Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013

S.R. No. 126/2013
Authorised Version as at 20 October 2013

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PART 1—PRELIMINARY

1 Objectives
The objectives of these Regulations are—

(a) to prescribe various procedures, details, royalties, fees, forms, 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 and marking out 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 20 October 2013.

4 Revocation

The Regulations set out in Schedule 1 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;

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;

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 mining licence under section 14(2)(b) 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;
(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;

(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) On or before 31 December 2013, 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—

\[ \frac{1}{NWSE} \]
where—

NWSE is net wet specific energy measured in accordance with an accepted standard of measurement of net wet specific energy in units of gigajoules per tonne, and calculated on the basis of drillhole data representative of the coal for which the royalty is being paid; 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) On or before 31 December 2013, 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—

\[ \text{NWSE} \times \rho V \]

where—

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

\( \rho \) is the density value of the lignite which is representative of the coal for which the royalty is being paid, in tonnes/m\(^3\); and

\( V \) is the volume of the lignite in m\(^3\) based on volumetric survey measurements taken for the coal for which the royalty is being paid.

(3) On or after 1 January 2014, 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—

\[ \frac{1}{\text{NWSE}} \]
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 Australian Standard AS 1038.5-1998; 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.

(4) On or after 1 January 2014, 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\(^3\), and calculated in accordance with the following formula to three 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$^3$ 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 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 five 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.
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 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 1 of Part 1 of Schedule 28 for the date on which the application is made.

(2) An exploration licence must be in the form set out in Schedule 23.

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 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 2 of Part 1 of Schedule 28 for the date on which the application is made.

(2) A mining licence must be in the form set out in Schedule 24.

Note

On the commencement of these Regulations, the website of the Australasian Joint Ore Reserves Committee is www.jorc.org and the website of the Australian Stock Exchange is www.asx.com.au.
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 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 3 of Part 1 of Schedule 28 for the date on which the application is made.

(2) A prospecting licence must be in the form set out in Schedule 25.

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 5; 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 28 for the date on which the application is made.

(2) A retention licence must be in the form set out in Schedule 26.
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 28.

Note
This fee applies on and from 1 January 2015.

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 28 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.

Note
This fee applies on and from 1 January 2015.

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
Part 3—Licences

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(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 28 for the date on which the application is made.

(2) A miner's right must be in the form set out in Schedule 6.

(3) A miner's right does not take effect until it has been signed by the person to whom it was issued.

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 7; and

(b) be accompanied by the fee specified in item 8 of Part 1 of Schedule 28 for the date on which the application is made.

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 in a Wednesday edition of a newspaper circulating generally in Victoria and in one or more newspapers circulating in the locality of the licence application area, a notice of the application containing the
information set out in Part 1 of Schedule 8; 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 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 8 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 in a Wednesday edition of a newspaper circulating generally in Victoria and in one or more newspapers circulating in the locality of the licence application area, a notice of the application containing the information set out in Part 1 of Schedule 9, and serve a copy of the notice on the owner and occupier of the land affected; and

(b) make the information set out in Part 2 of Schedule 9 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 9 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 or more newspapers circulating in the locality of the licence application area, a notice of the application containing the information set out in Part 1 of Schedule 9; 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 or more newspapers circulating in the locality of the licence application area, containing a notice of the application with—
Mineral Resources (Sustainable Development) (Mineral Industries)
Regulations 2013
S.R. No. 126/2013
Part 3—Licences

(i) in the case of an exploration licence or retention licence, the information set out in Part 1 of Schedule 8; and

(ii) in the case of a mining licence, the information set out in Part 1 of Schedule 9; 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 8; or

(ii) in the case of a mining licence, the information set out in Part 2 of Schedule 9.

(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 Marking out of mining licence, prospecting licence or retention licence area

(1) The holder of a mining licence, prospecting licence or retention licence must mark out, in accordance with regulation 27, the land covered by the licence within 28 days after the later of—

(a) the registration of the licence; or

(b) the grant of an authority under section 38AB of the Act.

Note
Under section 38AA of the Act, a person who contravenes this regulation is liable to a penalty not exceeding 50 penalty units.
(2) The Department Head may require the holder, or former holder, of a mining licence, prospecting licence or retention licence to remove or alter any corner posts, survey markers or offset markers if the posts or markers do not accurately mark out the land covered by the licence or former mining, prospecting or retention licence area or if the licence ceases to have effect.

(3) If required to do so by the Department Head, the holder, or former holder, of a mining licence, prospecting licence or retention licence must remove or alter any corner posts, survey markers or offset markers and must do so within the time specified by the Department Head in making the requirement.

Penalty: 20 penalty units.

(4) The licence holder must maintain the corner posts, and any survey markers or offset markers, required by regulation 27 and ensure that the metal plates required by that regulation remain in a legible condition until—

(a) the licence has ceased to have effect and rehabilitation has been completed to the satisfaction of the Department Head; or

(b) the posts and markers are removed in accordance with these Regulations—

whichever occurs first.

Penalty: 10 penalty units.

25 Exemption from marking out licence area

(1) The holder of a mining licence, prospecting licence or retention licence may apply in writing to the Department Head for an exemption from the requirement to mark out the land covered by the licence if it is impractical to mark out that land in accordance with regulation 27.
(2) If the Department Head believes that it is impractical for the holder of the licence to mark out the land covered by the licence in accordance with regulation 27, the Department Head may grant the exemption subject to any conditions the Department Head considers appropriate.

(3) Without affecting the generality of subregulation (1), the Department Head may grant an exemption if—

(a) the licence area is in an urban area and mining will be underground; or

(b) the licence is for a stratum of land, or includes a stratum of land, that lies underground.

(4) The holder of a licence must comply with any conditions of an exemption.

Penalty: 20 penalty units.

26 Removal of corner posts

A person must not remove or alter any corner posts, survey markers or offset markers required under these Regulations except—

(a) when required to do so by the Department Head; or

(b) when regulation 24(4) no longer applies.

Penalty: 20 penalty units.

27 Boundary marks on a mining licence, prospecting licence or retention licence area

(1) The holder of a mining licence, prospecting licence or retention licence marking out land that is covered by the licence must—
(a) securely place in the ground white posts of wood or metal standing at least 1 metre above the ground surface and placed so as to clearly establish each corner of the land; and

(b) securely fix a metal plate at least 300 mm by 300 mm to each corner post on which sufficient details are legibly recorded to identify the licence holder, the number of the licence and date of expiry of the licence; and

(c) cut a trench in the form of a "V" cross section in the direction of the adjacent posts—

   (i) at least 150 mm deep; and

   (ii) at least 1000 mm long and commencing between 500 mm and 1000 mm from the corner post.

(2) The licence holder may place survey and offset markers if it is not possible to comply with subregulation (1).

(3) The survey markers and offset markers under subregulation (2) must—

   (a) be located to enable the locations of the corners and the directions of the boundaries of the land covered by the licence to be identified; and

   (b) wherever practicable, consist of white posts of wood or metal with a metal plate on which must be legibly recorded the name of the licence holder, the number of the licence and date of expiry of the licence; and

   (c) be identified on a plan which the licence holder must prepare and lodge with the Department Head.
28 Survey of mining, prospecting or retention licence area

(1) The holder of a mining licence or retention licence must provide a survey plan of the land covered by the licence to the Department Head within 60 days after being requested to lodge a survey plan.

(2) Subregulation (1) does not apply to the holder of a specified mining licence.

(3) The Department Head may, on a request from the licence holder received within the period of 60 days under subregulation (1), extend the period for the lodgement of a survey plan.

(4) If the Department Head extends the period of time in accordance with subregulation (3), the licence holder must provide the survey plan to the Department Head within the extended period of time.

(5) The Department Head may require the holder of a prospecting licence or a specified mining licence to provide a survey plan of the land covered by the licence to the Department Head within the period specified by the Department Head, if the Department Head is satisfied that the failure to provide a survey plan may result in a boundary dispute with a nearby licence.

(6) In this regulation—

*specified mining licence* means a mining licence covering an area of 5 hectares or less that was granted before 1 February 2012.
29 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 10; and

(ii) be accompanied by the fee specified in item 9 of Part 1 of Schedule 28 for the date on which the application is made;

(b) for a mining licence—

(i) contain the information set out in Schedule 11; and

(ii) be accompanied by the fee specified in item 10 of Part 1 of Schedule 28 for the date on which the application is made;

(c) for a retention licence—

(i) contain the information set out in Schedule 12; and

(ii) be accompanied by the fee specified in item 11 of Part 1 of Schedule 28 for the date on which the application is made.

30 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 13 to the owner and occupier of the land affected.
31 Renewal of boundary marks

The applicant for the renewal of a mining licence or a retention licence under section 29(1) of the Act must—

(a) provide information, including the licence number, the date of application for renewal, the length of renewal time sought and the name of the applicant, on metal plates at least 300 mm by 300 mm attached to the corner posts for the renewal area; and

(b) unless the applicant is exempt under regulation 25, comply with the provisions of regulation 24(4).

32 Work plan

(1) For the purposes of section 40(3)(a) of the Act, the prescribed information to be contained in a work plan is—

(a) for an exploration licence—the information set out in Schedule 14;

(b) for a mining licence—

   (i) other than a mining licence referred to in subparagraph (ii)—the information set out in Part 1 of Schedule 15;

   (ii) that covers an area of 5 hectares or less that was granted before 1 February 2012—the information set out in Schedule 16;

(c) for a prospecting licence—the information set out in Schedule 16;

(d) for a retention licence—the information set out in Schedule 17.
(2) Despite subregulation (1), the holder of a prospecting licence or mining licence may lodge a work plan containing the information set out in Schedule 14 if the work under the licence is exploration only.

(3) In the case of a mining licence or prospecting licence—

(a) a work plan lodged under section 40 of the Act (being a work plan that relates to mining); or

(b) a notice lodged under section 40(2AA) of the Act, electing to have the program of work be considered the licensee's work plan (being a work plan that relates to mining)—must be accompanied by the relevant fee specified in Schedule 27.

(4) 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 27.

(5) For the purposes of section 41(2) of the Act, the information required to be included in an application for a variation of an approved work plan is an explanation of all proposed changes to the approved work plan.

Note

These fees apply on and from 1 January 2015—see clause 2 of Schedule 27.
33 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;
(ii) a description of the event;
(iii) the steps taken to minimise the impact of the event;

(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—

(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; and
(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 event, abnormal to expected, or usual operations that results, 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 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, outside the approved work plan area, from blasting;
(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 public safety, the environment or infrastructure;
(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 public safety, the environment or infrastructure.

34 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;
(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;
   (c) the location and conservation status of native vegetation and the presence of threatened flora and fauna;
   (d) any other relevant site-specific information about impacts and proposed control or mitigation measures and rehabilitation.

35 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 18;
   (b) for a mining licence—the information set out in Schedule 19;
   (c) for a prospecting licence—the information set out in Schedule 20;
   (d) for a retention licence—the information set out in Schedule 21.
(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;

(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.

36 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 22.
(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;

(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 held by the same licensee, are over adjoining areas and 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.

37 Rent on a licence

(1) This regulation applies for the purposes of section 26(4) of the Act.

(2) The holder of a mining or prospecting licence must pay rent in relation to the land covered by the licence as at 31 December 2013, 30 June 2014 and 31 December 2014—

(a) for a mining licence—at the rate specified in column 4 of item 2 of Part 2 of Schedule 28;

(b) for a prospecting licence—at the rate specified in column 4 of item 3 of Part 2 of Schedule 28.

(3) Rent must be paid under subregulation (2) within 28 days after 31 December 2013, 30 June 2014 and 31 December 2014.

(4) The holder of a licence must pay rent in relation to the land covered by the licence as at 30 June 2015—

(a) for an exploration licence—at the rate specified in column 5 of item 1 of Part 2 of Schedule 28;

(b) for a mining licence—at the rate specified in column 5 of item 2 of Part 2 of Schedule 28;

(c) for a prospecting licence—at the rate specified in column 5 of item 3 of Part 2 of Schedule 28;

(d) for a retention licence—at the rate specified in column 5 of item 4 of Part 2 of Schedule 28.

(5) Rent must be paid under subregulation (4) on or before 28 July 2015.
(6) The holder of a licence must pay rent in relation to the land covered by the licence as at 30 June 2016—

(a) for an exploration licence—at the rate specified in column 6 of item 1 of Part 2 of Schedule 28;

(b) for a mining licence—at the rate specified in column 6 of item 2 of Part 2 of Schedule 28;

(c) for a prospecting licence—at the rate specified in column 6 of item 3 of Part 2 of Schedule 28;

(d) for a retention licence—at the rate specified in column 6 of item 4 of Part 2 of Schedule 28.

(7) Rent must be paid under subregulation (6) on or before 28 July 2016.

(8) The holder of a licence must pay rent in relation to the land covered by the licence as at 30 June 2017—

(a) for an exploration licence—at the rate specified in column 7 of item 1 of Part 2 of Schedule 28;

(b) for a mining licence—at the rate specified in column 7 of item 2 of Part 2 of Schedule 28;

(c) for a prospecting licence—at the rate specified in column 7 of item 3 of Part 2 of Schedule 28;

(d) for a retention licence—at the rate specified in column 7 of item 4 of Part 2 of Schedule 28.

(9) Rent must be paid under subregulation (8) on or before 28 July 2017.
(10) The holder of a licence must pay rent in relation to the land covered by the licence as at 30 June 2018 and 30 June of each subsequent year—

(a) for an exploration licence—at the rate specified in column 8 of item 1 of Part 2 of Schedule 28;

(b) for a mining licence—at the rate specified in column 8 of item 2 of Part 2 of Schedule 28;

(c) for a prospecting licence—at the rate specified in column 8 of item 3 of Part 2 of Schedule 28;

(d) for a retention licence—at the rate specified in column 8 of item 4 of Part 2 of Schedule 28.

(11) Rent must be paid each year under subregulation (10) on or before 28 July of that year.

(12) 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.

Note
Rent is payable by the holder of an exploration licence or retention licence on and from 1 January 2015—see Part 2 of Schedule 28.

38 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 holder of an exploration licence which surrounds a mining, retention or prospecting licence may, after the expiry of 28 days from the day on which the mining, retention or prospecting licence ceases to have effect, request the Minister
to include that former mining, retention or prospecting licence land within the exploration licence.

(4) The holder of an exploration licence which surrounds an area covered by an application for a mining, retention or prospecting licence may, after the expiry of 28 days from the day on which that application ceases to have effect, request the Minister to include that former application area within the exploration licence.

(5) The holder of a mining or retention licence which surrounds another mining, retention or prospecting licence may, after the expiry of 28 days from the day on which the surrounded licence ceases to have effect, request the Minister to include that surrounded area within the mining or retention licence.

(6) The holder of a mining or retention licence which surrounds an area covered by an application for a mining, retention or prospecting licence may, after the expiry of 28 days from the day on which that application ceases to have effect, request the Minister to include that former application area within the mining or retention licence.

(7) A request to vary a licence under subregulation (3), (4), (5) or (6) is to be treated as an application for a licence for the purposes of section 23 of the Act.

(8) 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.
(9) The circumstances specified in subregulations (1), (2), (3), (4), (5), (6) and (8) are prescribed circumstances for the purposes of section 34(2)(d) of the Act.

(10) For the purposes of this regulation—

(a) an exploration licence surrounds a mining, retention or prospecting licence or an area covered by an application for a mining, retention or prospecting licence if the exploration licence shares at least one common boundary with the mining, retention or prospecting licence or the area covered by the application for a mining, retention or prospecting licence;

(b) a mining or retention licence surrounds a mining, retention or prospecting licence, or area covered by an application for a mining, retention or prospecting licence, if the mining or retention licence shares at least one common boundary with the other mining, retention or prospecting licence, or the area covered by the application for a mining, retention or prospecting licence.

(11) 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 28 for the date on which the application is made.

39 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 2; and
(b) in the case of a tender for a mining licence, all the items specified in Schedule 3; and

c) in the case of a tender for a retention licence, all the items specified in Schedule 5.

40 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 or more newspapers circulating in the 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 8; or

(ii) in the case of a mining licence, the information set out in Part 1 of Schedule 9; 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 8; or

(ii) in the case of a mining licence, the information set out in Part 2 of Schedule 9.
(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.

41 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 13 of Part 1 of Schedule 28 for the date on which the payment is made; or

(b) for a mining licence, the fee specified in item 14 of Part 1 of Schedule 28 for the date on which the payment is made; or

(c) for a retention licence, the fee specified in item 15 of Part 1 of Schedule 28 for the date on which the payment is made.

Note

This fee applies on and from 1 January 2015—see Part 1 of Schedule 28.

42 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 16 of Part 1 of Schedule 28.

(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 17 of Part 1 of Schedule 28.
43 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 18 of Part 1 of Schedule 28 for the date on which the statement is submitted.

Note
This fee applies on and from 1 January 2015—see Part 1 of Schedule 28.
PART 4—REQUIREMENTS FOR DECLARED MINES

44 Mine stability requirements for declared mines

For the purposes of sections 40(3)(ab) and 41AE of the Act, the prescribed mine stability requirements and processes are the requirements and processes set out in Part 2 of Schedule 15.

45 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—

(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 15 and any recommended changes to the work plan.

46 Mine stability levy

For the purposes of section 38AAA of the Act, the mines set out in Schedule 29 are prescribed for the purposes of the mine stability levy.

47 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.

48 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;

(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

49 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 30 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.

50 Fees for information and copies

(1) For the purposes of section 74(1) of the Act, the prescribed fee is 1.8 fee units for each access allowed, each instance of information provided or each copy provided.

(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 is 1.8 fee units.

51 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.

52 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

53 Infringements

(1) An offence specified in column 2 of Schedule 31 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 31 set out opposite the infringement offence.

(3) A summary of an infringement offence in column 3 of Schedule 31 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

54 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.

55 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.

56 Officer must submit statement of disclosure

An officer must submit to the Minister a statement of disclosure which contains the information specified in Schedule 32—

(a) within 30 days after becoming an officer; and

(b) when notifying any change in an interest.

57 Disclosure of interest register

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

58 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

59 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 33.

60 Expiry

These Regulations expire on 19 October 2018.
### SCHEDULES

#### SCHEDULE 1

Regulation 4

<table>
<thead>
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SCHEDULE 2

INFORMATION REQUIRED IN APPLICATION FOR EXPLORATION LICENCE

1. Name and address of 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 km².

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 the first 2 years of the licence and the estimated total expenditure for the term 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.

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;

   (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;

   (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;

(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 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); and

(iii) sub-surface evaluation activities (including, for example, drilling, trenching, bulk sampling, underground development, and related geochemistry, mineralogy and metallurgy);

(b) as far as is practicable, an indication of the location and focus of the proposed activities with location maps;

(c) a description of the nature of the targets that the program seeks to delineate;

(d) a description of the geological rationale behind the proposed program;

(e) a proposed timing schedule of the exploration program.
Sch. 2

14. Indication of whether the program of work will be the work plan (see note 4).

15. Preferred annual reporting date.

16. Signature of the applicant/s (see notes 5 and 6).

17. 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. If the program of work is to be considered as the work plan, the program of work must contain the details specified in Schedule 14 (being requirements for work plans). This does not apply to low impact exploration that does not require a work plan.

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 3

Regulations 13 and 39

INFORMATION REQUIRED IN APPLICATION FOR MINING LICENCE

1. Name and address of 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;
   (b) the extent of land used as agricultural land.

6. The names and addresses of the owner/occupier of any private land covered by the application.

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;
Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013
S.R. No. 126/2013

Sch. 3

(d) compliance with a relevant land use activity agreement under the **Traditional Owner Settlement Act 2010**.

8. 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.

9. Term required (in years).

10. The estimated annual expenditure for the first 5 years of the licence.

11. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 16).

12. 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).

13. Details of the applicant's experience in mining activities.

14. 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;
(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;

(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;

(e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.

15. 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.

16. 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
(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;

(ii) where relevant, a statement outlining any studies to be undertaken to further establish the economic viability of mining the mineral resource;

(iii) where relevant, a description of any further geological work to upgrade the mineral resource;

(c) a proposed schedule for—

(i) obtaining any other necessary permits, approvals or authorisations required before mining can commence;

(ii) construction and commissioning for mining;

(iii) commencement of mining.

17. Signature of the applicant/s (see notes 7 and 8).

18. 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.
6. If the program of work is to be considered as the work plan (this is only possible for holders of mining licences that cover an area of 5 hectares or less and where no work is proposed on agricultural land—see section 40(2AA) of the Act), the program of work must contain the details specified in Schedule 16 (being requirements for work plans). This does not apply to low impact exploration that does not require a work plan.

7. 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.

8. 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.

9. The Department will advise the applicant on addressing any native title requirements.
SCHEDULE 4

Regulation 14

INFORMATION REQUIRED IN APPLICATION FOR PROSPECTING LICENCE

1. Name and address of 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;
   (b) the extent of land used as agricultural land.

6. The names and addresses of the owner/occupier of any private land covered by the application.

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; or

(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.

9. 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; or

(b) a letter of consent to the application from the holder of, or the applicant for, the retention licence is attached to the application.

10. Term required (in years) (see note 5).

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. Evidence of financial capability to fund the estimated expenditure to undertake the proposed program of work (refer item 15).
13. Details of the applicant's experience in exploration or mining activities.

14. 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;

   (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;
      
      (ii) when those circumstances arose;

   (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;
      
      (ii) when the offence was committed;
      
      (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;
      
      (ii) when the offence was committed;
      
      (iii) the penalty imposed;

   (e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.
15. 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.

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

17. 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. If the program of work is to be considered as the work plan (this is only possible where no work is proposed on agricultural land—see section 40(2AA) of the Act), the program of work must contain the details specified in Schedule 16 (being requirements for work plans). This does not apply to low impact exploration that does not require a work plan.

9. The Department will advise the applicant on addressing any native title requirements.
SCHEDULE 5

INFORMATION REQUIRED IN APPLICATION FOR RETENTION LICENCE

1. Name and address of 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. 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. 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.

8. 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.

9. Term required (in years).

10. The estimated annual expenditure for the first 2 years of the licence and the estimated total expenditure for the term of the licence.

11. Information to demonstrate that the proposed expenditure is commensurate with the proposed program of work (refer item 17).

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 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).

14. 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.

15. 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.

16. 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;

   (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;
       (ii) when those circumstances arose;
(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;
   (ii) when the offence was committed;
   (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;
   (ii) when the offence was committed;
   (iii) the penalty imposed;

(e) provide an indication of whether the applicant or an associate of the applicant is an insolvent under administration.

17. Details of the proposed program of work, including—
   (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;
      (ii) demonstrating the economic viability of the mineral resource;
   (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.
18. Preferred annual reporting date.

19. Signature of the applicant/s (see notes 5 and 6).

20. Date of application.

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 6

Regulation 18

Mineral Resources (Sustainable Development) Act 1990

MINER'S RIGHT

$  

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 7

INFORMATION REQUIRED IN APPLICATION FOR TOURIST FOSSICKING AUTHORITY

1. 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 8

Regulations 20, 23 and 40

INFORMATION REQUIRED IN NOTICE OF APPLICATION FOR AN EXPLORATION LICENCE OR RETENTION LICENCE

PART 1

1. Name and address of applicant/s.

2. Contact phone number and email address of applicant for map 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—
   (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$^2$;
   (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 the newspaper circulating in the 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 9

INFORMATION REQUIRED IN NOTICE OF APPLICATION FOR A MINING LICENCE OR PROSPECTING LICENCE

PART 1

1. Name and address of applicant/s.

2. Contact phone number and email address of applicant for map 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—
   (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 the newspaper circulating in the 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 10

INFORMATION REQUIRED IN APPLICATION FOR RENEWAL OF EXPLORATION LICENCE

1. Name and address of 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) sub-surface evaluation activities (including, for example, drilling, trenching, bulk sampling, underground development, and related geochemistry, mineralogy and metallurgy);

(b) as far as is practicable, an indication of the location and focus of the proposed activities with location maps;

(c) a description of the nature of the targets that the program seeks to delineate;

(d) a description of the geological rationale behind the proposed program;

(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.
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 11

INFORMATION REQUIRED IN APPLICATION FOR RENEWAL OF MINING LICENCE

1. Name and address of 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 12

INFORMATION REQUIRED IN APPLICATION FOR RENEWAL OF RETENTION LICENCE

1. Name and address of 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—
   (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;
      (ii) demonstrating the economic viability of the mineral resource;
(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 13

Regulation 30

INFORMATION REQUIRED IN NOTICE OF APPLICATION FOR RENEWAL OF MINING LICENCE TO OWNER AND OCCUPIER OF LAND

1. Name and address of applicant/s (if the applicant is a company, the registered address of the company).

2. Details of the application for renewal, including—
   (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 14

INFORMATION REQUIRED IN WORK PLAN FOR AN EXPLORATION LICENCE

1. A description of the proposed works, including details of the potential environmental impacts and the measures proposed for their control or mitigation.

2. If specific sites 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.

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

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

5. Information about the proposed methods of monitoring, auditing and reporting impacts on the environment.
SCHEDULE 15

Regulations 32, 44 and 45

PART 1—INFORMATION REQUIRED IN WORK PLAN FOR A MINING LICENCE

1. A general description of geological information including, if available, estimates of ore resources and reserves.

2. A general location plan at scale of 1:100 000 or 1:50 000.

3. A regional plan at scale of 1:25 000 showing the extent of Crown lands, private lands, private land allotments for the proposed work plan area, and, where possible, parks and reserves, within 2 km of the site.

4. A site plan at 1:1000, 1:2500 or other appropriate scale, including cross-sections, showing and describing existing surface contours, etc., and also including—
   (a) the proposed buildings and surface facilities; and
   (b) the anticipated extent of open cut extraction, with proposed bench height, berm details and working batters; and
   (c) the sequencing of open cut extraction; and
   (d) the location of topsoil dumps, and waste dumps or stockpiles; and
   (e) proposals for landscaping of the site, including buffer zones; and
   (f) access roads; and
   (g) if underground mining is proposed, a schematic drawing showing underground development and the proposed extent of stoping.

5. A description of the metallurgical and mineral recovery methods to be used.
6. A rehabilitation plan that—
   (a) addresses concepts for the end utilisation of the site;
   and
   (b) includes a proposal for the progressive rehabilitation
       and stabilisation of extraction areas, road cuttings
       and waste dumps, including re-vegetation species;
       and
   (c) includes proposals for the end rehabilitation of the
       site, including the final security of the site and the
       removal of plant and equipment.

7. An environmental management plan which—
   (a) identifies the key environmental issues for the
       proposal and includes details of background data,
       baseline studies or existing conditions in relation to
       environmental issues; and
   (b) includes proposals for the management of
       environmental impacts including nomination of
       targets and proposals for the mitigation, control or
       reduction of impacts; and
   (c) includes proposals for the management of wastes
       including consideration of the principles of waste
       minimisation; and
   (d) includes a proposed monitoring program addressing
       the key environmental issues; and
   (e) includes a proposal for reporting outcomes of the
       plan to the local community.

8. A description of any significant community facilities that
   may be affected by the proposed works.

9. A community engagement plan that—
   (a) identifies any community likely to be affected by
       mining activities authorised by the licence; and
(b) 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—

in relation to mining activities authorised by the licence; and

(c) includes a proposal for registering, documenting and responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

PART 2—DECLARED MINE STABILITY REQUIREMENTS AND PROCESSES

1. A description of the geological information that is relevant to the stability of the declared mine and any variation of the geological information across the rest of the location plan, including a plan showing cross-sections and long sections of the proposed extraction area of the declared mine.

2. If a mining licence was granted before the mine became a declared mine—

(a) a description of any proposed changes to the information under item 4 of Part 1 for mining licences exceeding 5 hectares; and

(b) a description of any infrastructure or plant proposed to be associated with the declared mine.

3. An assessment of the geotechnical and hydrogeological risks for the declared mine.
4. A description of the controls that will 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;

   (b) particulars of other measures to ensure the stability of the mine, associated infrastructure and adjacent land.

5. A plan for monitoring the stability and groundwater management of the declared mine.

6. A description of the process for reviews of the assessment, plan, actions and controls referred to in this Part relating to the declared mine.
INFORMATION REQUIRED IN WORK PLAN FOR A PROSPECTING LICENCE OR A TRANSITIONAL LICENCE

1. A general description of any test work undertaken in the licence area.

2. A general location plan at scale of 1:100 000, 1:50 000 or 1:25 000.

3. If not already provided in the general location plan, a regional plan at scale of 1:25 000 showing the extent of Crown lands, private lands, private land allotments for the proposed work plan area and, where possible, parks and reserves within 2 km of the site.

4. A plan of the licence area at an appropriate scale which shows—
   (a) the proposed buildings and surface facilities; and
   (b) access roads and tracks; and
   (c) the location of any proposed tailings dams and water dams; and
   (d) the general drainage pattern of the area; and
   (e) the extent of open-cut and underground mining.

5. A description of proposed mineral recovery methods.

6. A description of rehabilitation proposals including—
   (a) proposals for the progressive rehabilitation and stabilisation of extraction areas; and
   (b) proposals for the removal of any plant or equipment (if relevant).

7. A description of any significant community facilities that may be affected by the proposed works.
8. A community engagement plan that—

(a) identifies any community likely to be affected by mining activities authorised by the licence; and

(b) includes proposals for—

(i) providing information to the community; and

(ii) receiving and considering feedback from the community—

in relation to mining activities authorised by the licence; and

(c) includes a proposal for responding to complaints and other communications from members of the community in relation to mining activities authorised by the licence.

Note

A transitional licence is a mining licence granted before 1 February 2012 that covers an area of 5 hectares or less (see regulation 32(1)(b)(ii)).
SCHEDULE 17

INFORMATION REQUIRED IN WORK PLAN FOR A RETENTION LICENCE

1. A description of the proposed works, including details of the potential environmental impacts and the measures proposed for their control or mitigation.

2. If specific sites 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.

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


5. Information about the proposed methods of monitoring, auditing and reporting impacts on the environment.
SCHEDULE 18

INFORMATION REQUIRED IN EXPENDITURE AND ACTIVITIES RETURN—EXPLORATION LICENCE

1. Exploration licence number (one only per return).
2. Reporting period.
3. Name and role of person completing the return.
4. Expenditure on office-based activities including—
   (a) literature search;
   (b) database compilation;
   (c) computer modelling;
   (d) reprocessing of data;
   (e) general research;
   (f) report preparation;
   (g) other (specify).
5. Expenditure on airborne exploration surveys and the number of line kilometres flown for—
   (a) aeromagnetics;
   (b) radiometrics;
   (c) electromagnetics;
   (d) gravity;
   (e) digital terrain modelling;
   (f) other (specify).
6. Expenditure on remote sensing including—
   (a) aerial photography;
   (b) LANDSAT satellite imagery;
   (c) SPOT satellite imagery;
(d) multi-spectral scanner;
(e) other (specify).

7. Expenditure on ground exploration including—

(a) geological mapping—
   (i) regional;
   (ii) reconnaissance;
   (iii) prospect;
   (iv) underground;
   (v) costean;

(b) 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) well logging;
   (xiv) geophysical interpretation;
   (xv) petrophysics;
   (xvi) other (specify);
(c) geochemical surveying (state number of samples)—
   (i) drill (cuttings, core etc.);
   (ii) stream sediment;
   (iii) soil;
   (iv) rock chip;
   (v) laterite;
   (vi) water;
   (vii) biogeochemistry;
   (viii) isotope;
   (ix) whole rock;
   (x) mineral analysis;
   (xi) drill sample;
   (xii) laboratory analysis (specify element and type);
   (xiii) other (specify);
   (d) petrology.

8. Expenditure on drilling, number of holes and total metres drilled, for—
   (a) diamond drilling;
   (b) reverse circulation;
   (c) rotary air blast;
   (d) air core;
   (e) other (specify).

9. Expenditure on development studies including—
   (a) costeanning / ditchwitching;
   (b) bulk sampling;
   (c) mill process testing;
   (d) ore reserve calculation;
(e) shaft restoration or other underground development (describe);
(f) mineral processing;
(g) other (specify).

10. Expenditure on rehabilitation—
(a) after drilling;
(b) track maintenance;
(c) monitoring;
(d) other (specify).

11. Total reported expenditure.

12. 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.

13. Date.

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SCHEDULE 19

INFORMATION REQUIRED IN EXPENDITURE AND ACTIVITIES RETURN—MINING LICENCE

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—
     (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—
(i) pits;
(ii) overburden and waste rock dumps;
(iii) tailings storage facilities;
(iv) infrastructure;
(b) the area disturbed during the last reporting period;
(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;
(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 landform complete and planting undertaken. Further land management may be required.

12. Details of the environmental management activities undertaken during the reporting period, including—

(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 33 (reportable events).
Notes

1. The technical results and geological interpretation of exploration works must be separately reported in accordance with regulation 36.

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 18 (wherever relevant).
INFORMATION REQUIRED IN EXPENDITURE AND ACTIVITIES RETURN—PROSPECTING LICENCE

1. Prospecting 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 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;
   (b) a description of ore and waste mined and treated (see Note 1).

9. Details of land disturbance and rehabilitation, including—
   (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;
   (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—

(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 33 (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 21

Regulation 35

INFORMATION REQUIRED IN EXPENDITURE AND ACTIVITIES RETURN—RETENTION LICENCE

1. Retention licence number (one only per return).
2. Reporting period.
3. Name and role of person completing the return.
4. Expenditure on office-based activities including—
   (a) literature search;
   (b) database compilation;
   (c) computer modelling;
   (d) reprocessing of data;
   (e) general research;
   (f) report preparation;
   (g) other (specify).
5. Expenditure on airborne exploration surveys and the number of line kilometres flown for—
   (a) aeromagnetics;
   (b) radiometrics;
   (c) electromagnetics;
   (d) gravity;
   (e) digital terrain modelling;
   (f) other (specify).
6. Expenditure on remote sensing including—
   (a) aerial photography;
   (b) LANDSAT satellite imagery;
   (c) SPOT satellite imagery;
(d) multi-spectral scanner;
(e) other (specify).

7. Expenditure on ground exploration including—
   (a) geological mapping—
       (i) regional;
       (ii) reconnaissance;
       (iii) prospect;
       (iv) underground;
       (v) costean;
   (b) 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) well logging;
       (xiv) geophysical interpretation;
       (xv) petrophysics;
       (xvi) other (specify);
(c) geochemical surveying (state number of samples)—
   (i) drill (cuttings, core etc.);
   (ii) stream sediment;
   (iii) soil;
   (iv) rock chip;
   (v) laterite;
   (vi) water;
   (vii) biogeochemistry;
   (viii) isotope;
   (ix) whole rock;
   (x) mineral analysis;
   (xi) drill sample;
   (xii) laboratory analysis (specify element and type);
   (xiii) other (specify);
   (d) petrology.

8. Expenditure on drilling, number of holes and total metres drilled, for—
   (a) diamond drilling;
   (b) reverse circulation;
   (c) rotary air blast;
   (d) air core;
   (e) other (specify).

9. Expenditure on development studies including—
   (a) costeaneing/ditchwitching;
   (b) bulk sampling;
   (c) mill process testing;
   (d) ore reserve calculation;
(e) shaft restoration or other underground development (describe);
(f) mineral processing;
(g) other (specify).

10. Expenditure and details of the work undertaken during the reporting period in relation to—
   (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;
      (ii) demonstrating the economic viability of the mineral resource;
   (d) key milestones under the program of work.

11. Expenditure on rehabilitation—
   (a) after drilling;
   (b) track maintenance;
   (c) monitoring;
   (d) other (specify).

12. Total reported expenditure.

13. Any comment on administrative matters related to exploration on the licence during the reporting period including progress on land owner compensation agreements, purchase of equipment, timing of surveys, etc.

14. Date.
SCHEDULE 22

INFORMATION REQUIRED IN TECHNICAL REPORT

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 drill holes 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 23

Mineral Resources (Sustainable Development) Act 1990

EXPLORATION LICENCE No.

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 (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.

SCHEDULE OF CONDITIONS

______________________________
MINING LICENCE No.

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; and
   (c) any registered work authority—

   at a location in or near the licensed area so that an inspector or any other authorised officer can readily inspect them.

3. On receiving a work authority, 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. 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.

8. The licensee must work in accordance with any approved work plan including any time frames specified in the approved work plan.

SCHEDULE OF CONDITIONS
Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013
S.R. No. 126/2013

Sch. 25

SCHEDULE 25
Regulation 14

Mineral Resources (Sustainable Development) Act 1990

PROSPECTING LICENCE No.

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 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; and
   (c) any registered work authority—
   at a location in or near the licensed area so that an inspector or any other authorised officer can readily inspect them.

3. On receiving a work authority, 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.

SCHEDULE OF CONDITIONS
SCHEDULE 26

Mineral Resources (Sustainable Development) Act 1990

RETENTION LICENCE No.

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 (removed 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.

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.

SCHEDULE OF CONDITIONS
SCHEDULE 27

Regulation 32

MINING WORK PLAN FEES FOR MINING LICENCES AND PROSPECTING LICENCES

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 the Schedule, any buffer zone in or in relation to that area is to be excluded.
2 Fee for lodgement of work plan

(1) The fee for lodging a work plan (being a work plan that relates to mining) on or after 1 January 2015 and before 1 January 2016 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Category</th>
<th>Fee</th>
<th>SE work plan</th>
<th>EES work plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mining licence that covers an area of 5 hectares or less or prospecting licence</td>
<td>102-3 fee units</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>255-5 fee units</td>
<td>1022-2 fee units</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>306-7 fee units</td>
<td>1022-2 fee units</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>255-5 fee units</td>
<td>1022-2 fee units</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>613-3 fee units</td>
<td>2044-5 fee units</td>
<td></td>
</tr>
</tbody>
</table>
(2) The fee for lodging a work plan (being a work plan that relates to mining) on or after 1 January 2016 and before 1 January 2017 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Category</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Mining licence that covers an area of 5 hectares or less or prospecting licence</td>
<td>115·6 fee units</td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>288·8 fee units</td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>346·7 fee units</td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>288·8 fee units</td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>693·2 fee units</td>
</tr>
</tbody>
</table>
(3) The fee for lodging a work plan (being a work plan that relates to mining) on or after 1 January 2017 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Category</th>
<th>SE work plan</th>
<th>EES work plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mining licence that covers an area of 5 hectares or less or prospecting licence</td>
<td>128.9 fee units</td>
<td>N/A</td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>322.1 fee units</td>
<td>1288.5 fee units</td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan</td>
<td>386.6 fee units</td>
<td>1288.5 fee units</td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>322.1 fee units</td>
<td>1288.5 fee units</td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan</td>
<td>773.1 fee units</td>
<td>2577.1 fee units</td>
</tr>
</tbody>
</table>
3 Fee for varying a work plan

(1) The fee for varying a work plan (being a work plan that relates to mining) on or after 1 January 2015 and before 1 January 2016 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Category</td>
<td>Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SE work plan</td>
</tr>
<tr>
<td>1</td>
<td>Mining licence that covers an area of 5 hectares or less or prospecting licence</td>
<td>94.8 fee units</td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>252.8 fee units</td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>316.0 fee units</td>
</tr>
</tbody>
</table>
(2) The fee for varying a work plan (being a work plan that relates to mining) on or after 1 January 2016 and before 1 January 2017 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Category</td>
<td>Fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SE work plan</td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>252.8 fee units</td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>632.0 fee units</td>
</tr>
<tr>
<td>Item</td>
<td>Category</td>
<td>Fee</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SE work plan</td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>285.7 fee units</td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>357.1 fee units</td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>285.7 fee units</td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>714.3 fee units</td>
</tr>
</tbody>
</table>
(3) The fee for varying a work plan (being a work plan that relates to mining) on or after 1 January 2017 for a category of mining licence, prospecting licence or mine specified in column 2 of the following Table is the fee specified in the corresponding entry in column 3 of that Table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>SE work plan</td>
</tr>
<tr>
<td>1</td>
<td>Mining licence that covers an area of 5 hectares or less or prospecting licence</td>
<td>119.5 fee units</td>
</tr>
<tr>
<td>2</td>
<td>Mine (including underground mine) with no blasting involved and has no sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>318.6 fee units</td>
</tr>
<tr>
<td>3</td>
<td>Mine (including underground mine) with no blasting involved and has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application</td>
<td>398.3 fee units</td>
</tr>
<tr>
<td>Item</td>
<td>Category</td>
<td>Fee</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SE work plan</td>
</tr>
<tr>
<td>4</td>
<td>Mine (including underground mine) with blasting involved and has no sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>318.6 fee units</td>
</tr>
<tr>
<td>5</td>
<td>Mine (including underground mine) with blasting involved and has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application</td>
<td>796.6 fee units</td>
</tr>
</tbody>
</table>

Sch. 27
## SCHEDULE 28

### FEES AND RENTS

#### PART 1—FEES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Reg. No.</th>
<th>Nature of fee</th>
<th>Amount before 1 January 2015</th>
<th>Amount on or after 1 January 2015 and before 1 January 2016</th>
<th>Amount on or after 1 January 2016 and before 1 January 2017</th>
<th>Amount on or after 1 January 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12</td>
<td>Application fee for an exploration licence</td>
<td>90 fee units per 500 square kilometres</td>
<td>121-5 fee units</td>
<td>137-4 fee units</td>
<td>153-2 fee units</td>
</tr>
<tr>
<td>2</td>
<td>13</td>
<td>Application fee for a mining licence</td>
<td>135 fee units for every 260 hectares</td>
<td>213-8 fee units</td>
<td>241-7 fee units</td>
<td>269-5 fee units</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
<td>Application fee for a prospecting licence</td>
<td>40 fee units</td>
<td>41-7 fee units</td>
<td>47-2 fee units</td>
<td>52-6 fee units</td>
</tr>
<tr>
<td>4</td>
<td>15</td>
<td>Application fee for a retention licence</td>
<td>135 fee units per 260 hectares</td>
<td>121-5 fee units</td>
<td>137-4 fee units</td>
<td>153-2 fee units</td>
</tr>
<tr>
<td>5</td>
<td>16</td>
<td>Additional fee for a mineralisation report</td>
<td>N/A</td>
<td>52-4 fee units</td>
<td>59-2 fee units</td>
<td>66-0 fee units</td>
</tr>
<tr>
<td>6</td>
<td>17</td>
<td>Additional fee for a native title assessment</td>
<td>N/A</td>
<td>60-9 fee units</td>
<td>68-9 fee units</td>
<td>76-8 fee units</td>
</tr>
<tr>
<td>7</td>
<td>18</td>
<td>Application fee for a miner's right</td>
<td>2-5 fee units (2 years)</td>
<td>1-4 fee units</td>
<td>1-6 fee units</td>
<td>1-8 fee units</td>
</tr>
<tr>
<td>8</td>
<td>19</td>
<td>Application fee for a tourist fossicking authority</td>
<td>30 fee units (2 years)</td>
<td>5-3 fee units</td>
<td>6-0 fee units</td>
<td>6-7 fee units</td>
</tr>
<tr>
<td>Item No.</td>
<td>Reg. No.</td>
<td>Nature of fee</td>
<td>Amount before 1 January 2015</td>
<td>Amount on or after 1 January 2015 and before 1 January 2016</td>
<td>Amount on or after 1 January 2016 and before 1 January 2017</td>
<td>Amount on or after 1 January 2017</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>---------------------------------------------------</td>
<td>-------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>29</td>
<td>Application fee for renewal of an exploration licence</td>
<td>90 fee units per 500 square kilometres</td>
<td>63-7 fee units</td>
<td>72-0 fee units</td>
<td>80-3 fee units</td>
</tr>
<tr>
<td>10</td>
<td>29</td>
<td>Application fee for renewal of a mining licence</td>
<td>85 fee units for every 260 hectares</td>
<td>64-0 fee units</td>
<td>72-4 fee units</td>
<td>80-7 fee units</td>
</tr>
<tr>
<td>11</td>
<td>29</td>
<td>Application fee for renewal of a retention licence</td>
<td>85 fee units for every 260 hectares</td>
<td>63-7 fee units</td>
<td>72-0 fee units</td>
<td>80-3 fee units</td>
</tr>
<tr>
<td>12</td>
<td>38</td>
<td>Application fee for variation of a licence</td>
<td>10 fee units</td>
<td>22-7 fee units</td>
<td>25-6 fee units</td>
<td>28-6 fee units</td>
</tr>
<tr>
<td>13</td>
<td>41</td>
<td>Fee for grant of exploration licence (accepted tender)</td>
<td>N/A</td>
<td>121-5 fee units</td>
<td>137-4 fee units</td>
<td>153-2 fee units</td>
</tr>
<tr>
<td>14</td>
<td>41</td>
<td>Fee for grant of mining licence (accepted tender)</td>
<td>N/A</td>
<td>213-8 fee units</td>
<td>241-7 fee units</td>
<td>269-5 fee units</td>
</tr>
<tr>
<td>15</td>
<td>41</td>
<td>Fee for grant of retention licence (accepted tender)</td>
<td>N/A</td>
<td>121-5 fee units</td>
<td>137-4 fee units</td>
<td>153-2 fee units</td>
</tr>
<tr>
<td>16</td>
<td>42</td>
<td>Application for transfer of a licence</td>
<td>30 fee units</td>
<td>11-9 fee units</td>
<td>13-5 fee units</td>
<td>15-0 fee units</td>
</tr>
</tbody>
</table>
### Mineral Resources (Sustainable Development) (Mineral Industries)
### Regulations 2013
### S.R. No. 126/2013

#### Schedule 28

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Reg. No.</th>
<th>Nature of fee</th>
<th>Amount before 1 January 2015</th>
<th>Amount on or after 1 January 2015 and before 1 January 2016</th>
<th>Amount on or after 1 January 2016 and before 1 January 2017</th>
<th>Amount on or after 1 January 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>42</td>
<td>Fee for an amalgamation of a licence made at the request of the licensee</td>
<td>30 fee units</td>
<td>19-1 fee units</td>
<td>21-6 fee units</td>
<td>24-1 fee units</td>
</tr>
<tr>
<td>18</td>
<td>43</td>
<td>Fee for lodging an impact statement</td>
<td>N/A</td>
<td>131-2 fee units</td>
<td>148-3 fee units</td>
<td>165-4 fee units</td>
</tr>
</tbody>
</table>

### PART 2—RENTS

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Reg. No.</th>
<th>Rate for assessing rent</th>
<th>Rate before 1 January 2015</th>
<th>Rate on or after 1 January 2015 and before 1 July 2015</th>
<th>Rate on or after 1 July 2015 and before 1 January 2017</th>
<th>Rate on or after 1 January 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>37</td>
<td>Rate for assessing rent payable for an exploration licence</td>
<td>N/A</td>
<td>2-9 fee units per 10 graticules</td>
<td>6-1 fee units per 10 graticules</td>
<td>6-8 fee units per 10 graticules</td>
</tr>
<tr>
<td>2</td>
<td>37</td>
<td>Rate for assessing rent payable for a mining licence</td>
<td>1-5 fee units per hectare</td>
<td>5-8 fee units per 10 hectares</td>
<td>12-4 fee units per 10 hectares</td>
<td>13-9 fee units per 10 hectares</td>
</tr>
<tr>
<td>3</td>
<td>37</td>
<td>Rate for assessing rent payable for a prospecting licence</td>
<td>1-5 fee units per hectare</td>
<td>2-9 fee units</td>
<td>6-2 fee units</td>
<td>6-9 fee units</td>
</tr>
<tr>
<td>4</td>
<td>37</td>
<td>Rate for assessing rent payable for a retention licence</td>
<td>N/A</td>
<td>1 fee unit per 10 hectares</td>
<td>2 fee units per 10 hectares</td>
<td>2-3 fee units per 10 hectares</td>
</tr>
</tbody>
</table>

Authorised by the Chief Parliamentary Counsel

120
SCHEDULE 29

Regulation 46

PRESCRIBED COAL MINES FOR THE PURPOSES OF THE MINE STABILITY LEVY

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 30

INFORMATION IN DOCUMENTS REQUIRED TO BE RECORDED IN THE MINING REGISTER

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subparagraph S. 69(2)(a)</td>
<td>Document</td>
<td>Information to be included</td>
</tr>
<tr>
<td>(i)</td>
<td>Licence</td>
<td>Licence type/number, Date of grant of licence, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²), Map of area, Stratum of land (if relevant)</td>
</tr>
<tr>
<td>(ia)</td>
<td>Instrument of refusal of application for licence</td>
<td>Licence application type/number, Date refused, Name/s of applicant/s, Address/es of applicant/s</td>
</tr>
<tr>
<td>(ii)</td>
<td>Compensation agreement</td>
<td>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</td>
</tr>
<tr>
<td>(iii)</td>
<td>Rehabilitation bond</td>
<td>Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Bond amount, Date of bond document, Date bond received</td>
</tr>
<tr>
<td>(iiia)</td>
<td>Consent of owner to work near a dwelling house</td>
<td>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</td>
</tr>
<tr>
<td>(iiib)</td>
<td>Authorisation of Minister to work near a dwelling house</td>
<td>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</td>
</tr>
<tr>
<td>Subparagraph S. 69(2)(a)</td>
<td>Column 1</td>
<td>Column 2</td>
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</tr>
<tr>
<td>(iv)</td>
<td>Approved work plan</td>
<td>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)</td>
</tr>
<tr>
<td>(v)</td>
<td>Work authority</td>
<td>Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Date of work authority, Stratum of land (if relevant)</td>
</tr>
<tr>
<td>(vi)</td>
<td>Instrument of renewal of licence including notice of decreased area and of any changed conditions</td>
<td>Licence type/number, Date of renewal of licence, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²), Area relinquished/refused (if relevant), Stratum of land (if relevant), General nature and purpose of any changed conditions</td>
</tr>
<tr>
<td>(vii)</td>
<td>Instrument of refusal to renew licence</td>
<td>Licence type/number, Date refused, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²), Stratum of land (if relevant)</td>
</tr>
<tr>
<td>(vii)</td>
<td>Instrument of variation of licence</td>
<td>Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²) (if relevant), Date of variation, General nature and purpose of variation, Stratum of land (if relevant)</td>
</tr>
<tr>
<td>(ix)</td>
<td>Instrument of amalgamation of licences</td>
<td>Licence type/numbers, Date of grant of licences, Amalgamated licence number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²) of amalgamated licence, Date of amalgamation, Stratum of land (if relevant)</td>
</tr>
</tbody>
</table>
# Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013

S.R. No. 126/2013

## Schedule 30

<table>
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<tr>
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<tr>
<td>Subparagraph S. 69(2)(a)</td>
<td>Document</td>
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<tr>
<td>(x) Notice of surrender of licence</td>
<td>Licence type/number, Date notice of surrender submitted, Name/s of licensee/s, Address/es of licensee/s, Area surrendered (ha/km²), Area retained (ha/km²) (if relevant), Stratum of land (if relevant)</td>
<td></td>
</tr>
<tr>
<td>(xi) Instrument of cancellation of licence</td>
<td>Licence type/number, Date of notice of intention to cancel, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²), Date of cancellation, Stratum of land (if relevant)</td>
<td></td>
</tr>
<tr>
<td>(xii) Instrument of variation, suspension, revocation or addition of licence conditions</td>
<td>Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²) (if relevant), Date of instrument approval, General nature and purpose of instrument, Stratum of land (if relevant)</td>
<td></td>
</tr>
<tr>
<td>(xiii) Approved instrument of transfer of licence</td>
<td>Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/km²), Date of instrument approval, Name/s of transferee/s, Address/es of transferee/s, Stratum of land (if relevant)</td>
<td></td>
</tr>
<tr>
<td>(xiv) Instrument for creating, assigning or affecting interests in, or conferred by, licences (including mortgages)</td>
<td>Licence type/number, Name/s of licensee/s, Area (ha/km²), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)</td>
<td></td>
</tr>
<tr>
<td>(xv) Instrument for devolution of licence or interest in, or conferred by, licence</td>
<td>Licence type/number, Name/s of licensee/s, Area (ha/km²), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)</td>
<td></td>
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</tr>
<tr>
<td>Subparagraph</td>
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<td>Information to be included</td>
</tr>
<tr>
<td>S. 69(2)(a)</td>
<td>(xva) Instrument (including mortgages) for the termination or cancellation of interests in, or conferred by, licence</td>
<td>Licence type/number, Name/s of licensee/s, Area (ha/km²), Name/s of other parties involved, Address/es of parties involved, General nature and purpose of instrument, Stratum of land (if relevant)</td>
</tr>
<tr>
<td></td>
<td>(xvi) Determination of the Tribunal or the Supreme Court as to the amount of compensation payable</td>
<td>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</td>
</tr>
</tbody>
</table>
### SCHEDULE 31

**Regulation 53**

**INFRINGEMENTS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Infringement offence</th>
<th>Summary of infringement</th>
<th>Infringement penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An offence under section 8 of the Act</td>
<td>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</td>
<td>5 penalty units for an individual or 25 penalty units for a corporation</td>
</tr>
<tr>
<td>2</td>
<td>An offence under section 38AA(1) of the Act</td>
<td>as the holder of a mining licence or prospecting licence or retention licence, fail to survey and mark out boundaries of the land covered by the licence in accordance with the regulations</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>3</td>
<td>An offence under section 38AE of the Act</td>
<td>enter any land, or carry out any surveying or marking out, without the required insurance in the required amount</td>
<td>5 penalty units for an individual or 25 penalty units for a corporation</td>
</tr>
<tr>
<td>4</td>
<td>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</td>
<td>do work outside the area or at a location other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>Item</td>
<td>Infringement offence</td>
<td>Summary of infringement</td>
<td>Infringement penalty</td>
</tr>
<tr>
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</tr>
<tr>
<td>5</td>
<td>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</td>
<td>do work outside the hours authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>6</td>
<td>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</td>
<td>do work in buffer zones other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>Item</td>
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</tr>
<tr>
<td>7</td>
<td>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 blasting work not authorised by the licence or work plan</td>
<td>do blasting work other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>8</td>
<td>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</td>
<td>do work which exceeds blasting limits specified by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>9</td>
<td>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</td>
<td>do work which discharges water other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>Item</td>
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<tr>
<td>10</td>
<td>work plan because it discharges water other than authorised by the licence or work plan</td>
<td>do work which exceeds noise limits specified in the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>11</td>
<td>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</td>
<td>do drilling work other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
</tbody>
</table>
## Sch. 31

<table>
<thead>
<tr>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>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 dust limits specified in the licence or work plan</td>
<td>do work which exceeds dust limits specified in the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>13</td>
<td>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 approved work plan</td>
<td>do work which removes native vegetation other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>14</td>
<td>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</td>
<td>do work to construct a fence which is not in accordance with the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>Item</td>
<td>Infringement offence</td>
<td>Summary of infringement</td>
<td>Infringement penalty</td>
</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>the approved work plan because it constructs a fence not in accordance with the licence or work plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>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 drill-hole, including but not limited to failing to plug a drill-hole, that is not authorised in the licence or work plan</td>
<td>do work to rehabilitate a drill-hole other than in accordance with the licence or approved work plan, including but not limited to failing to plug a drill-hole as required</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>16</td>
<td>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</td>
<td>do work which involves storing, handling, transporting, using, disposing or discharging of a chemical other than authorised by the licence or approved work plan</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
</tbody>
</table>
### Sch. 31

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<thead>
<tr>
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<th>Summary of infringement</th>
<th>Infringement penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>An offence under section 39(3) of the Act</td>
<td>as a holder of a mining licence or prospecting licence, do work under a licence without a work authority (except as permitted by section 39(4) of the Act)</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>18</td>
<td>An offence under section 39(5) of the Act</td>
<td>do work under a licence without the required public liability insurance in the required amount</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>19</td>
<td>An offence under section 43(1) of the Act</td>
<td>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</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>20</td>
<td>An offence under section 58(1)(a) of the Act</td>
<td>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</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>21</td>
<td>An offence under section 58(1)(b) of the Act</td>
<td>as a holder of a miner's right, use explosives on the land</td>
<td>10 penalty units</td>
</tr>
</tbody>
</table>
### Sch. 31

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>An offence under section 58(1)(c) of the Act</td>
<td>as a holder of a miner's right, remove or damage any tree or shrub on the land</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>23</td>
<td>An offence under section 58(1)(d) of the Act</td>
<td>as a holder of a miner's right, disturb any Aboriginal place or Aboriginal object on the land</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>24</td>
<td>An offence under section 58(2) of the Act</td>
<td>as a holder of a miner's right, fail to repair any damage to the land arising out of the search</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>25</td>
<td>An offence under section 62(1)(a) of the Act</td>
<td>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</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>26</td>
<td>An offence under section 62(1)(b) of the Act</td>
<td>as a holder of a tourist fossicking authority, use explosives on the land</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>27</td>
<td>An offence under section 62(1)(c) of the Act</td>
<td>as a holder of a tourist fossicking authority, remove or damage any tree or shrub on the land</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>28</td>
<td>An offence under section 62(1)(d) of the Act</td>
<td>as a holder of a tourist fossicking authority, disturb any Aboriginal place or Aboriginal object on the land</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>29</td>
<td>An offence under section 62(2) of the Act</td>
<td>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</td>
<td>10 penalty units</td>
</tr>
<tr>
<td>Item</td>
<td>Infringement offence</td>
<td>Summary of infringement</td>
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</tr>
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</tr>
<tr>
<td>30</td>
<td>An offence under section 62(3) of the Act</td>
<td>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</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>31</td>
<td>An offence under section 80(6) of the Act</td>
<td>fail to comply with a notice under section 80(5) of the Act</td>
<td>12 penalty units for an individual or 60 penalty units for a corporation</td>
</tr>
<tr>
<td>32</td>
<td>An offence under regulation 9(1) of these Regulations</td>
<td>fail to send a production and royalty return to the Department Head by the due date</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>33</td>
<td>An offence under regulation 24(3) of these Regulations</td>
<td>fail to remove or alter any corner posts, survey markers or offset markers when required to do so</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>34</td>
<td>An offence under regulation 26 of these Regulations</td>
<td>remove or alter any corner posts, survey markers or offset markers required under these Regulations (except in accordance with these Regulations)</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>35</td>
<td>An offence under regulation 35(1) of these Regulations</td>
<td>as the holder of a licence, fail to keep a record of exploration or mining activities undertaken under the licence</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>36</td>
<td>An offence under regulation 35(3) of these Regulations</td>
<td>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</td>
<td>5 penalty units</td>
</tr>
<tr>
<td>Item</td>
<td>Infringement offence</td>
<td>Summary of infringement</td>
<td>Infringement penalty</td>
</tr>
<tr>
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</tr>
<tr>
<td>37</td>
<td>An offence under regulation 36(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</td>
<td>5 penalty units</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 32

Regulation 56

INFORMATION REQUIRED IN STATEMENT OF DISCLOSURE

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 33

PART 1

LANDOWNER'S CONSENT UNDER SECTION 45

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**

<table>
<thead>
<tr>
<th>Office Use only:</th>
</tr>
</thead>
</table>

**LICENSEE:**

Name of Licensee:
Address of Licensee:
Licence Number and Type:

**LANDOWNER(S):**

Name:
Address:
Name:
Address:

**PARTICULARS OF LAND:**

Address/description:
Title Particulars:

*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:

*cross out if not applicable
ENDNOTES

1. General Information

The Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013, S.R. No. 126/2013 were made on 15 October 2013 by the Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under section 124 of the Mineral Resources (Sustainable Development) Act 1990, No. 92/1990 and came into operation on 20 October 2013: regulation 3.

The Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013 will expire on 19 October 2018: see regulation 60.
2. **Table of Amendments**

There are no amendments made to the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013 by statutory rules, subordinate instruments and Acts.
3. **Explanatory Details**

   **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 2013 is $12.84. 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 2013 is $144.36.

   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.
Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

<table>
<thead>
<tr>
<th>Statutory rule provision</th>
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<tr>
<td>Regulation 10</td>
<td>Australian Standard AS 1038.5-1998 Standards for Coal and coke - Analysis and testing - Gross calorific value, published by Standards Australia on 5 June 1998</td>
<td>The whole</td>
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<tr>
<td>Regulation 11(2)</td>
<td>List of recognised overseas professional organisations as published by the Australasian Joint Ore Reserves Committee on its website from time to time</td>
<td>The whole list of recognised overseas professional organisations</td>
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