Native Title Act 1993 of the Commonwealth or the **Traditional Owner Settlement Act 2010** (where applicable and if required)—
  - (a) excision of all Crown land as advised by the Department;
  - (b) compliance with the right to negotiate provisions of the Native Title Act 1993 of the Commonwealth;
  - (c) the entering into of an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth;

- (d) compliance with a relevant land use activity agreement under the **Traditional Owner Settlement Act 2010**.
9. If the application includes land which is covered by an exploration licence, a prospecting licence or a retention licence, indicate which of the following is the case—
- (a) the applicant is the holder of the exploration licence, prospecting licence or retention licence;
  - (b) a letter of consent to the application from the holder of the exploration licence, prospecting licence or retention licence is attached to the application.
10. Term required (in years).
11. The estimated annual expenditure for the first 5 years of the licence.
12. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 17).
13. The names and qualifications of technical advisers who will be assisting in the mining program (if the advisers are not employees of the applicant, include evidence that the advisers have agreed to assist in the mining program).
14. Details of the applicant's experience in mining activities.
15. For the purpose of showing that the applicant is a fit and proper person—
- (a) if the Minister has taken action under section 83 of the Act to rehabilitate land because the applicant or an associate of the applicant has not complied with Part 7 of the Act, provide details regarding—
    - (i) the circumstances which led to the taking of that Ministerial action; and
    - (ii) when those circumstances arose; and

- (b) if a licence held by the applicant or an associate of the applicant has been cancelled, provide details regarding—
    - (i) the circumstances which led to that cancellation; and
    - (ii) when those circumstances arose; and
  - (c) if the applicant or an associate of the applicant has been convicted of an offence against the Act, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (d) if the applicant or an associate of the applicant has been convicted of an offence involving fraud or dishonesty provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.
16. If a mineralisation report is required under section 15(1BE) of the Act (see note 4), include the following details about the competent person who prepared the report—
- (a) contact details;
  - (b) relevant professional organisation membership/s;
  - (c) relevant experience.
17. Details of the proposed program of work including—
- (a) a map of the location of the proposed mining works in relation to the boundaries of the land included in the application; and
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- (b) a brief description of the proposed type of works, including—
  - (i) a description of the mining activities to be undertaken, including the proposed scale of mining; and
  - (ii) where relevant, a statement outlining any studies to be undertaken to further establish the economic viability of mining the mineral resource; and
  - (iii) where relevant, a description of any further geological work to upgrade the mineral resource; and
- (c) a proposed schedule for—
  - (i) obtaining any other necessary permits, approvals or authorisations required before mining can commence; and
  - (ii) construction and commissioning for mining; and
  - (iii) commencement of mining.

18. Signature of the applicant/s (see notes 6 and 7).

19. Date of application.

**Notes**

- 1 See section 4(1) of the Act for the definition of *agricultural land*.
- 2 An application for a mining licence under section 15(1) of the Act must specify the mineral or minerals to which the licence will relate (see further section 15(1BA) of the Act).
- 3 An application for a mining licence, other than an infrastructure mining licence, must describe a mineral resource in accordance with the guidelines issued by the Minister (see further section 15(1BB) of the Act).
- 4 If the mineral resource described in an application for a mining licence is not being mined from the land that will be covered by the licence, the application must also include a *mineralisation report* prepared by a competent person (see further section 15(1BE) and (1BF) of the Act).
- 5 See section 16(4) of the Act for the definition of *associate*.

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Schedule 2—Information required in application for mining licence

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- 6 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 7 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.
- 8 The Department will advise the applicant on addressing any native title requirements.

### **Schedule 3—Information required in application for prospecting licence**

Regulation 14

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. If the applicant is a company—
  - (a) a list of the directors of the company; and
  - (b) a copy of the certificate of registration of the company.
4. Area of land applied for (in hectares) (see note 1).
5. An attached map of 1:25 000 scale indicating the land applied for. The map must clearly show—
  - (a) any boundaries of private and Crown land; and
  - (b) the extent of land used as agricultural land.
6. Where required, a survey of the boundaries of land applied for.
7. The names and addresses of the owner/occupier of any private land covered by the application.
8. If the application includes Crown land, indicate which of the following options will be utilised to comply with the Native Title Act 1993 of the Commonwealth or the **Traditional Owner Settlement Act 2010** (where applicable and if required)—
  - (a) excision of all Crown land as advised by the Department;
  - (b) compliance with the right to negotiate provisions of the Native Title Act 1993 of the Commonwealth;

- (c) the entering into of an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth;
  - (d) compliance with a relevant land use activity agreement under the **Traditional Owner Settlement Act 2010**.
9. If the application includes land that is covered by an exploration licence or that is the subject of an application for an exploration licence, indicate which of the following is the case—
- (a) the applicant is the holder of, or the applicant for, the exploration licence;
  - (b) a letter of consent to the application from the holder of, or the applicant for, the exploration licence is attached to the application;
  - (c) the exploration licence was first registered more than 2 years before the application was lodged and the written consent of the holder of this exploration licence to the granting of the prospecting licence is unable to be obtained by the applicant so a request for waiver of the need for consent is attached to the application.
10. If the application includes land that is covered by a retention licence or that is the subject of an application for a retention licence, indicate which of the following is the case—
- (a) the applicant is the holder of, or the applicant for, the retention licence;
  - (b) a letter of consent to the application from the holder of, or the applicant for, the retention licence is attached to the application.
11. The term required (in years) (see note 5).
12. The estimated annual expenditure for the first 2 years of the licence and the estimated total expenditure for the term of the licence.
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13. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 16).
14. Details of the applicant's experience in exploration or mining activities.
15. For the purpose of showing that the applicant is a fit and proper person—
  - (a) if the Minister has taken action under section 83 of the Act to rehabilitate land because the applicant or an associate of the applicant has not complied with Part 7 of the Act, provide details regarding—
    - (i) the circumstances which led to the taking of that Ministerial action; and
    - (ii) when those circumstances arose; and
  - (b) if a licence held by the applicant or an associate of the applicant has been cancelled, provide details regarding—
    - (i) the circumstances which led to that cancellation; and
    - (ii) when those circumstances arose; and
  - (c) if the applicant or an associate of the applicant has been convicted of an offence against the Act, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (d) if the applicant or an associate of the applicant has been convicted of an offence involving fraud or dishonesty, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and

- (e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.
16. Details of the proposed program of work including—
- (a) a map of the location of the proposed works in relation to the boundaries of the land included in the application; and
  - (b) a brief description of the proposed type of works.
17. Signature of the applicant/s (see notes 6 and 7).
18. Date of application.

**Notes**

- 1 The maximum area of land that can be covered by a prospecting licence is 5 hectares (see further section 14B(4) of the Act).
- 2 See section 4(1) of the Act for the definition of *agricultural land*.
- 3 An application for a prospecting licence under section 15(1) of the Act must specify the mineral or minerals to which the licence will relate (see further section 15(1BA) of the Act).
- 4 See section 16(4) of the Act for the definition of *associate*.
- 5 The maximum term that can be granted by the Minister for a prospecting licence is 5 years. A prospecting licence is not renewable (see further section 14B(3) of the Act).
- 6 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 7 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.
- 8 The Department will advise the applicant on addressing any native title requirements.

## **Schedule 4—Information required in application for retention licence**

Regulations 15 and 36

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. If the applicant is a company—
  - (a) a list of the directors of the company; and
  - (b) a copy of the certificate of registration of the company.
4. Area of land applied for in hectares and information to demonstrate that the area of land applied for is that land which may be required for the purpose of mining a mineral resource in the future.
5. An attached map of 1:25 000 scale indicating the land applied for. The map must clearly show any boundaries of private and Crown land.
6. A survey of the boundaries of land applied for.
7. If the application includes Crown land, indicate which of the following options will be utilised to comply with the Native Title Act 1993 of the Commonwealth or the **Traditional Owner Settlement Act 2010** (where applicable and if required)—
  - (a) excision of all Crown land as advised by the Department;
  - (b) compliance with the right to negotiate provisions of the Native Title Act 1993 of the Commonwealth;
  - (c) the entering into of an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth;

- (d) compliance with a relevant land use activity agreement under the **Traditional Owner Settlement Act 2010**.
8. If the application includes land that is covered by an exploration licence or that is the subject of an application for an exploration licence, indicate which of the following is the case—
- (a) the applicant is the holder of, or the applicant for, the exploration licence; or
  - (b) a letter of consent to the application from the holder of, or the applicant for, the exploration licence is attached to the application.
9. If the application includes land that is covered by a prospecting licence or that is the subject of an application for a prospecting licence, indicate which of the following is the case—
- (a) the applicant is the holder of, or the applicant for, the prospecting licence; or
  - (b) a letter of consent to the application from the holder of, or the applicant for, the prospecting licence is attached to the application.
10. Term required (in years).
11. The estimated annual expenditure for the first 2 years of the licence and the estimated total expenditure for the term of the licence.
12. Information to demonstrate that the proposed expenditure is commensurate with the proposed program of work (refer item 18).
13. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 18).
14. The names and qualifications of technical advisers who will be assisting in the proposed activities under the retention licence (if the advisers are not employees of the
-

- applicant, include evidence that the advisers have agreed to assist in the proposed activities under the retention licence).
15. In relation to a mineralisation report required under section 15(1BE) of the Act, include the following details about the competent person who prepared the report—
- (a) contact details;
  - (b) relevant professional organisation membership/s;
  - (c) relevant experience.
16. Details of the applicant's experience, or availability of such experience to the applicant, in—
- (a) exploration or mining activities; and
  - (b) project evaluation and development activities.
17. For the purpose of showing that the applicant is a fit and proper person—
- (a) if the Minister has taken action under section 83 of the Act to rehabilitate land because the applicant or an associate of the applicant has not complied with Part 7 of the Act, provide details regarding—
    - (i) the circumstances which led to the taking of that Ministerial action; and
    - (ii) when those circumstances arose; and
  - (b) if a licence held by the applicant or an associate of the applicant has been cancelled, provide details regarding—
    - (i) the circumstances which led to that cancellation; and
    - (ii) when those circumstances arose; and
  - (c) if the applicant or an associate of the applicant has been convicted of an offence against the Act, provide details regarding—
    - (i) the nature of the offence; and

- (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (d) if the applicant or an associate of the applicant has been convicted of an offence involving fraud or dishonesty, provide details regarding—
    - (i) the nature of the offence; and
    - (ii) when the offence was committed; and
    - (iii) the penalty imposed; and
  - (e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.
18. Details of the proposed program of work, including the following—
- (a) intensive mineral exploration;
  - (b) mineral resource assessment;
  - (c) technical and economic studies related to—
    - (i) the development of the mineral resource in accordance with the principles of sustainable development; and
    - (ii) demonstrating the economic viability of the mineral resource; and
  - (d) a proposed timing schedule for the program of work including key milestones and proposed expenditure against each milestone;
  - (e) demonstration that the planned scale of mining is commensurate with the efficient development of the mineral resource with consideration to its size.
19. Preferred annual reporting date.
20. Signature of the applicant/s (see notes 5 and 6).
21. Date of application.

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Schedule 4—Information required in application for retention licence

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**Notes**

- 1 An application for a retention licence must specify the mineral or minerals to which the licence will relate (see further section 15(1BA) of the Act).
- 2 An application for a retention licence must describe a mineral resource in accordance with the guidelines issued by the Minister (see further section 15(1BB) of the Act).
- 3 An application for a retention licence must include a mineralisation report prepared by a competent person (see further sections 15(1BE) and 15(1BF) of the Act).
- 4 See section 16(4) of the Act for the definition of *associate*.
- 5 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 6 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.
- 7 The Department will advise the applicant on addressing any native title requirements.

## Schedule 5—Miner's right

Regulation 18

### Mineral Resources (Sustainable Development) Act 1990

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Place issued:

Date:

Issued to (Insert full name)

of (Insert full residential/business address)

under the **Mineral Resources (Sustainable Development) Act 1990**, to be  
in force from                      until                      .

I, the holder of this Miner's Right, agree to search for minerals only in the  
circumstances authorised by section 55 of the Act and to comply with  
section 58 of the Act.

Signature of holder:

Signature of person authorised to issue:

## **Schedule 6—Information required in application for tourist fossicking authority**

Regulation 19

1. The name and address of the applicant/s.
2. A contact name, telephone number, email address and postal address.
3. A description of the tourist activity proposed.
4. Details of the number of people expected to search for minerals under the authority (for example, the expected weekly average).
5. Term required (in years) (no more than 10 years).
6. An attached map showing the boundaries of the land to which the application applies or a description of the boundaries of the land to which the application applies (for example, by shire boundaries and Crown allotments).
7. If an area of land covered by the application includes land covered by a mining licence, prospecting licence or retention licence, evidence of the consent of the licensee to the granting of the authority or a request that the application not apply to any area of land covered by a mining licence, prospecting licence or retention licence.
8. Signature of the applicant/s (see notes 1 and 2).
9. Date of application.

### **Notes**

- 1 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 2 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.

## **Schedule 7—Information required in notice of application for an exploration licence or retention licence**

Regulations 20, 23 and 37

### **Part 1**

1. The name and address of the applicant/s.
2. A contact phone number and email address of the applicant for maps and other information requests.
3. The website address or other location approved by the Department Head where the information in Part 2 of this Schedule is published.
4. Details of the application, including the following—
  - (a) the application number;
  - (b) the locality of the land to which the application relates;
  - (c) in the case of a notice application for an exploration licence, the approximate area of land to which the application relates in km<sup>2</sup>;
  - (d) in the case of a notice application for a retention licence, the approximate area of land to which the application relates in hectares;
  - (e) the date of the application;
  - (f) an outline of the proposed program of work to which the application relates.
5. A statement that any person may object within 21 days to the grant of a licence under section 24 of the Act and that gives details as to how a person can object to the grant of the licence, including the current address details of the Department.

6. For the notice appearing in one newspaper circulating in each locality of the licence application area, a map clearly identifying the land to which the application relates, including relevant roads and place names.
7. If the application is for an exploration licence, a statement that, subject to other statutory requirements being satisfied, an exploration licence, if granted, entitles the holder of the licence to explore and search for minerals in the relevant land, but does not entitle the holder to undertake mining.
8. If the application is for a retention licence, a statement that, subject to other statutory requirements being satisfied, a retention licence, if granted, entitles the holder of the licence to retain rights to a mineral resource and explore and carry out other work to establish the economic viability of mining, but does not entitle the holder to undertake mining.
9. A statement that further information regarding the statutory requirements that must be complied with prior to work being undertaken on a licence, including landowner and occupier consent requirements, is available on the Department's Internet site (the notice must include the relevant Internet site address).

## **Part 2**

1. Details of the proposed program of work on the licence.
2. A description of the applicant's systems for managing impacts of the proposed work on the community (including landowners and occupiers) and the environment.
3. An outline of how the applicant intends to meet a licensee's obligations under section 39A of the Act to consult with the community (including landowners and occupiers).

## **Schedule 8—Information required in notice of application for mining licence or prospecting licence**

Regulations 21, 22, 23 and 37

### **Part 1**

1. The name and address of the applicant/s.
2. The contact phone number and email address of the applicant for maps and other information requests.
3. The Internet site address or other location approved by the Department Head where the information in Part 2 of this Schedule is published (relevant for application for a mining licence only).
4. Details of the application, including the following—
  - (a) the application number;
  - (b) the locality of the land to which the application relates;
  - (c) the approximate area of land to which the application relates in hectares;
  - (d) the date of the application;
  - (e) an outline of the proposed program of work to which the application relates;
  - (f) the term of licence applied for;
  - (g) the date authority to enter granted (if applicable).
5. A statement that any person may object within 21 days to the grant of a licence under section 24 of the Act and that gives details as to how a person can object to the grant of the licence, including the current address details of the Department.

6. For the notice appearing in one newspaper circulating in each locality of the licence application area, a map clearly identifying the land to which the application relates, including relevant roads and place names.
7. If the application is for a mining licence, a statement that, subject to other statutory requirements being satisfied, a mining licence, if granted, entitles the holder of the licence to carry out mining on the relevant land, explore for minerals, construct any facilities specified in the licence, and do anything else that is incidental to that mining.
8. If the application is for a prospecting licence, a statement that, subject to other statutory requirements being satisfied, a prospecting licence, if granted, entitles the holder of the licence to prospect or explore for minerals, carry out mining on the relevant land, and do anything else that is incidental to that mining.
9. A statement that further information regarding the statutory requirements that must be complied with prior to work being undertaken on a licence, including landowner and occupier consent requirements, is available on the Department's Internet site (the notice must include the relevant Internet site address).

## **Part 2**

1. Details of the proposed program of work on the licence.
2. A description of the applicant's systems for managing impacts of the proposed work on the community (including landowners and occupiers) and the environment.
3. An outline of how the applicant intends to meet a licensee's obligations under section 39A of the Act to consult with the community (including landowners and occupiers).

## **Schedule 9—Information required in application for renewal of exploration licence**

Regulation 25

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. The number of the licence to which the application relates.
4. Details of the reasons for renewal including, but not limited to (see note 1)—
  - (a) if the application is for the first renewal of an exploration licence, demonstration that the applicant has identified minerals in the land covered by the licence, and—
    - (i) additional time is necessary to assess the economic viability of those minerals; or
    - (ii) mining of the mineral resources is not yet economically viable but may become so in the future; or
  - (b) if the application is for the second renewal of the exploration licence, or any other renewal provided for by Schedule 8 of the Act in the case of exploration licences granted prior to 1 February 2012, any matters that the applicant considers are exceptional circumstances to warrant the second renewal.
5. Details of the proposed program of work, including—
  - (a) the nature of the work to be undertaken in the following areas—
    - (i) office-based activities;

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- (ii) on-ground exploration activities (including, for example, geological mapping, rock and soil sampling (and related geochemistry and mineralogy), ground and airborne geophysical surveys, and remote sensing);
  - (iii) subsurface evaluation activities (including, for example, drilling, trenching, bulk sampling, underground development, and related geochemistry, mineralogy and metallurgy);  
and
- (b) as far as is practicable, an indication of the location and focus of the proposed activities with location maps; and
  - (c) a description of the nature of the targets that the program seeks to delineate; and
  - (d) a description of the geological rationale behind the proposed program; and
  - (e) a proposed timing schedule of the exploration program, including the proposed timing for preparation of a mineralisation report.
6. The estimated expenditure for the next 5 years of the licence.
  7. The term of renewal required (in years).
  8. Signature of the applicant/s (see notes 2 and 3).
  9. Date of application.

**Notes**

- 1 The Minister may only renew an exploration licence granted after 1 February 2012 twice (see section 31(5) of the Act).
- 2 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.

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- 3 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.

## **Schedule 10—Information required in application for renewal of mining licence**

Regulation 25

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. The number of the licence to which the application relates.
4. Details of the reasons for renewal.
5. Details of the proposed program of work (indicate if a variation to the work plan will be sought).
6. The estimated expenditure for the next 5 years of the licence.
7. The term of renewal required (in years).
8. Signature of the applicant/s (see notes 1 and 2).
9. Date of application.

### **Notes**

- 1 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 2 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.
- 3 A mineralisation report must be included with the renewal application if the mining licence to which the application relates was first granted prior to 1 February 2012 and is the first application made for renewal in relation to the licence after 1 February 2012, and the holder of the licence is not already mining (see Schedule 8 of the Act).

## **Schedule 11—Information required in application for renewal of retention licence**

Regulation 25

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. A contact name, telephone number, email address and postal address.
3. The number of the licence to which the application relates.
4. Details of the reasons for renewal including (see note 1)—
  - (a) demonstration that mining of the mineral resource is not yet economically viable but would be economically viable in the future; and
  - (b) if the application is for the second renewal of the retention licence, any matters that the applicant considers are exceptional circumstances to warrant renewal.
5. Area of land applied for in hectares and information to demonstrate that the area of land applied for is that land which may be required for the purpose of mining a mineral resource in the future.
6. Details of the proposed program of work, including the following—
  - (a) intensive mineral exploration;
  - (b) mineral resource assessment;
  - (c) technical and economic studies related to—
    - (i) the development of the mineral resource in accordance with the principles of sustainable development; and
    - (ii) demonstrating the economic viability of the mineral resource;

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- (d) a proposed timing schedule for the program of work including key milestones and proposed expenditure against each milestone;
  - (e) demonstration that the planned scale of mining is commensurate with the efficient development of the mineral resource with consideration to its size.
7. Demonstration that the proposed program of work is suitable to establish the economic viability of the mineral resource.
  8. The estimated expenditure for the term of the licence and demonstration that the expenditure is appropriate to the proposed program of work.
  9. The term of renewal required (in years).
  10. Signature of the applicant/s (see notes 2 and 3).
  11. Date of application.

**Notes**

- 1 The Minister may only renew a retention licence twice (see further section 31(5) of the Act).
- 2 Applications made by a company must be signed by a company director or company secretary or alternatively by a person who provides written evidence that he or she is authorised to act on behalf of the company with respect to the application.
- 3 If an application is made and submitted by a person acting on behalf of another party, the applicant must provide written evidence that he or she is authorised to act on behalf of that other party with respect to the application.

## **Schedule 12—Information required in notice of application for renewal of mining licence to owner and occupier of land**

Regulation 26

1. The name and address of the applicant/s (if the applicant is a company, the registered address of the company).
2. Details of the application for renewal, including the following—
  - (a) the number of the licence to which the application relates;
  - (b) the locality of the land to which the application relates;
  - (c) the area of land to which the application relates in hectares;
  - (d) the date of the application;
  - (e) the term of renewal applied for;
  - (f) the nature of the proposed program of work.
3. Signature of the applicant/s.
4. Date of application.

## **Schedule 13—Required information— exploration work**

Regulations 27 and 28

### **1 Description of work**

- 1.1 A general description of the proposed exploration work.
- 1.2 For sites that have been identified for drilling or other earthworks, a map showing the general location of those works, including any details regarding the cutting of tracks or roads.
- 1.3 A description of sensitive receptors (including their location) in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the work.

### **2 Identification and assessment of risk**

- 2.1 If the work involves an exploration hazard, an identification and assessment of any risks that exploration hazard may pose to the environment, to any member of the public, or to land, property or infrastructure.
- 2.2 For the purposes of item 2.1, an assessment of the risks posed by an exploration hazard, must have regard to—
  - (a) the nature of the exploration hazard; and
  - (b) the likelihood of the exploration hazard causing, or contributing to, any harm or damage to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work; and
  - (c) the severity or consequence of the harm or damage that may be caused.

### **3 Risk management plan**

3.1 A risk management plan that—

- (a) specifies the control measures to eliminate or minimise, as far as reasonably practicable, the identified risks associated with exploration hazards; and
- (b) specifies the objectives, standards or acceptance criteria that each control measure or a combination of control measures will achieve; and
- (c) includes a monitoring program to measure performance against all the specified objectives, standards and acceptance criteria; and
- (d) specifies arrangements for reporting on performance against all the specified objectives, standards and acceptance criteria.

### **4 Rehabilitation**

4.1 A description of the proposed rehabilitation of any areas subject to surface disturbance including revegetation proposals and, if relevant, proposals for the removal of plant and equipment.

### **5 Consultation**

5.1 A description of the proposed arrangements for consultation with landowners, Crown land managers and local councils.

## **Schedule 14**

Regulations 27 and 28

### **Part 1—Required information—mining work**

#### **1 Description of work**

- 1.1 A location map of the work plan area and surrounding areas, drawn at an appropriate scale proposed, that shows the following—
  - (a) the extent and status of Crown lands and private lands;
  - (b) residential, commercial and industrial development;
  - (c) public facilities and infrastructure;
  - (d) rivers and streams within the work plan area and within 2 km of the work plan area.
- 1.2 A general description of geological information pertaining to the work, including stratigraphy, any adverse geological structures, the minerals to be extracted, and the estimated ore resources and reserves.
- 1.3 A general description of the mine operations that includes—
  - (a) the method and scale of extraction; and
  - (b) ore processing methods and facilities; and
  - (c) waste disposal methods and facilities; and
  - (d) stockpiling facilities; and
  - (e) other mine infrastructure.
- 1.4 A site map, drawn at an appropriate scale, showing the general layout of the mine and associated facilities and infrastructure.

1.5 A description of sensitive receptors (including their location) in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the work.

## **2 Identification of mining hazards**

2.1 An identification of mining hazards that may arise from each phase of the work, including set up/construction, operations/production and rehabilitation/closure.

## **3 Identification and assessment of risk**

3.1 An identification and assessment of the risks that the identified mining hazards may pose to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work.

3.2 For the purposes of item 3.1, an assessment of a risk posed by a mining hazard must have regard to—

- (a) the nature of the mining hazard; and
- (b) the likelihood of the mining hazard causing, or contributing to, any harm or damage to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work; and
- (c) the severity or consequence of the harm or damage that may be caused.

## **4 Risk management plan**

4.1 A risk management plan that—

- (a) specifies the control measures to eliminate or minimise, as far as reasonably practicable, the identified risks associated with mining hazards; and

- (b) specifies the objectives, standards or acceptance criteria that each control measure or a combination of control measures will achieve; and
- (c) includes a monitoring program to measure performance against all the specified objectives, standards and acceptance criteria; and
- (d) specifies arrangements for reporting on performance against all the specified objectives, standards and acceptance criteria.

## **5 Rehabilitation plan**

### 5.1 A rehabilitation plan that—

- (a) addresses concepts for the end utilisation of the mine site; and
- (b) includes proposals for the progressive rehabilitation, stabilisation and revegetation of extraction areas, waste disposal areas, stockpile areas, dams and other land affected by the operation; and
- (c) includes proposals for landscaping to minimise the visual impact of the mine site; and
- (d) includes proposals for the final rehabilitation and closure of the site, including the security of the site and the removal of plant and equipment, taking into account any potential long-term degradation of the environment.

## **6 Community engagement plan**

### 6.1 In the case of a prospecting licence or a mining licence covering an area of 5 ha or less, a community engagement plan that—

- (a) identifies any community likely to be affected by the mine operations; and

- (b) in relation to the mine operations, includes proposals for—
  - (i) providing information to the community; and
  - (ii) receiving feedback from the community; and
- (c) includes a proposal for responding to complaints and other communications from members of the community in relation to the mine operations.

6.2 In the case of any other mining licence, a community engagement plan that—

- (a) identifies any community likely to be affected by the mine operations; and
- (b) in relation to the mine operations, includes proposals for—
  - (i) identifying community attitudes and expectations; and
  - (ii) providing information to the community; and
  - (iii) receiving feedback from the community; and
  - (iv) analysing community feedback and considering community concerns or expectations; and
- (c) includes a proposal for registering, documenting and responding to complaints and other communications from members of the community in relation to the mine operations.

## **Part 2—Stability requirements— declared mines**

1. Any geological information, in addition to that required under Part 1, that is relevant to the stability of the declared mine, including a plan showing cross-sections and long sections of the proposed extraction area of the declared mine.
2. An assessment of the geotechnical and hydrogeological risks for the declared mine.
3. A description of the control measures proposed to be implemented to eliminate or reduce the geotechnical or hydrogeological risks to an acceptable level including—
  - (a) a description of any proposed groundwater control system; and
  - (b) particulars of other measures to ensure the stability of the mine, associated infrastructure and adjacent land.
4. A plan for monitoring the stability and groundwater management of the declared mine.
5. A description of the process for reviews of the assessment, plan, actions and control measures referred to in this Part relating to the declared mine.

## **Part 3—Fire risk management plan— coal mines**

1. A fire risk management plan, prepared with the input of an independent expert with appropriate expertise in mine safety and fire prevention, mitigation and suppression.

2. A fire risk management plan must—
  - (a) assess the risks to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work, that fire entering or breaking out in the work plan area may pose; and
  - (b) specify control measures for fire prevention, mitigation and suppression that will eliminate or minimise, as far as reasonably practicable, the identified risks associated with fire; and
  - (c) specify and quantify the objectives, standards or acceptance criteria that each control measure or a combination of control measures will achieve; and
  - (d) specify procedures for the regular testing of control measures; and
  - (e) specify mine emergency procedures to be followed in the case of a fire; and
  - (f) specify arrangements for reporting on the outcomes of the testing of control measures, and in the case of a fire, the performance against all the specified standards and acceptance criteria that was achieved.
3. For the purposes of item 2(a), an assessment of the risk of fire must have regard to—
  - (a) the likelihood of fire entering or breaking out in the work plan area and causing or contributing to any harm or damage to the environment, to any member of the public, or to land, infrastructure or property in the vicinity of the work; and
  - (b) the severity or consequence of the harm or damage that may be caused.

## **Schedule 15—Information required in expenditure and activities return— exploration licence**

Regulation 31

1. Exploration licence number (one only per return).
2. Reporting period.
3. The name and role of the person completing the return.

### **OFFICE-BASED ACTIVITIES**

4. Expenditure on office-based activities including the following—
  - (a) literature search;
  - (b) database compilation;
  - (c) computer modelling;
  - (d) reprocessing of data;
  - (e) general research;
  - (f) geological and geophysical interpretation;
  - (g) ore resource/reserve calculation;
  - (h) report preparation, including the expenditure and activities return and mineralisation report;
  - (i) other (specify).
5. Total expenditure on office-based activities.

### **ON-THE-GROUND RECONNAISSANCE ACTIVITIES**

6. Expenditure on airborne exploration surveys and the number of line kilometres flown for the following—
  - (a) aeromagnetics;
  - (b) radiometrics;
  - (c) electromagnetics;

- (d) gravity;
  - (e) digital terrain modelling;
  - (f) other (specify).
7. Expenditure on remote sensing including the following—
- (a) aerial photography;
  - (b) LANDSAT satellite imagery;
  - (c) SPOT satellite imagery;
  - (d) multi-spectral scanner;
  - (e) other (specify).
8. Expenditure on ground exploration including—
- (a) the following geological mapping—
    - (i) regional;
    - (ii) reconnaissance;
    - (iii) prospect;
    - (iv) pre-existing underground development; and
  - (b) the following ground geophysics—
    - (i) radiometrics;
    - (ii) magnetics;
    - (iii) gravity;
    - (iv) digital terrain modelling;
    - (v) electromagnetics;
    - (vi) self potential;
    - (vii) induced polarisation;
    - (viii) audiomagnetotellurics;
    - (ix) resistivity;
    - (x) complex resistivity;
    - (xi) seismic reflection;

- (xii) seismic refraction;
- (xiii) petrophysics;
- (xiv) other (specify); and
- (c) the following geochemical surveying and sample collection (state number of samples)—
  - (i) stream sediment;
  - (ii) soil;
  - (iii) rock chip;
  - (iv) laterite;
  - (v) water;
  - (vi) biogeochemical sampling; and
- (d) the following related geochemistry, mineralogy and petrology of samples—
  - (i) laboratory analysis (specify element and type);
  - (ii) whole rock analysis;
  - (iii) mineral analysis;
  - (iv) isotopic studies;
  - (v) petrology;
  - (vi) other (specify).

9. Total expenditure on on-the-ground reconnaissance activities.

SUBSURFACE EVALUATION

10. Expenditure on drilling and related activities including the following—
- (a) diamond drilling;
  - (b) reverse circulation;
  - (c) rotary air blast;
  - (d) air core;

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- (e) auger;
- (f) other drilling (specify);
- (g) well logging and other downhole geophysics;
- (h) related preparation, geochemistry, mineralogy and petrology of drill samples including—
  - (i) laboratory analysis (specify element and type);  
and
  - (ii) whole rock analysis; and
  - (iii) mineral analysis; and
  - (iv) isotopic studies; and
  - (v) petrology; and
  - (vi) other (specify).

11. Expenditure on the following—

- (a) costeaning/ditchwitching and related subsurface mapping and sampling;
- (b) bulk sampling and related subsurface mapping and sampling;
- (c) shaft restoration or other underground development (describe), and related subsurface mapping and sampling;
- (d) geochemistry, mineralogy and petrology of subsurface samples including—
  - (i) laboratory analysis (specify element and type);  
and
  - (ii) whole rock analysis; and
  - (iii) mineral analysis; and
  - (iv) isotopic studies; and
  - (v) petrology; and
  - (vi) other (specify); and
- (e) subsurface geophysical surveys (describe);

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- (f) bulk sample processing, testing and analysis;
  - (g) mineral processing testing.
12. Expenditure on rehabilitation including the following—
- (a) after drilling;
  - (b) track maintenance;
  - (c) monitoring;
  - (d) other (specify).
13. Total expenditure on subsurface evaluation activities.

**TOTAL EXPENDITURE**

14. Total reported expenditure (sum of 5, 9 and 13).

**OTHER**

15. Any comment on administrative matters related to exploration on the licence during the reporting period including progress on landowner compensation agreements, purchase of equipment, timing of surveys, etc.
16. Date.

**Schedule 16—Information required  
in expenditure and activities return—  
mining licence**

Regulation 31

1. Mining licence number (one only per return).
2. Reporting period.
3. Name and role of person completing the return.
4. Expenditure on wages and salaries.
5. Expenditure on equipment, plant or machinery.
6. Expenditure on administration and consumables.
7. Expenditure on rehabilitation.
8. Expenditure on exploration (see Notes 1 and 3).
9. Expenditure on mining work undertaken during the reporting period.
10. Details of the mining work during the reporting period including the following—
  - (a) a detailed current plan of any underground mine;
  - (b) a description and quantities of ore and waste mined and treated (see Note 2);
  - (c) a description of any development or extensions to surface mine facilities and works such as treatment plant, tailings dams etc.;
  - (d) a description of any shaft or underground development including depth or distance developed.
11. Details of land disturbance and rehabilitation, including—
  - (a) the total current area of land disturbed, and the proportion of that area that has been disturbed in relation to each of the following—

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- (i) pits;
  - (ii) overburden and waste rock dumps;
  - (iii) tailings storage facilities;
  - (iv) infrastructure; and
- (b) the area disturbed during the last reporting period;  
and
- (c) the area rehabilitated over the last reporting period,  
and the proportion of that area that has been  
rehabilitated in relation to each of the following—
- (i) pits;
  - (ii) overburden and waste rock dumps;
  - (iii) tailings storage facilities;
  - (iv) infrastructure; and
- (d) the percentage of area included in paragraph (c) that  
is revegetated with local native vegetation; and
- (e) an estimate of the current rehabilitation liability for  
the licence area.

**Note**

*Rehabilitated* means landforming complete and planting undertaken.  
Further land management may be required.

12. Details of the environmental management activities  
undertaken during the reporting period, including the  
following—
- (a) the volume and composition of tailings produced;
  - (b) the volume and composition of other waste streams  
produced;
  - (c) a statement outlining whether the licensee has  
complied with environmental monitoring  
requirements under the work plan and conditions,  
including details of any non-compliances that have  
not otherwise been reported in accordance with  
regulation 29 (reportable events).

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Schedule 16—Information required in expenditure and activities return—  
mining licence

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**Notes**

- 1 The technical results and geological interpretation of exploration works must be separately reported in accordance with regulation 32.
- 2 The production and sale of minerals must be reported for the purposes of royalty assessment and payment in accordance with regulation 9.
- 3 Expenditure on exploration must be reported under category headings 4 to 9 of Schedule 15 (wherever relevant).

**Schedule 17—Information required in  
expenditure and activities return—  
prospecting licence**

Regulation 31

1. Prospecting licence number (one only per return).
2. Reporting period.
3. The name and role of the person completing the return.
4. Expenditure on wages and salaries.
5. Expenditure on office-based activities undertaken in relation to the licence.
6. Expenditure on mining work and exploration undertaken during the reporting period.
7. A summary of exploration activities during the reporting period.
8. Details of the mining work during the reporting period including—
  - (a) a current plan of—
    - (i) any surface mine facilities and works; and
    - (ii) any underground mine, including a description of any shaft or underground development with depth or distance developed; and
  - (b) a description of ore and waste mined and treated (see Note 1).
9. Details of land disturbance and rehabilitation, including the following—
  - (a) the total current area of land disturbed;
  - (b) the area disturbed during the last reporting period;
  - (c) the area rehabilitated over the last reporting period;

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prospecting licence

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- (d) the percentage of area included in paragraph (c) that is revegetated with local native vegetation;
- (e) an estimate of the current rehabilitation liability for the licence area.

**Note**

*Rehabilitated* means landforming complete and planting undertaken. Further land management may be required.

10. Details of the environmental management activities undertaken during the reporting period, including the following—
- (a) the volume and composition of tailings produced;
  - (b) the volume and composition of other waste streams produced;
  - (c) a statement outlining whether the licensee has complied with environmental monitoring requirements under the work plan and conditions, including details of any non-compliances that have not otherwise been reported in accordance with regulation 29 (reportable events).

**Note**

The production and sale of minerals must be reported for the purposes of royalty assessment and payment in accordance with regulation 9.

## **Schedule 18—Information required in expenditure and activities return— retention licence**

Regulation 31

1. Retention licence number (one only per return).
2. Reporting period.
3. Name and role of person completing the return.

### **A. MINERAL EXPLORATION AND RESOURCE ASSESSMENT**

#### **OFFICE-BASED ACTIVITIES**

4. Expenditure on office-based activities including the following—
  - (a) literature search;
  - (b) database compilation;
  - (c) computer modelling;
  - (d) reprocessing of data;
  - (e) general research;
  - (f) geological and geophysical interpretation;
  - (g) ore resource/reserve calculation;
  - (h) report preparation, including the expenditure and activities return and mineralisation report;
  - (i) other (specify).
5. Total expenditure on office-based activities.

#### **ON-THE-GROUND RECONNAISSANCE ACTIVITIES**

6. Expenditure on airborne exploration surveys and the number of line kilometres flown for the following—
  - (a) aeromagnetics;

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- (b) radiometrics;
  - (c) electromagnetics;
  - (d) gravity;
  - (e) digital terrain modelling;
  - (f) other (specify).
7. Expenditure on remote sensing including the following—
- (a) aerial photography;
  - (b) LANDSAT satellite imagery;
  - (c) SPOT satellite imagery;
  - (d) multi-spectral scanner;
  - (e) other (specify).
8. Expenditure on ground exploration including—
- (a) the following geological mapping—
    - (i) regional;
    - (ii) reconnaissance;
    - (iii) prospect;
    - (iv) pre-existing underground development; and
  - (b) the following ground geophysics—
    - (i) radiometrics;
    - (ii) magnetics;
    - (iii) gravity;
    - (iv) digital terrain modelling;
    - (v) electromagnetics;
    - (vi) self potential;
    - (vii) induced polarisation;
    - (viii) audiomagnetotellurics;
    - (ix) resistivity;

- (x) complex resistivity;
  - (xi) seismic reflection;
  - (xii) seismic refraction;
  - (xiii) petrophysics;
  - (xiv) other (specify); and
- (c) the following geochemical surveying and sample collection (state number of samples)—
- (i) stream sediment;
  - (ii) soil;
  - (iii) rock chip;
  - (iv) laterite;
  - (v) water;
  - (vi) biogeochemical sampling; and
- (d) the following related geochemistry, mineralogy and petrology of samples—
- (i) laboratory analysis (specify element and type);
  - (ii) whole rock analysis;
  - (iii) mineral analysis;
  - (iv) isotopic studies;
  - (v) petrology;
  - (vi) other (specify).

9. Total expenditure on on-the-ground reconnaissance activities.

**SUBSURFACE EVALUATION**

10. Expenditure on drilling and related activities including the following—
- (a) diamond drilling;
  - (b) reverse circulation;

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- (c) rotary air blast;
- (d) air core;
- (e) auger;
- (f) other drilling (specify);
- (g) well logging and other downhole geophysics;
- (h) related preparation, geochemistry, mineralogy and petrology of drill samples including—
  - (i) laboratory analysis (specify element and type);  
and
  - (ii) whole rock analysis; and
  - (iii) mineral analysis; and
  - (iv) isotopic studies; and
  - (v) petrology; and
  - (vi) other (specify).

11. Expenditure on the following—

- (a) costeaning/ditchwitching and related subsurface mapping and sampling;
- (b) bulk sampling and related subsurface mapping and sampling;
- (c) shaft restoration or other underground development (describe), and related subsurface mapping and sampling;
- (d) geochemistry, mineralogy and petrology of subsurface samples including—
  - (i) laboratory analysis (specify element and type);  
and
  - (ii) whole rock analysis; and
  - (iii) mineral analysis; and
  - (iv) isotopic studies; and

- (v) petrology; and
  - (vi) other (specify);
  - (e) subsurface geophysical surveys (describe);
  - (f) bulk sample processing, testing and analysis;
  - (g) mineral processing testing.
12. Expenditure on rehabilitation including the following—
- (a) after drilling;
  - (b) track maintenance;
  - (c) monitoring;
  - (d) other (specify).
13. Total expenditure on subsurface evaluation activities.
14. Total expenditure on mineral exploration and resource assessment (sum of 5, 9 and 13).

**B. TECHNICAL AND ECONOMIC STUDIES**

15. Expenditure and details of the work undertaken during the reporting period in relation to—
- (a) technical and economic studies related to—
    - (i) the development of the mineral resource in accordance with the principles of sustainable development; and
    - (ii) demonstrating the economic viability of the mineral resource; and
  - (b) key milestones under the program of work.
16. Total expenditure on technical and economic studies.

**C. TOTAL EXPENDITURE**

17. Total reported expenditure (sum of 14 and 16).

**D. OTHER**

18. Any comment on administrative matters related to work on the licence during the reporting period including progress on landowner compensation agreements, purchase of equipment, timing of surveys, etc.
19. Date.

## **Schedule 19—Information required in technical report**

Regulation 32

1. A complete record of all geological, geophysical, geochemical and other technical investigations with relevant maps showing locations of surveys.
2. A complete record of all drillholes and excavations with logs and relevant maps showing locations.
3. Details of any material tested along with assay results.
4. A summary of any ore resource or reserves identified in a manner which accords with any industry standard.
5. Any interpretations formed as a result of surveys or activities undertaken.
6. Details of maps and sections related to the Map Grid of Australia (GDA94 coordinates) and the National Topographic Map Series.
7. Data submitted in an electronic form which accords with any industry standard.
8. Text and maps etc. submitted in an electronic form which accords with any industry standard.
9. Author.
10. Date.

## Schedule 20—Exploration licence no.

Regulation 12

### Mineral Resources (Sustainable Development) Act 1990

I, *[insert name]*, \*the Minister/\*acting as delegate of the Minister, grant to *[insert full name of holder]* of *[insert address of holder]* this exploration licence. The licence is granted under section 25 of the Act, over the area described in the attached document plan.

The licence is effective \*to/\*for *[insert expiry date or term of years from date of registration]*.

This licence is subject to the following conditions and to the Schedule of Conditions attached:

1. Only low impact exploration work may be undertaken in the licensed area until the licensee has an approved work plan.
2. Activities in the licensed area must be limited to those specified in the Act and the licence.
3. The licensee must expend in connection with exploration of the land a minimum of the following (*remove where necessary, depending on term of years from date of registration*)—
  - \$ in the first year of the term of the licence;
  - \$ in the second year of the term of the licence;
  - \$ in the third year of the term of the licence;
  - \$ in the fourth year of the term of the licence;
  - \$ in the fifth year of the term of the licence—unless this requirement is varied, or application of this requirement is suspended for a specified period, in accordance with the Act. The required expenditure may be varied on the second and fourth anniversaries (as applicable) of the licence grant if the area of the licence is decreased in accordance with section 38A of the Act.
4. The licensee must report immediately in writing to the Department Head the discovery of minerals potentially capable of production in commercial quantities.
5. The reporting date is *[insert reporting date]* annually.
6. The licensee must pay rent from the date of registration of the licence.

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7. The licensee must comply with any conditions specified in a land use activity agreement under section 31(3) of the **Traditional Owner Settlement Act 2010** that were accepted by the applicant for the licence.

\*Delete if not applicable.

**SCHEDULE OF CONDITIONS**

*[insert conditions]*.

## Schedule 21—Mining licence no.

Regulation 13

### Mineral Resources (Sustainable Development) Act 1990

I, *[insert name]*, \*the Minister/\*acting as delegate of the Minister, grant to *[insert full name of holder]* of *[insert address of holder]* this mining licence. The licence is granted under section 25 of the Act and is effective to/for *[insert expiry date or term of years from date of registration]*.

This licence is subject to the following conditions and to the Schedule of Conditions attached:

1. The authority given under this licence applies only within the land indicated on the attached plan and is subject to the depth restrictions, if any, indicated on that plan under section 15(9) or 26(3A) of the Act.
2. The licensee must make available a copy of—
  - (a) this licence; and
  - (b) any approved work plan or approved variation to a work plan—  
at a location in or near the licensed area so that an inspector or any other authorised officer can readily inspect them.
3. On satisfying the requirements of section 42(1) of the Act, the licensee must notify an inspector of mines and, if required by that inspector, must arrange an onsite briefing for any people the inspector may nominate.
4. The licensee must, from the date of registration of the licence, expend \$        per year on work in the licensed area, unless this requirement is varied, or application of this requirement is suspended for a specified period, in accordance with the Act.
5. On discovering an additional mineral resource deposit that may be economically viable to mine, the licensee must report the occurrence immediately in writing to the Department Head giving the estimated size, grade and suitability for mining of the deposit, and an estimate of the value of the deposit at the time of discovery.
6. Unless otherwise provided for by Schedule 2 to the Act, the licensee must submit a draft of the work plan for mining within 6 months after the registration of this licence or any longer period that may be approved by the Department Head.
7. The licensee must pay rent from the date of registration of the licence.

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8. The licensee must work in accordance with any approved work plan including any time frames specified in the approved work plan or in accordance with a Code of Practice made under Part 8A of the Act.

\*Delete if not applicable.

**SCHEDULE OF CONDITIONS**

*[insert conditions]*.

## Schedule 22—Prospecting licence no.

Regulation 14

### Mineral Resources (Sustainable Development) Act 1990

I, [*insert name*], \*the Minister/\*acting as delegate of the Minister, grant to [*insert full name of holder*] of [*insert address of holder*] this prospecting licence. The licence is granted under section 25 of the Act and is effective \*to/\*for [*insert expiry date or term of years from date of registration*].

This licence is subject to the following conditions and to the Schedule of Conditions attached:

1. The authority given under this licence applies only within the land indicated on the attached plan and is subject to the depth restrictions, if any, indicated on that plan under section 15(9) or 26(3A) of the Act.
2. The licensee must make available a copy of—
  - (a) this licence; and
  - (b) any approved work plan or approved variation to a work plan—  
at a location in or near the licensed area so that an inspector or any other authorised officer can readily inspect them.
3. On satisfying the requirements of section 42(1) of the Act, the licensee must notify an inspector of mines and, if required by that inspector, must arrange an on-site briefing for any people the inspector may nominate.
4. The licensee must, from the date of registration of the licence, expend \$            per year on work in the licensed area, unless this requirement is varied, or application of this requirement is suspended for a specified period, in accordance with the Act.
5. The licensee must report immediately in writing to the Department Head the discovery of minerals potentially capable of production in commercial quantities.
6. The licensee must pay rent from the date of registration of the licence.
7. The licensee must work in accordance with any approved work plan including any time frames specified in the approved work plan or in accordance with a Code of Practice made under Part 8A of the Act.

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8. The licensee must comply with any conditions specified in a land use activity agreement under section 31(3A) of the **Traditional Owner Settlement Act 2010** that were accepted by the applicant for the licence.

\*Delete if not applicable.

**SCHEDULE OF CONDITIONS**

*[insert conditions]*.

## Schedule 23—Retention licence no.

Regulation 15

### Mineral Resources (Sustainable Development) Act 1990

I, *[insert name]*, \*the Minister/\*acting as delegate to the Minister, grant to *[insert full name of holder]* of *[insert address of holder]* this retention licence. The licence is granted under section 25 of the Act, over the area described in the attached document plan.

The licence is effective to/for *[insert expiry date or term of years from date of registration]*.

This licence is subject to the following conditions and to the Schedule of Conditions attached:

1. Only low impact exploration work may be undertaken in the licensed area until the licensee has an approved work plan.
2. Activities in the licensed area must be limited to those specified in the Act and the licence.
3. The licensee must expend in connection with retention licence activities of the land a minimum of the following (*remove where necessary, depending on term of years from date of registration*)—
  - \$ in the first year of the term of the licence;
  - \$ in the second year of the term of the licence;
  - \$ in the third year of the term of the licence;
  - \$ in the fourth year of the term of the licence;
  - \$ in the fifth year of the term of the licence;
  - \$ in the sixth year of the term of the licence;
  - \$ in the seventh year of the term of the licence;
  - \$ in the eighth year of the term of the licence;
  - \$ in the ninth year of the term of the licence;
  - \$ in the tenth year of the term of the licence—

unless this requirement is varied, or application of this requirement is suspended for a specified period, in accordance with the Act.

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4. On discovering an additional mineral resource deposit that may be economically viable to mine in the future, the licensee must report the occurrence immediately in writing to the Department Head, giving the estimated size, grade and suitability for mining of the deposit, and an estimate of the value of the deposit at the time of discovery.
5. The reporting date is [*insert reporting date*] annually.
6. The licensee must pay rent from the date of registration of the licence.
7. The licensee must comply with any conditions specified in a land use activity agreement under section 31(3) of the **Traditional Owner Settlement Act 2010** that were accepted by the applicant for the licence.

\*Delete if not applicable.

**SCHEDULE OF CONDITIONS**

[*insert conditions*].

## Schedule 24—Mining work plan fees for mining licences and prospecting licences

Regulations 27 and 28

### 1 Definitions

(1) In this Schedule—

***EES work plan*** means a work plan or variation to a work plan for work in respect of which an Environment Effects Statement is prepared under the **Environment Effects Act 1978**;

***SE work plan*** means a work plan or variation to a work plan for work in respect of which a planning permit is required;

***sensitive location***, in relation to a mine, means—

- (a) a residence, school, kindergarten, aged care facility, hospital, childcare centre or community facility; or
- (b) a place or class of places declared under subclause (2) to be a sensitive location—

but does not include any premises that are owned or occupied by the person who lodges a work plan or applies to vary a work plan in relation to the mining to be carried out in that mine.

(2) The Minister, by notice published in the Government Gazette, may declare a place or class of places to be a sensitive location for the purposes of this Schedule.

(3) In determining the perimeter of the area for the purposes of this Schedule, any buffer zone in or in relation to that area is to be excluded.

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licences

## 2 Fee for lodgement of work plan

The fee for lodging a work plan (being a work plan that relates to mining) for a prospecting licence or mining licence in respect of a mine specified in Column 2 of the following table is the fee specified in the corresponding entry in Column 3 of that table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<b>Item</b>	<b>Category</b>	<b>Fee</b>	
		<b>SE work plan</b>	<b>EES work plan</b>
1	Prospecting licence or a mining licence that covers an area of 5 hectares or less	123.4 fee units	N/A
2	For a mining licence, in respect of a mine (including an underground mine) with no blasting involved and that has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan	308.4 fee units	1233.8 fee units
3	For a mining licence, in respect of a mine (including an underground mine) with no blasting involved and that has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan	370.1 fee units	1233.8 fee units

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licences

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<b>Item</b>	<b>Category</b>	<b>Fee</b>	
		<b>SE work plan</b>	<b>EES work plan</b>
4	For a mining licence, in respect of a mine (including an underground mine) with blasting involved and that has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan	308·4 fee units	1233·8 fee units
5	For a mining licence, in respect of a mine (including an underground mine) with blasting involved and that has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan	740·3 fee units	2467·5 fee units

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licences

### 3 Fee for varying a work plan

The fee for varying a work plan (being a work plan that relates to mining) for a prospecting licence or mining licence in respect of a mine specified in Column 2 of the following table is the fee specified in the corresponding entry in Column 3 of that table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
<b>Item</b>	<b>Category</b>	<b>Fee</b>		
		<b>SE work plan</b>	<b>EES work plan</b>	<b>Other work plan</b>
1	A prospecting licence, or a mining licence that covers an area of 5 hectares or less	114.4 fee units	N/A	38.1 fee units
2	For a mining licence, in respect of a mine (including an underground mine) with no blasting involved and that has no sensitive locations within 200 metres of the perimeter of the area covered by the application	305.0 fee units	1143.8 fee units	95.3 fee units
3	For a mining licence, in respect of a mine (including an underground mine) with no blasting involved and that has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application	381.3 fee units	1143.8 fee units	114.4 fee units

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licences

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
<b>Item</b>	<b>Category</b>	<b>Fee</b>		
		<b>SE work plan</b>	<b>EES work plan</b>	<b>Other work plan</b>
4	For a mining licence, in respect of a mine (including an underground mine) with blasting involved and that has no sensitive locations within 500 metres of the perimeter of the area covered by the application	305.0 fee units	1143.8 fee units	95.3 fee units
5	For a mining licence, in respect of a mine (including an underground mine) with blasting involved and that has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application	762.5 fee units	2287.5 fee units	228.8 fee units

## Schedule 25—Fees and rents

### Part 1—Fees

<i>Item No.</i>	<i>Reg. No.</i>	<i>Nature of fee</i>	<i>Amount payable</i>
1	12	Application fee for an exploration licence	145·8 fee units
2	13	Application fee for a mining licence	262·3 fee units
3	14	Application fee for a prospecting licence	50 fee units
4	15	Application fee for a retention licence	145·8 fee units
5	16	Additional fee for a mineralisation report	66 fee units
6	17	Additional fee for a native title assessment	73·5 fee units
7	18	Application fee for a miner's right	1·7 fee units
8	19	Application fee for a tourist fossicking authority	6·4 fee units
9	25	Application fee for renewal of an exploration licence	76·3 fee units
10	25	Application fee for renewal of a mining licence	76·7 fee units
11	25	Application fee for renewal of a retention licence	76·3 fee units
12	34	Application fee for variation of a licence	27·3 fee units
13	35	Application fee for variation to increase licence area	27·3 fee units
14	38	Fee for grant of exploration licence (accepted tender)	145·8 fee units
15	38	Fee for grant of mining licence (accepted tender)	262·3 fee units

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<i>Item No.</i>	<i>Reg. No.</i>	<i>Nature of fee</i>	<i>Amount payable</i>
16	38	Fee for grant of retention licence (accepted tender)	145·8 fee units
17	39	Application for transfer of a licence	14·3 fee units
18	39	Fee for an amalgamation of a licence made at the request of the licensee	23·2 fee units
19	40	Fee for lodging an impact statement	159·8 fee units
20	47	Fee for access to mining register	1·7 fee units
21	47	Fee for the provision of information	1·7 fee units
22	47	Fee for certificate of information	1·7 fee units

## Part 2—Rents

<i>Item No.</i>	<i>Reg. No.</i>	<i>Rate for assessing rent</i>	<i>Amount payable</i>
1	33	Rate for assessing rent payable for an exploration licence	6·9 fee units per 10 graticules or part thereof
2	33	Rate for assessing rent payable for a mining licence	14·3 fee units per 10 hectares or part thereof
3	33	Rate for assessing rent payable for a prospecting licence	7·1 fee units
4	33	Rate for assessing rent payable for a retention licence	2·4 fee units per 10 hectares or part thereof

## **Schedule 26—Prescribed coal mines for the purposes of the mine stability levy**

Regulation 43

The following mines are prescribed for the purpose of  
section 38AAA of the Act—

- (a) the land constituting the mine known as Yallourn mine  
and authorised under mining licence MIN 5003; and
- (b) the land constituting the mine known as Hazelwood mine  
and authorised under mining licence MIN 5004; and
- (c) the land constituting the mine known as Loy Yang mine  
and authorised under mining licence MIN 5189.

## Schedule 27—Information in documents required to be recorded in the mining register

Regulation 46

<i>Column 1</i> <i>Subparagraph</i> <i>S. 69(2)(a)</i>	<i>Column 2</i> <i>Document</i>	<i>Column 3</i> <i>Information to be included</i>
(i)	Licence	Licence type/number, Date of grant of licence, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ), Map of area, Stratum of land (if relevant)
(ia)	Instrument of refusal of application for licence	Licence application type/number, Date refused, Name/s of applicant/s, Address/es of applicant/s
(ii)	Compensation agreement	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Title description of land covered by agreement, Names of parties to agreement
(iii)	Rehabilitation bond	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Bond amount, Date of bond document, Date bond received
(iiia)	Consent of owner to work near a dwelling house	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Name/s of owner/s, Address/es of owner/s, Title details of land subject to consent
(iiib)	Authorisation of Minister to work near a dwelling house	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Name/s of owner/s, Address/es of owner/s, Title details of land subject to authorisation

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mining register

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subparagraph</i> <i>S. 69(2)(a)</i>	<i>Document</i>	<i>Information to be included</i>
(iv)	Approved work plan	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Date of work plan approval or date of variation approval, Area covered by approved work plan, Nature of work, Conditions on approved work plan (if relevant), Stratum of land (if relevant)
(vi)	Instrument of renewal of licence including notice of decreased area and of any changed conditions	Licence type/number, Date of renewal of licence, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ), Area relinquished/refused (if relevant), Stratum of land (if relevant), General nature and purpose of any changed conditions
(vii)	Instrument of refusal to renew licence	Licence type/number, Date refused, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ), Stratum of land (if relevant)
(viii)	Instrument of variation of licence	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ) (if relevant), Date of variation, General nature and purpose of variation, Stratum of land (if relevant)
(ix)	Instrument of amalgamation of licences	Licence type/numbers, Date of grant of licences, Amalgamated licence number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ) of amalgamated licence, Date of amalgamation, Stratum of land (if relevant)
(x)	Notice of surrender of licence	Licence type/number, Date notice of surrender submitted, Name/s of licensee/s, Address/es of licensee/s, Area surrendered (ha/km <sup>2</sup> ), Area retained (ha/km <sup>2</sup> ) (if relevant), Stratum of land (if relevant)

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mining register

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subparagraph</i> <i>S. 69(2)(a)</i>	<i>Document</i>	<i>Information to be included</i>
(xi)	Instrument of cancellation of licence	Licence type/number, Date of notice of intention to cancel, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ), Date of cancellation, Stratum of land (if relevant)
(xii)	Instrument of variation, suspension, revocation or addition of licence conditions	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ) (if relevant), Date of instrument approval, General nature and purpose of instrument, Stratum of land (if relevant)
(xiii)	Approved instrument of transfer of licence	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km <sup>2</sup> ), Date of instrument approval, Name/s of transferee/s, Address/es of transferee/s, Stratum of land (if relevant)
(xiv)	Instrument for creating, assigning or affecting interests in, or conferred by, licences (including mortgages)	Licence type/number, Name/s of licensee/s, Area (ha/km <sup>2</sup> ), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)
(xv)	Instrument for devolution of licence or interest in, or conferred by, licence	Licence type/number, Name/s of licensee/s, Area (ha/km <sup>2</sup> ), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)
(xva)	Instrument (including mortgages) for the termination or cancellation of interests in, or conferred by, licence	Licence type/number, Name/s of licensee/s, Area (ha/km <sup>2</sup> ), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)

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Schedule 27—Information in documents required to be recorded in the  
mining register

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subparagraph</i> <i>S. 69(2)(a)</i>	<i>Document</i>	<i>Information to be included</i>
(xvi)	Determination of the Tribunal or the Supreme Court as to the amount of compensation payable	Licence type/number, Name/s of licensee/s, Address/es of parties involved, Title description of land covered by agreement, Names of parties to agreement

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Regulations 2018  
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Schedule 28—Infringements

## Schedule 28—Infringements

Regulation 50

<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
1	An offence under section 8 of the Act	as a person, other than the Crown, prospect, fossick or otherwise search for minerals, or carry out any exploration or mining, on any land other than in accordance with section 8(1)(a) or (b) of the Act	5 penalty units for an individual or 25 penalty units for a corporation
2	An offence under section 26AV of the Act	enter any land, or carry out any surveying, without the required insurance in the required amount	5 penalty units for an individual or 25 penalty units for a corporation
3	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it is done in an area or at a location not authorised in the licence or work plan	do work outside the area or at a location other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

Mineral Resources (Sustainable Development) (Mineral Industries) Interim  
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Schedule 28—Infringements

<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
4	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it is done outside of the hours authorised by the licence or work plan	do work outside the hours authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
5	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it is done in buffer zones not authorised by the licence or work plan	do work in buffer zones other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
6	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or	do blasting work other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

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Regulations 2018  
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Schedule 28—Infringements

<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
	the approved work plan because it is blasting work not authorised by the licence or work plan	do blasting work other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
7	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it exceeds blasting limits specified in the licence or work plan	do work which exceeds blasting limits specified by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
8	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it discharges water other than authorised by the licence or work plan	do work which discharges water other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

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Schedule 28—Infringements

<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
9	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it exceeds noise limits specified in the licence or work plan	do work which exceeds noise limits specified in the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
10	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it is drilling work not authorised by the licence or approved work plan	do drilling work other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
11	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or	do work which exceeds dust limits specified in the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

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<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
	the approved work plan because it exceeds dust limits specified in the licence or work plan		
12	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it removes native vegetation other than authorised by the licence or work plan	do work which removes native vegetation other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation
13	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it constructs a fence not in accordance with the licence or work plan	do work to construct a fence which is not in accordance with the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

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<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
14	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it rehabilitates a drillhole, including but not limited to failing to plug a drillhole, that is not authorised in the licence or work plan	do work to rehabilitate a drillhole other than in accordance with the licence or approved work plan, including but not limited to failing to plug a drillhole as required	12 penalty units for an individual or 60 penalty units for a corporation
15	An offence under section 39(1) of the Act constituted by doing work under a licence that is not in accordance with the licence or the approved work plan because it involves the storing, handling, transporting, using, disposing or discharging of a chemical	do work which involves storing, handling, transporting, using, disposing or discharging of a chemical other than authorised by the licence or approved work plan	12 penalty units for an individual or 60 penalty units for a corporation

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<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
	other than authorised by the licence or work plan		
16	An offence under section 39(5) of the Act	do work under a licence without the required public liability insurance in the required amount	12 penalty units for an individual or 60 penalty units for a corporation
17	An offence under section 42(1) of the Act	as a holder of a mining licence or prospecting licence, do work under a licence without satisfying the requirements of section 42(1) of the Act	12 penalty units for an individual or 60 penalty units for a corporation
18	An offence under section 43(1) of the Act	as the holder of an exploration licence or retention licence, carry out any work (other than low impact exploration) on the land covered by the licence other than in accordance with section 43(1) of the Act	12 penalty units for an individual or 60 penalty units for a corporation
19	An offence under section 58(1)(a) of the Act	as a holder of a miner's right, use any equipment for the purposes of excavation on the land, other than non-mechanical hand tools	10 penalty units
20	An offence under section 58(1)(b) of the Act	as a holder of a miner's right, use explosives on the land	10 penalty units
21	An offence under section 58(1)(c) of the Act	as a holder of a miner's right, remove or damage any tree or shrub on the land	10 penalty units

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<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
22	An offence under section 58(1)(d) of the Act	as a holder of a miner's right, disturb any Aboriginal place, Aboriginal object or Aboriginal ancestral remains on the land	10 penalty units
23	An offence under section 58(2) of the Act	as a holder of a miner's right, fail to repair any damage to the land arising out of the search	5 penalty units
24	An offence under section 62(1)(a) of the Act	as a holder of a tourist fossicking authority, use any equipment for the purposes of excavation on the land, other than non-mechanical hand tools	10 penalty units
25	An offence under section 62(1)(b) of the Act	as a holder of a tourist fossicking authority, use explosives on the land	10 penalty units
26	An offence under section 62(1)(c) of the Act	as a holder of a tourist fossicking authority, remove or damage any tree or shrub on the land	10 penalty units
27	An offence under section 62(1)(d) of the Act	as a holder of a tourist fossicking authority, disturb any Aboriginal place, Aboriginal object or Aboriginal ancestral remains on the land	10 penalty units
28	An offence under section 62(2) of the Act	as a holder of a tourist fossicking authority, fail to ensure that a person who searches for minerals under that authority does not do anything specified in section 62(1) of the Act	10 penalty units

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<i>Item</i>	<i>Infringement offence</i>	<i>Summary of infringement</i>	<i>Infringement penalty</i>
29	An offence under section 62(3) of the Act	as a holder of a tourist fossicking authority, fail to repair any damage to the land arising out of the searching for minerals under that authority by any person	5 penalty units
30	An offence under section 80(4A) of the Act	fail to comply with a requirement to enter into a further rehabilitation bond	5 penalty units for an individual or 25 penalty units for a corporation
31	An offence under section 80(6) of the Act	fail to comply with a notice under section 80(5) of the Act	12 penalty units for an individual or 60 penalty units for a corporation
32	An offence under regulation 9(1) of these Regulations	fail to send a production and royalty return to the Department Head by the due date	5 penalty units
33	An offence under regulation 31(1) of these Regulations	as the holder of a licence, fail to keep a record of exploration or mining activities undertaken under the licence	5 penalty units
34	An offence under regulation 31(3) of these Regulations	as the holder of a licence, fail to submit an annual return within 28 days after the due date or within the extended period of time for submission	5 penalty units
35	An offence under regulation 32(2) of these Regulations	as the holder of an exploration, mining or retention licence, fail to submit an annual technical report of exploration within 28 days after the due date or within the extended period of time for submission	5 penalty units

## **Schedule 29—Information required in statement of disclosure**

Regulation 53

1. Name of officer.
2. Position and classification of officer.
3. Indicate whether this is the first statement or a statement following a change in an interest.
4. Details of any shares, stocks, bonds, money or any other interest you hold or receive or are entitled to hold or receive to the value of \$1000 or more in or from a company or organisation engaged in exploration or mining in Victoria.
5. Details of any benefit, income or entitlement to the value of \$1000 or more received or entitled to be received by you or anyone in your family which might appear to raise a material conflict with your duties or responsibilities under the Act.
6. Details of any office or position you hold with any company or organisation engaged in exploration or mining in Victoria.
7. Details of any other information which you need to, or wish to, disclose.
8. Signature of officer.
9. Date.

## **Schedule 30—Landowner's consent under section 45**

Regulation 56

### **Part 1**

#### **IMPORTANT NOTICE TO LANDOWNER—PLEASE READ BEFORE SIGNING**

The licensee is prohibited by section 45(1) of the **Mineral Resources (Sustainable Development) Act 1990** (the Act) from doing any work within 100 metres laterally of a dwelling house that existed before an approved work plan was registered in respect of the licence or within 100 metres below that area, unless the licensee has the written consent of the owners of the land on which that dwelling house is located or an authority from the Minister.

#### **Note**

**Work** is defined in section 45(7) of the **Mineral Resources (Sustainable Development) Act 1990** and covers a range of mining-related activities. The licensee proposes to do work in accordance with the description or work plan attached to this form.

By signing this form, you give your written consent to the licensee doing work within 100 metres laterally of a dwelling house situated on your land or within 100 metres below that area.

#### **What happens if I give consent?**

Your consent is voluntary. You are not required to sign this form.

#### **If you do give consent:**

1. You cannot withdraw your consent, nor can any subsequent owner withdraw your consent.
2. Your consent binds all subsequent owners and occupiers of the land.

3. If the land is owned by 2 or more people, all the owners must give their consent by signing this form and each owner's signature will need to be witnessed.
4. You may specify depth or distance restrictions.

**Before you sign this form:**

You may wish to seek advice before you decide whether to give consent.

## Part 2

### LANDOWNER'S CONSENT UNDER SECTION 45

<b>Office Use only:</b>
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**LICENSEE:**

Name of Licensee:

Address of Licensee:

Licence Number and Type:

**LANDOWNER(S):**

Name:

Address:

Name:

Address:

**PARTICULARS OF LAND:**

Address/description:

Title Particulars:

Mineral Resources (Sustainable Development) (Mineral Industries) Interim  
Regulations 2018  
S.R. No. 78/2018  
Schedule 30—Landowner's consent under section 45

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\*I am/we are the owner(s) of the land set out above. \*I/we understand that the licensee is prohibited by sections 45(1)(a)(i) and 45(1)(b) of the **Mineral Resources (Sustainable Development) Act 1990** from doing work within 100 metres laterally of a dwelling house situated on the land or within 100 metres below that area, unless \*I/we give written consent.

\*I/we consent to the licensee doing work within and below the area otherwise prohibited by sections 45(1)(a)(i) and 45(1)(b) of the Act in accordance with the description or work plan attached to this consent.

\*This consent is given subject to the following condition(s) as to distance or depth:

OR

\*This consent is not subject to any conditions.

\*I/We have read the notice to landowners, above, and understand that:

- \*My/our consent is voluntary; and
- \*I/we cannot withdraw this consent; and
- this consent binds all subsequent owners and occupiers of the land.

Signature of landowner:

Name of landowner:

Witnessed by:

Signature of witness:

Name of witness:

Date:

*\*Delete if not applicable.*

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018, S.R. No. 78/2018 were made on 19 June 2018 by the Governor in Council under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**, No. 92/1990 and came into operation on 1 July 2018: regulation 3.

The Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018 will expire on 30 June 2019: see regulation 57.

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

## **2 Table of Amendments**

There are no amendments made to the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018 by statutory rules, subordinate instruments and Acts.

### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### 4 Explanatory details

<sup>1</sup> Reg. 4: S.R. No. 126/2013 as amended by S.R. Nos 169/2014, 98/2015 and 149/2015.

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##### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2018 is \$14.45. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

##### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 78/2018 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 10	International Organization for Standardization standard ISO 1928:2009(E). Solid Mineral Fuels – Determination of gross calorific value by the bomb calorimetric method and calculation of new calorific value.	The whole
Regulation 11(2)	List of Recognised Professional Organisations as published by the Australasian Joint Ore Reserves Committee on its website from time to time	The whole list of Recognised Professional Organisations
Regulation 11(2)	List of Recognised Professional Organisations as published by the Australian Stock Exchange on its website from time to time	The whole list of Recognised Professional Organisations