

**GUIDE TO PRIVATE
LANDOWNERS REGARDING**

**EXPLORATION AND MINING
ON PRIVATE LAND
Revised January 2000**



VICTORIAN CHAMBER OF MINES Inc.

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 Development Act 1990 and I commend the Victorian Chamber of Mines for its preparation.

Remember, should you have any concerns about the activities of mining companies contact the Victorian Farmers Federation or the Victorian Chamber of Mines.



PETER WALSH
PRESIDENT
VICTORIAN FARMERS FEDERATION

From the President of the Victorian Chamber of Mines:

The Chamber of Mines has been pleased to prepare this booklet in the interests of ensuring that landholders fully understand the laws relating to minerals exploration and mining.

Over the past decade we have all learnt a considerable amount about sustainable land management and members of the Chamber are committed to achieving the highest standards in caring for the land.

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



DOUGLAS BUERGER
PRESIDENT
VICTORIAN CHAMBER OF MINES

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 Development Act for precise information.

TERMS

DNRE: Department of Natural Resources & Environment
EPA: Environment Protection Authority
MRDA: Mineral Resources Development Act 1990
VCAT: Victorian Civil & Administration Tribunal

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INDEX

	Page
1. BACKGROUND INFORMATION ON EXPLORATION AND MINING	6
1.1 Minerals belong to Victoria	6
1.2 An increase in exploration and mining activity	6
1.3 What is exploration and mining?	6
1.4 How successful is exploration and mining?	7
1.5 Your land	7
2. EXPLORATION LICENCE	8
(A) WHAT IS AN EXPLORATION LICENCE?	8
(B) THE PROCEDURE	9
3. MINING LICENCE	11
(A) WHAT IS A MINING LICENCE?	11
(B) THE PROCEDURE	11
4. COMPENSATION	13
4.1 Compensation for what?	13
4.2 How is Compensation Determined?	14
4.3 No compensation or consent - no start	14
4.4 And if you can't agree?	14
4.5 Referring a dispute to the Tribunal	14
4.6 Land Valuation List Decisions	15
4.7 What is the List's record so far?	15
5. REHABILITATION OF YOUR LAND	16
5.1 The explorer/miner must rehabilitate your land	16
5.2 The amount of the Rehabilitation Bond	16
6. MINER'S RIGHT	17
(A) WHAT IS A MINER'S RIGHT?	17
(B) THE PROCEDURE	17
7. TOURIST FOSSICKING AUTHORITY	18
(A) WHAT IS A TOURIST FOSSICKING AUTHORITY?	18
(B) THE PROCEDURE	18
8. THE STATE MINING WARDEN	20
9. MORE INFORMATION	21

READ THIS PAGE TODAY

The information in this booklet relates to the Mineral Resources Development Act 1990, as amended 1993.

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.

If they say:

Exploration Licence -
GO TO PAGE 8

Mining Licence or application -
GO TO PAGE 11

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

Miner's Right -
GO TO PAGE 17

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

Tourist Fossicking Authority -
GO TO PAGE 18

EXPLORATION AND MINING ON PRIVATE LAND

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 MRDA?	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 Land Valuation List of the VCAT or the Supreme Court depending on the amount of compensation involved, for its determination, which then becomes the compensation agreement enabling work to proceed.	NO , because minerals are owned by the people of Victoria. The MRDA* governs the issue of licences to encourage and facilitate exploration.	YES	YES
Mining Licence	YES Initially	The miner can secure from the DNRE an Authority to Enter buy 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 DNRE with regard to determination of the bond lodged 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

*MRDA - Minerals Resources Development Act 1990

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.

small samples of rock or soil, mapping, and general observation,

- 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 means.

1.2 An increase in exploration and mining activity.

The resurgence in the Victorian minerals industry of the 1990s 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 the new millennium.

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 at depth.
- Ditchwitching - trenches may be dug, usually with a machine, to a depth of one metre to obtain shallow samples.

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.

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.

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

Evaluation and feasibility study, 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 1 becomes a commercial mine.

There are less than ten substantial mining operations in Victoria now, but there are many areas under application for exploration and mining. Few of these applications will ever result in mining operations.

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

Report your concerns to all or any of:

- Victorian Chamber of Mines and the Victorian Farmers Federation,

- Mining Inspectors at the Department of Natural Resources & Environment in your regional centre or at the Melbourne Head Office:-

250 Victoria Parade
East Melbourne Vic 3002
(03) 9637 8000

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 limited 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 have no impact on the land and could include some or all of the following activities:

- 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.

(Drilling is discussed in detail in the VCM's Code of Drilling).

A drill typically occupies the area of a double or triple car part. Operations and site rehabilitation are governed by standard and site specific 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 or may be later incorporated in mining development environmental management.

- Under the MRDA exploration cannot normally take place within 100 metres of certain improvements such as houses, large dams and sheds. If the explorer wants to explore in these areas and **you refuse to give permission**, the licence holder may refer the issue for review and decision by the Minister. The Minister is required to consider the advice of the Mining & Environment Advisory Committee in making his decision.
- The term of an Exploration Licence is up to 2 years and may be extended for periods not exceeding 1 year for a total term of 5 years unless the Minister decides otherwise.
- Copies of information about the Licence can be obtained from the DNRE for a small fee.
- 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 75% of the original area after two years and to 40% of the original area after 4 years.

(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 DNRE. The application would have included a work program.

2.2 The DNRE 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 Aboriginal organisations and there would have been liaison with DNRE.

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 DNRE to ensure that they have the skills and money to carry out exploration.

2.6 The application would have been assessed by the DNRE 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 DNRE. (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 Minister.

THIS IS WHERE YOU COME IN -

2.9 *The explorer must talk to you about consent or compensation. It is up to you whether you want compensation. If you want any compensation, it 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 permission to enter your land, the explorer will ask you to agree to compensation. If agreement cannot be reached, 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 21 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.
- Under the Chamber's general Code of Conduct, landholders must be informed in advance of an intention to develop and mine on the land.
- 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 certain improvements such as houses, dams larger than 0.3 megalitres and sheds.

If the licence holder wants to mine in these areas 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.

- The licence is conditional on the employment of people or expenditure on work and rehabilitation.

(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 DNRE. This would have included a work program.

3.2 The DNRE 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 Within 7 days of being advised by the DNRE that his application has priority, 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 Institute of Valuers and Land Economists. You would probably ask the Victorian Farmers Federation for some help.

3.5 Within 14 days of being advised by the DNRE 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 DNRE to Aboriginal Bodies and *the DNRE 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 DNRE for an Authority to

Enter which authorises 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 DNRE. We will presume at this stage that the Mining Licence is granted and a rehabilitation bond lodged with the DNRE. (See the section on Rehabilitation on page 16). This should happen within three months of your 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 an Authority to Commence Work.

3.18 Work commences.

4. COMPENSATION

This section refers to the compensation agreements required 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 the possession of the surface of the land or any part of the surface;
- (b) damage to the surface of the land or any part of the surface and to any improvements on the land which may arise from the carrying on of operations on or under the land.
- (c) severance of the land from other land of the owner or occupier;
- (d) any rights of way that may be required to enable operations to be carried out on the land;
- (e) any other damage that may arise from the carrying on of exploration or other operations on or under the land;
- (f) the estimated cost of the removal of debris proposed to be left on the land after the completion of the applicant's operations;
- (g) loss of amenity including recreational and conservation values;
- (h) loss of opportunity to make planned improvements;

- (i) any decrease in market value of the owner's or occupier's interest in the land;
- (j) increase compensation by up to 10% by way of solatium, and
- (k) in addition, take account of reasonable incidental expenses in obtaining and moving to replacement land (when required).

It needs to be noted that the MRD 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 Land Valuation List of the Victorian Civil and Administrative Tribunal as detailed.

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, 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 DNRE 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. A copy of the form (Form 17) can be obtained by contacting 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 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 on the 5th Floor, 55 King Street, Melbourne where the Victorian Civil and Administrative Tribunal is located, although 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?

The following statistics relate to exploration and mining compensation cases handled by the land Valuation List from July 1996 to December 1999.

- Approximate number of mineral tenement applications affecting private land - 430
- Total references to the Land Valuation List - 19
- Dealt with by conference and mediation - 4
- Settled by parties or withdrawn due to private negotiations - 3
- Settled by determination - nil
- Referred to Supreme Court - 11 (one case)
- Number of cases still on hand at 431/12/99 - 1

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 DNRE before the commencement of work.

5.2 The amount of the Rehabilitation Bond

Exploration Licences - the work plan is assessed by the DNRE and the bond is determined by the DNRE after consultation with the local Shire.

Mining Licences - the work plan is assessed by the DNRE and the bond is determined by the DNRE after consultation with the local Shire.

Where Crown land is involved, the DNRE will determine the amount of the bond for both types of licence.

Note that the private landowner is included in consultation about a rehabilitation bond for Mining Licences.

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 DNRE 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. A bond can be held by the DNRE for up to six years after the licence ceases to exist.

The bond is refunded after DNRE have determined that the rehabilitation has been completed and is likely to be successful.

6. MINER'S RIGHT

(B) THE PROCEDURE

(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 not 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 costs \$18.00 and is valid for two years.

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?

- The 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 DNRE 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.
- Bond.
- 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 for Energy & Resources. The Warden is independent of the Department of Natural Resources and Environment.

The Minister may refer any matter concerning mining to the Warden for investigation, report and recommendation. Individuals may refer a dispute related to minerals tenements 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 MRDA 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 Department of Natural Resources and Environment 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. Parties may appear before the Warden in person or may be represented by an agent but barristers or solicitors may only appear as agent with the express permission of the Mining Warden. Costs may be awarded but this is rarely done.

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) 9412 5165.

8. MORE INFORMATION?

The Victorian Chamber of Mines 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 Chamber 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 Victorian Chamber of Mines requires all its members to conform to the Code of Conduct for mineral exploration, mining and processing in Victoria and encourages its use by others in the industry.

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.

CODE OF CONDUCT

Members of the Victorian Chamber of Mines are bound by a Code of Conduct.

Copies of this are available from:
The Victorian Chamber of Mines Inc.
4th Flr, 53 Queen Street,
Melbourne. Vic. 3000.
Telephone: (03) 9629 1851
Facsimile: (03) 9629 8603

THE MRD ACT AND REGULATIONS

Copies of "Minerals Resources Development Act 1990", and "Mineral Resources Regulations" are available from:

The Victorian Government
Information Bookshop, 356 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 Department of natural
Resources & Environment,
Business Centre, 250 Victoria
Parade, East Melbourne. Vic. 3002.
Telephone: (03) 9412 5020
WebSite: <http://nre.vic.gov.au/minpet>

ADDITIONAL INFORMATION

The Victorian Farmers Federation,
24 Collins Street,
Melbourne. Vic. 3000.
Telephone: (03) 9207 5555

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

Your solicitor.