

INTRODUCTIONS

From the President of the Victorian Farmers Federation:

This booklet should be of considerable use to any farmer whose land may become of interest to mineral exploration or mining companies.

I strongly recommend that you keep it as a reference document and refer to it prior to any discussion or negotiation with representatives of mining companies.

It is a fair representation of the Mineral Resources (Sustainable Development) Act 1990 and I commend the Minerals Council of Australia for its preparation.

Remember, should you have any concerns about the activities of mining companies contact the Victorian Farmers Federation or the Minerals Council of Australia.

SIMON RAMSAY
PRESIDENT
VICTORIAN FARMERS FEDERATION

From the Chairman of the Victorian Division of the Minerals Council of Australia:

The Minerals Council of Australia has been pleased to prepare this booklet in the interests of ensuring that landholders are fully aware of the laws relating to minerals exploration and mining on their land.

Over the past decade or more we have all learnt a considerable amount about sustainable land management and members of the Council are committed to achieving the highest standards in caring for the land and consulting with key stakeholders.

Agriculture and mining are the two great primary industries of Australia and we look forward to a continuation of this partnership.

CHARLIE SPEIRS
CHAIRMAN
VICTORIAN STATE COUNCIL
MINERALS COUNCIL OF AUSTRALIA

This booklet describes exploration and mining approval processes and how they affect you - the landholder.

They are simple step by step procedures and highlight where you will be involved, consulted and have to make decisions.

We suggest that you at least read the next page, file this booklet away, and, keep it for reference in case someone wants to explore or mine on your land.

There is a quick reference guide on page 5.

There is a complete index opposite for quick reference.

Note: This is a simplified description of exploration, mining and approval processes. You should not rely on this book for matters of law or for the basis of legal action. Refer to the Mineral Resources (Sustainable Development) Act 1990 for precise information.

TERMS

- DPI: Department of Primary Industries
EPA: Environment Protection Authority
DSE: Department of Sustainability and Environment
MR(SD)A: Mineral Resources (Sustainable Development) Act 1990
VCAT: Victorian Civil & Administration Tribunal

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Victorian Farmers Federation	Farrer House, 24-28 Collins Street Melbourne VIC 3000 Telephone: (03) 9207 5555 Facsimile: (03) 9207 5500 Web Site: www.vff.org.au
Department of Primary Industries – Minerals and Petroleum Division	Business Centre 16 th Floor, 1 Spring Street Melbourne VIC 3000 Telephone: 03 9658 4454 Website: www.dpi.vic.gov.au

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READ THIS PAGE TODAY

The information in this booklet relates to the Mineral Resources (Sustainable Development) Act 1990, as at 30 June 2008.

Do not agree to anything until you have read the relevant parts of this booklet.

It provides for:

MINING LICENCE	Allows people and companies to explore and mine for minerals.
EXPLORATION LICENCE	Allows people and companies to explore for minerals.
MINER'S RIGHT	Allows people to fossick for minerals but not start a mine.
TOURIST FOSSICKING AUTHORITY	Allows tourist parties to fossick for minerals but does not allow mining.

The first sign of any activity related to exploration or mining may be an advertisement in the local press or a telephone call or a knock on the door by someone wanting to explore for minerals or mark out an application for a mining licence on your land

The **first thing** to do is find out what the person wants. Ask the person:

"Do you have a Miner's Right, Tourist Fossicking Authority, Exploration or Mining Licence or an application for a Mining Licence?"

If they say:

Exploration Licence -
GO TO PAGE 8

Mining Licence or application -
GO TO PAGE 11

Miner's Right -
GO TO PAGE 17

Tourist Fossicking Authority -
GO TO PAGE 18

Type of Authority	Can you refuse permission to enter your land?	What happens if you refuse permission to enter your land?	Do you have the final say on whether the holder of the Authority can enter your land?	Is compensation referred to in the MR(SD)A?	Must the holder of an Authority repair any damage to your land?
Exploration Licence	YES Initially	The explorer will propose a compensation agreement with you as a condition to proceed with work on your land. If there is no agreement the matter can be referred to the State Mining Warden or failing agreement, the Land Valuation List of the VCAT or the Supreme Court for its determination. The determination then becomes the compensation agreement thereby enabling work to proceed.	NO, because minerals are owned by the people of Victoria. The MR(SD)A* governs the issue of licences to encourage and facilitate exploration.	YES	YES
Mining Licence	YES Initially	The miner can secure from the DPI an Authority to Enter but only for the purpose of marking out and having that area surveyed. To enable work to proceed, compensation conditions are the same as for Exploration Licences (see above).	NO, for the same reasons as Exploration Licences. You are however, consulted by the licensee in preparation of the rehabilitation plan and by the DPI with regard to determination of the bond or financial surety lodged with DPI by the licensee prior to the commencement of work.	YES	YES
Miner's Right	YES	Nothing – miner cannot appeal.	YES	NO	YES
Tourist Fossicking Authority	YES	Nothing – tour operator cannot appeal	YES, because a Tourist Fossicking Authority is designed for recreational activity only.	NO	YES

1. BACKGROUND INFORMATION ON EXPLORATION AND MINING

1.1 Minerals belong to Victoria.

Gold and other minerals belong to the people of Victoria (the Crown). Companies and individuals who apply for Exploration and Mining Licences on either public or private land must request the Government to allow them to explore and mine for minerals.

- systematic soil sampling, or taking stream sediment samples, or perhaps samples of foliage from trees, grass or bushes,
- surveying, and,
- geophysical measurements using magnetic or electrical instruments.

1.2 An increase in exploration and mining activity.

The resurgence in the Victorian minerals industry is due to a number of factors including improved commodity prices for minerals, improved exploration techniques, improved geological information and an improved regulatory environment. Victoria remains highly prospective in minerals and will continue to attract explorers and miners well into future.

None of these activities should have any environmental impact. The next step might be:

- Drilling - a drill would be brought in to drill holes to obtain samples of rock/soil at depth.
- Trenching - trenches may be dug, usually with a machine, to a depth of one metre to obtain shallow samples. This method is rarely used in modern exploration.

1.3 What is exploration and mining?

This section describes exploration and mining activities. It does not cover the approval processes - all of which are outlined in later sections.

Exploration

If exploration (as distinct from mining) is to take place it could take the form of some or all of the following:

- geological studies, including walking over the ground, taking small samples of rock or soil, mapping, and general observation,

Bulk samples may be required from shallow pits or shafts (sometimes an old existing shaft may be used). These bulk samples can range from a few to thousands of tonnes. They are sometimes needed to test the grade of ore or to work out the correct mineral treatment method. Bulk samples are usually taken during the advanced stages of exploration.

Evaluation and feasibility studies - to determine whether the capital investment for commercial production is justified. This will involve market studies and perhaps more laboratory work or pilot plant testing on a small non-commercial scale.

Mining

Mining involves design, construction and operation of a mine and treatment plant in accordance with applicable conditions.

These stages may take several years to complete. Much of the work of the early stages comprises investigations of many aspects which enable the miner to define what has to be done, how to do it and the costs involved. At the beginning of a project, there are significant uncertainties but, as it proceeds, these gradually diminish. The rate of expenditure increases and the visible amount of activity also increases.

1.4 How successful is exploration & mining?

Australia-wide experience has been that of every 1,000 prospects investigated, about 100 are followed up, 10 are subjected to detailed investigation and less than 1 may become a commercial mine.

There are less than twelve substantial mining operations in Victoria now, but there are many areas under application for exploration and mining. As is the nature of the minerals industry it can be expected that few of these applications will ever result in mining operations.

What should you do if you have concerns about an explorer or miner?

Discuss your concerns to all or any of:

- Minerals Council of Australia – Victorian Division and the Victorian Farmers Federation,

- Mining Inspectors at the Department of Primary Industries in your regional centre or at the Melbourne Head Office,
- State Mining Warden (see contact details page 21)

1.5 Your land

Naturally enough, it can be disturbing for you to find that someone wishes to enter your property to mark out a Mining Licence, or carry out exploration activity.

You should not feel threatened or at a disadvantage. This booklet describes the processes that have been designed to protect your interests.

The law extends the rights of protection to private landowners below the area of ownership of private land, down to a depth of 100 metres. This strata of land is part of the licence known as "land affected".



2. EXPLORATION LICENCES

(A) WHAT IS AN EXPLORATION LICENCE?

- Minerals in the ground, whether discovered or not, are owned by the State on behalf of the people.
- Exploration licences are issued by the State, allowing licence holders to explore for minerals on specific areas of land.
- Exploration work cannot start on a licence area until several conditions are met.
- An exploration licence can cover 1 to 500 square kilometers. The location of the area, depends on the applicant's judgements about the geology, the minerals sought, and prospectivity.

What sort of work is done on an exploration licence?

Exploration is usually conducted in stages. The initial activities are described in the Act as “low impact” and could include some or all of the following:

- Aircraft, satellite or ground mapping of the area's geology and topography.
- Geophysical measurements by airborne or ground observations.
- Walking over the area, taking occasional hand samples of surface rock, soil or stream sediment or sometimes, vegetation.



The next activities may involve slight temporary impact:

- eg. hand sampling on a systematic grid pattern or grid and/or on-ground geophysical measurements using hand portable instruments.

Only a minor proportion of exploration programmes or fractions of initial licence areas remain of interest after these activities. What usually happens next is:

- Reconnaissance drilling, to secure samples, of rock and mineralisation if any, at depth. This involves placing a drill rig at each position selected, for a period of a few hours to a few weeks, depending on the type of drilling, depth and number of holes.

A drill typically occupies the area of a double or triple carport. Operations and site rehabilitation are governed by the Licence conditions.

For the small minority of best exploration prospects (about 1 in 1000) more intensive exploration activities may follow:

- Pattern drilling over what is usually a very small area to build up a three dimensional underground map of the discovered mineralisation so that the amount of ore can be measured and the grade of (usually) metal content assessed.

- Bulk sampling may be necessary for testing treatment methods and ore grades.

These activities cause disturbance over very small areas but must be rehabilitated.

- Under the MR(SD)A exploration cannot normally take place within 100 metres of a dwelling house unless you consent. If the explorer wants to explore within the 100m and **you refuse to give permission**, the licence holder may refer the issue for review and decision by the Minister. In some circumstances the Minister may agree to the explorer's request.
- The term of an Exploration Licence is up to 5 years and may be renewed for a period of up to an additional 5 years unless the Minister decides otherwise.
- Information about the Licence can be obtained from the DPI office or through its website.
- An Exploration Licence has conditions attached. Certain amounts of money have to be spent each year and in normal circumstances the area has to be reduced by 25% of the original area after two years and down to 40% of the original area after 4 years.
- The DPI code of practice for mineral exploration can form part of the Licence conditions.

(B) THE PROCEDURE

The parts that involve you, the landowner, are in *bold and italics*.

The first part of this might have already happened before you hear anything:

2.1 If the land was available, the explorer would have lodged an application for an Exploration Licence with the DPI. The application would have included a preliminary work program.

2.2 The DPI would have made sure that no other explorer had applied for the land, or decided who had priority on the area.

2.3 Copies of the application would have been sent to other relevant government departments and organizations; eg. Aboriginal Affairs, Sustainability and Environment, etc.

2.4 The application would have been advertised in two papers - one local and one major. Anyone may lodge an objection to the grant of a title so advertised and the Minister must decide whether or not to uphold the objection.

2.5 The applicant would have been assessed by the DPI to ensure that the applicant has the skills and money to carry out the work program.

2.6 The application would have been assessed by the DPI and we will presume at this stage that the Exploration Licence has been granted and registered.

2.7 The explorer would have submitted a work plan and lodged a bond for the amount determined by the DPI. (See the section on Rehabilitation on page 16).

2.8 The explorer is required to comply with the Standard Conditions for exploration and rehabilitation of exploration sites and any other site specific conditions imposed by the Licence.

THIS IS WHERE YOU COME IN -

2.9 *The explorer must talk to you about consent or compensation. Compensation must be agreed or paid to you before the explorer can commence exploration.*

(See the section on Compensation on page 13).

If you do not give consent to enter your land, the explorer will ask you to agree to compensation. If agreement cannot be reached the parties should have the dispute mediated by the State Mining Warden. If this fails either party can apply to the VCAT or Supreme Court to determine the matter.

2.10 *Following agreement or determination on compensation, the explorer might want to come onto your land. You must be given 7 days notice of an intention to enter your land. A lesser period of notice is allowed by agreement between you and the explorer.*

2.11 Exploration work commences.

3. MINING LICENCES

(A) WHAT IS A MINING LICENCE?

- A Mining Licence is issued by the State to allow licence holders to develop mines and to mine and process minerals. This effectively transfers ownership of minerals from State to licensee.
- Before work commences under a Mining Licence the holder must meet a series of conditions and be granted certain approvals.
- The holder is also required to have a consultation plan which will include engagement with landowners and neighbours.
- The term of Mining Licences is up to 20 years and may be renewed for similar periods.
- Generally, mining cannot take place within 100 metres of dwelling houses.

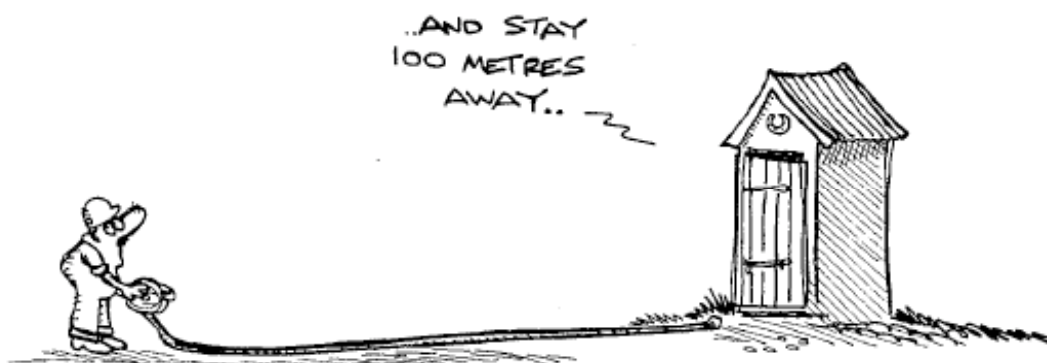
If the licence holder wants to mine within 100 metres of your home and *you refuse to give permission*, the licence holder can refer the issue to the Minister for review and decision. The Minister is required to consider the advice of the Mining and Environment Advisory Committee in making his decision.

(B) THE PROCEDURE

The parts that involve you are in *bold and italics*.

3.1 The miner will have already lodged an application for a Mining Licence with the DPI. This would have included a preliminary work program.

3.2 The DPI would have made sure that no other miner had applied for the land or decided which application had first priority.



THIS IS WHERE YOU COME IN -

3.3 In the case of agricultural land and within 6 months of being advised by the DPI that the licence has been granted, the miner must produce a statement of economic significance *and give you a copy.*

3.4 *If you want to, you can dispute this statement of economic significance.* You would do so to an independent expert appointed by the President of the Australian Property Institute. You would probably ask the Victorian Farmers Federation for some help.

3.5 Within 14 days of being advised by the DPI that the application has priority, the miner *must give you notice of the application.* You should ask for details of the proposed activity.

3.6 The application must be notified by DPI to relevant government agencies and *the DPI also consults the local Council and you regarding rehabilitation.*

3.7 The application is advertised in two papers - one local and one major. Anyone may lodge an objection to the grant of a title so advertised and the Minister must decide whether or not to uphold the objection.

3.8 Now the miner will want to mark out the land. *The miner must ask for your approval to enter your land* to mark out the area of the licence.

3.9 *If you object,* the miner may apply to the DPI for an Authority to Enter which authorizes entry to mark out the land and survey the boundaries.

3.10 *If you wish* pegs can be placed on boundary fences rather than on licence corners which might be in the middle of a paddock.

3.11 The application is assessed by the DPI. We will presume at this stage that the Mining Licence is granted and a rehabilitation bond lodged with the DPI. (See the section on Rehabilitation on page 16). This should happen within three months of you being notified.

3.12 The miner must submit detailed work plans and plans for the rehabilitation of the land.

3.13 *The miner must talk to you about compensation.* The level of compensation must be agreed or paid to you before the miner can commence operations. (See section on Compensation on page 13).

3.14 The miner must either apply for a Planning Permit or prepare an Environmental Effects Statement.

3.15 The miner must then obtain all the necessary permits from government agencies.

3.16 The miner must take out public liability insurance.

3.17 The miner must then apply for and be granted a Work Authority.

3.18 Work commences.

4. COMPENSATION

This section refers to the compensation agreements that you may require before work starts under:

- an Exploration Licence, or
- a Mining Licence.

4.1 Compensation for what?

Compensation is payable for any or all of the following should they arise from exploration or mining activity or a proposal to carry out the activity on or below private land:

- (a) deprivation of possession of the whole or part of the surface of the land;
- (b) damage to the surface of the land and to any improvements on the land;
- (c) severance of the land from other land of the owner or occupier;
- (d) loss of amenity including recreational and conservation values;
- (e) loss of opportunity to make planned improvements;
- (f) any decrease in market value of the owner's or occupier's interest in the land;
- (g) increase compensation by up to 10% by way of solatium, and
- (h) in addition, take account of reasonable incidental expenses in obtaining and moving to replacement land (when required).



It needs to be noted that the MR(SD) Act does not provide that the above factors are the only ones for which compensation is payable. Neither does the Act stipulate which type of activity requires that compensation be paid. Therefore a landowner may seek compensation for matters such as access and low impact exploration activity and should the explorer or miner dispute the matter the disagreement can be resolved by the Victorian Civil and Administrative Tribunal as detailed. In most circumstances VCAT will direct the parties to the State Mining Warden first to mediate a resolution.

4.2 How is Compensation Determined?

Usually, compensation is agreed by negotiation between you and the explorer/miner.

4.3 No compensation or consent - no start

A compensation agreement must be negotiated and settled, or you must have given permission, before work can commence.

It is advisable to have the agreement in writing. It must be lodged with the DPI by the licensee.

4.4 And if you can't agree?

If agreement cannot be reached, the matter may be referred to the Land Valuation List of the Victorian Civil and Administrative Tribunal. However usual practice is that VCAT will refer the parties to the State Mining Warden

as mentioned earlier. Failing agreement through the Warden the matter would then be assessed by VCAT.

If you and the explorer/miner are agreeable the Registrar of the List will seek to resolve the matter in a private voluntary conference. The List also has the power to order a compulsory private conference.

If the amount of compensation in dispute exceeds \$50,000, either party can seek to have the matter resolved by the Supreme Court.

4.5 Referring a dispute to the Tribunal

The owner or occupier of land or the licensee may refer a disputed claim for compensation to the Land Valuation List of the Victorian Civil and Administrative Tribunal for determination in accordance with the Mineral Resources (Sustainable Development) Act 1990.

The notice of referral together with the filing fee must be lodged with the Land Valuation List's Registrar and a copy served on each other party within 7 days of lodgement. A statement of service must be filed with the Tribunal.

A party who refers a claim is only entitled to have that claim determined by the Tribunal if it is satisfied that the party has attempted to settle the claim but has not been able to do so because the other party has refused to negotiate a settlement or because the parties are unable to agree.

Hearing Venues - Applications can be heard in Melbourne where the Victorian Civil and Administrative Tribunal is located. The Land Valuation List does conduct country sittings.

Hearings in the Land Valuation List - Hearings take place before one or more members depending on the nature of the proceedings.

Attendance - Parties to an application may appear in person or may be represented by any person permitted or specified by the Tribunal.

Hearing procedures - Hearings are open to the public and are conducted as informally as possible. In compensation matters the usual procedure is for the claimant to present his or her case followed by the other party to the proceeding. Witnesses may be called to give evidence.

4.6 Land Valuation List Decisions

The Land Valuation List ordinarily reserves its decisions. At a later date a

written determination is sent to all parties involved in the hearing.

A party may, within 28 days of the determination being issued, apply to the Supreme Court for leave to appeal on a question of law.

Costs - In mining compensation matters the licensee must pay the licensee's costs and the costs of the other party except where the other party is not the owner or occupier of land covered by the licence or has been frivolous, vexatious or acted unreasonably in which case the Tribunal may award such costs as it thinks proper.

4.7 What is the List's record so far?

Over the past five years there have been no cases referred to VCAT or the Supreme Court.

Differences have been resolved by mutual agreement either directly between the parties, and/or with assistance from the VFF and MCA and/or through the State Mining Warden.

5. REHABILITATION OF YOUR LAND

This section refers to the rehabilitation agreements and bonds required before work starts under:

- an Exploration Licence, or
- a Mining Licence.

5.1 The explorer/miner must rehabilitate your land

A condition of every licence granted is that satisfactory rehabilitation work will be carried out either progressively or at the end of the operations.

The holder of the licence must lodge a rehabilitation bond with the DPI before the commencement of work.

5.2 The amount of the Rehabilitation Bond

Exploration Licences - the work plan is assessed by the DPI and the bond is determined by the DPI after consultation with other relevant agencies.

Mining Licences - the work plan is assessed by the DPI and the bond is determined by the DPI after consultation with the local Shire, relevant agencies and the owner of the land.

Where Crown land is involved, the DPI in association with the land manager will determine the amount of the bond for both types of licence.

If the land is not satisfactorily rehabilitated at the completion of the work, all or part of the rehabilitation bond money may be used by the DPI to undertake rehabilitation. If, after expiry of the licence, the Minister decides to carry out further rehabilitation, he or she is empowered to recover the cost thereof from the former licensee if the cost exceeds the bond.

This rehabilitation bond is separate and distinct from compensation payable to a private landholder.

As work progresses the amount of the bond may be varied. The bond is returned after DPI have determined that the rehabilitation has been completed and is likely to be successful but it can't be returned until after the owner of the land and the local council have been consulted.

..THE BOTTOM HUNDRED
LOOKS BETTER NOW IT'S
REHABILITATED THAN
IT DID TWENTY YEARS
AGO BEFORE YOU
BLOKES ARRIVED..



6. MINER'S RIGHT

(A) WHAT IS A MINER'S RIGHT?

- A person with a Miner's Right can only prospect or fossick for minerals - they cannot start a mine. If they want to start a mine, they must get a Mining Licence.
- A person with a Miner's Right can only prospect with hand tools, and only with your approval.
- The holder of the Miner's Right who searches on land must not:
 - use any equipment other than non mechanical hand held tools;
 - use explosives;
 - disturb any Aboriginal place or object.
- Damage to the land must be repaired.
- There is no legal requirement for compensation or rehabilitation contracts, so any arrangement will be a private agreement between you and the person with the Miner's Right.
- A Miner's Right can be purchased from DPI and is valid for two years.

(B) THE PROCEDURE

The parts that involve you are in ***bold and italics***.

6.1 Any person with a Miner's Right ***might ask your permission to enter your private land.***

6.2 ***You can refuse permission.***

6.3 ***If you refuse permission,*** the person with the Miner's Right cannot appeal or object to your refusal.

6.4 ***If you think you might grant permission*** - these are the sorts of things that you could do:

- Ask to see the Miner's Right.
- Make sure the Miner's Right is valid.
- Note the person's name and address.
- It is usual to discuss the proposed activities and you should be able to make sure that there will be no interference to your operations.
- Ask the person for names of any neighbouring farmers who may be able to vouch for them.
- Check that the person knows that he is liable for any breaches and that he must repair any damage to the land.
- Ask for a bond.

7. TOURIST FOSSICKING AUTHORITY

(A) WHAT IS A TOURIST FOSSICKING AUTHORITY?

- A Tourist Fossicking Authority is issued to a tour operator to allow parties of people to prospect for gold and other minerals in Victoria.
- An Authority cannot be issued over your land unless you give permission.
- A group with a tour operator who has a Tourist Fossicking Authority can only prospect with hand tools.
- The tour party must not:
 - use any equipment other than non mechanical hand held tools;
 - use explosives;
 - remove or damage any tree or shrub;
 - disturb any Aboriginal place or object.
- There is no legal requirement for compensation or rehabilitation contracts, so any arrangement will be a private agreement between you and the person with the Tourist Fossicking Authority.
- The individual members of the tour do not require separate Authorities.

(B) THE PROCEDURE

The parts that involve you are in ***bold and italics.***

7.1 A tour operator ***might ask for your permission for the DPI to issue a Tourist Fossicking Authority over your land.***

7.2 ***You can refuse permission.***

7.3 ***If you refuse permission,*** the tour operator cannot appeal or object to your refusal.

If you think ***you might grant permission*** - these are the sorts of things that ***you could*** note:

- Name of the tour operator.
- If the tour operator runs a company - the street address and phone number of the company.
- Names and addresses of the directors of the company.
- Names and phone numbers for personal contact.
- How many persons the operator proposes to bring onto the property at any one time.
- The frequency and duration of these visits.
- Restoration of land (filling in of holes etc.)

- The area of land on the property where activity is to be allowed.
- The rights of people while on your property - (toilet facilities, picnics). Your liability for damages in the event of injury.
- Duration of consent between you and the tour operator.
- It would be appropriate to discuss the proposed activities and you should be able to make sure there will be no interference to your operations.
- Ask the person for names of any neighbouring farmers who may be able to vouch for them.
- Check that the tour operator knows that he/she is liable for any breaches and that he/she must repair any damage to the land.



8. THE STATE MINING WARDEN

The Mining Warden is appointed by the Governor in Council and reports directly to the Minister responsible for the MR(SD) Act.

The Minister may refer any matter concerning mining to the Warden for investigation, report and recommendation. Individuals may refer a dispute, including a dispute between the landholder and the licensee directly to the Warden, who must investigate that dispute and attempt to settle it or arbitrate in relation to it and, where appropriate, make recommendations to the Minister.

The Mining Warden has powers similar to those of a Magistrate and landowners are specifically mentioned in the MR(SD)A as being able to refer disputes to him or her.

When investigating a dispute or other matter the Mining Warden may do any of the following:

- conduct a hearing;
- enter and inspect any relevant land;
- make an order for the inspection and retention of any minerals;
- restrain a person from removing minerals from Victoria; and

- require officers of the DPI to produce records or give information.

When conducting a hearing the Mining Warden is not bound by the rules of evidence but is bound by the rules of natural justice. Usually hearings are conducted in an informal manner. Evidence may be given on oath at the hearing or in writing, but in the majority of cases this is not necessary.

A party may only be represented by an agent who is an Australian lawyer if the other parties agree or the Mining Warden grants leave. Costs may be awarded but this is rarely done.

In the period 2003-2008, the Mining Warden has dealt with less than 20 cases involving a dispute between a landholder and licensee, the majority of which related to consent/compensation issues. None of these cases have been referred on to VCAT or the Supreme Court.

Land owners wishing to contact the Mining Warden may do so by telephoning the Registrar, at Bendigo on (03) 5442 5588, or the Melbourne office on (03) 9651 6058.

8. MORE INFORMATION?

The Minerals Council of Australia (Victorian Division) (MCA) represents most of the mining companies big and small, that are involved in mineral exploration, development and mining production in Victoria.

Mining companies are not very different to any other business - they operate to make the most of given opportunities. The MCA is primarily concerned about fostering economic development in Victoria through the responsible use of the State's mineral resources. This involves expenditure on exploration and development, and the creation of jobs.

The MCA requires all its members to follow the Australian Minerals Industry's "Enduring Value" - a Framework for Sustainable Development. Please refer to MCA's website or its booklet on Enduring Value.

ATTENTION PLEASE!

The law relating to exploration and mining cannot be detailed in a booklet of this nature. The booklet should not be used as a reference to the law. Landholders should consult the relevant Acts, Regulations, Codes of Practice and/or seek professional advice if they wish to take any legal action on the matters discussed in this booklet.

THE MR(SD)ACT AND REGULATIONS

Copies of "Mineral Resources (Sustainable Development) Act 1990",

and "Mineral Resources Development Regulations 2002" are available from:

The Victorian Government
Information Bookshop
505 Little Collins Street,
Melbourne. VIC. 3000.
Telephone: 1 300 366 356

Copies of a series of booklets dealing with aspects of the legislation are available from the Business Centre at 16th Floor, 1 Spring St, Melbourne or telephone 03 9658 4454 or 136 186.
Website: www.dpi.vic.gov.au

ADDITIONAL INFORMATION

The Minerals Council of Australia
Level 8, 10-16 Queen Street
Melbourne Vic. 3000
Telephone: 03 8614 1851
Facsimile: 03 9629 8603
www.minerals.org.au/victoria

The Victorian Farmers Federation,
Level 5, 24 Collins Street,
Melbourne Vic. 3000.
Telephone: 1300 882 833
(03) 9207 5555
Website: www.vff.org.au

The Land Valuation List,
7th Floor, 55 King Street
Melbourne Vic. 3000.
Telephone: (03) 9628 9780

The State Mining Warden
Melbourne - 03 9651 6058
Bendigo - 03 5442 5588

Your solicitor.