

## Authorised Version

### Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2015

S.R. No. 98/2015

#### TABLE OF PROVISIONS

<i>Regulation</i>		<i>Page</i>
1	Objective	1
2	Authorising provision	2
3	Commencement	2
4	Principal Regulations	2
5	Objectives amended	2
6	Calculation of royalties	2
7	Mining licences	3
8	Prospecting licences	3
9	Retention licences	3
10	Miner's rights	3
11	Regulations 24, 25, 26 and 27 revoked	4
12	Survey of mining, prospecting or retention licence area	4
13	Regulation 31 revoked	5
14	Work plan	5
15	Reportable events	5
16	Rent on a licence	5
17	Variation to increase licence area	6
18	Schedule 2 amended	6
19	Schedule 3 amended	7
20	Schedule 4 amended	7
21	Schedule 5 amended	7
22	Schedule 18 substituted	7
23	Schedule 21 substituted	12
24	Schedule 23 amended	17
25	Schedule 24 amended	17
26	Schedule 25 amended	17
27	Schedule 26 amended	18
28	Part 2 of Schedule 28 substituted	18
29	Schedule 30 amended	19
30	Schedule 31 amended	19
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<b>Endnotes</b>		<b>20</b>

## Authorised Version

STATUTORY RULES 2015

S.R. No. 98/2015

*Mineral Resources (Sustainable Development) Act 1990*

### **Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2015**

The Governor in Council makes the following Regulations:

Dated: 25 August 2015

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy and Resources

YVETTE CARISBROOKE  
Clerk of the Executive Council

#### **1 Objective**

The objective of these Regulations is to amend the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013—

- (a) to remove the requirement to mark out boundaries of the land covered by a licence; and
- (b) to prescribe that the surveying of a licence area is required as part of a licence application; and
- (c) to prescribe that a licensee must comply with conditions in a land use activity agreement under the **Traditional Owner Settlement Act 2010**; and

(d) to make other various minor and technical amendments.

## **2 Authorising provision**

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

## **3 Commencement**

These Regulations come into operation on 1 September 2015.

## **4 Principal Regulations**

In these Regulations, the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2013<sup>1</sup> are called the Principal Regulations.

## **5 Objectives amended**

In regulation 1(b) of the Principal Regulations **omit** "and marking out".

## **6 Calculation of royalties**

For regulation 6(2) of the Principal Regulations **substitute**—

"(2) For the purposes of section 12(2) of the Act, royalties are payable at the rate of \$1.43 per cubic metre for tailings from Crown land disposed of by the holder of—

- (a) a mining licence under section 14(2)(b) of the Act; or
- (b) a prospecting licence under section 14B(2A) of the Act."

## **7 Mining licences**

- (1) In regulation 13(1)(c) of the Principal Regulations, for "made." **substitute** "made; and".
- (2) After regulation 13(1)(c) of the Principal Regulations **insert**—
  - "(d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence in accordance with regulation 28(1) and Schedule 3."

## **8 Prospecting licences**

- (1) In regulation 14(1)(c) of the Principal Regulations, for "made." **substitute** "made; and".
- (2) After regulation 14(1)(c) of the Principal Regulations **insert**—
  - "(d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence, if required by regulation 28(2) and Schedule 4."

## **9 Retention licences**

- (1) In regulation 15(1)(c) of the Principal Regulations, for "made." **substitute** "made; and".
- (2) After regulation 15(1)(c) of the Principal Regulations **insert**—
  - "(d) be accompanied by a survey of the boundaries of the land proposed to be covered by the licence in accordance with regulation 28(1) and Schedule 5."

## **10 Miner's rights**

Regulation 18(3) of the Principal Regulations is **revoked**.

**11 Regulations 24, 25, 26 and 27 revoked**

Regulations 24, 25, 26 and 27 of the Principal Regulations are **revoked**.

**12 Survey of mining, prospecting or retention licence area**

For regulation 28 of the Principal Regulations **substitute—**

**"28 Survey of mining, prospecting or retention licence area**

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

- (4) A licensee of a mining, prospecting or retention licence who is required to survey the boundaries of land which are covered by or proposed to be covered by a licence must comply with the surveying requirements and standards stipulated in the Surveying (Cadastral Surveys) Regulations 2015."

### **13 Regulation 31 revoked**

Regulation 31 of the Principal Regulations is **revoked**.

### **14 Work plan**

For regulation 32(3) of the Principal Regulations **substitute**—

- "(3) In the case of a mining licence or prospecting licence, a work plan lodged under section 40 of the Act (being a work plan that relates to mining) must be accompanied by the relevant fee specified in Schedule 27."

### **15 Reportable events**

In regulation 33(2)(i) and (j) of the Principal Regulations, for "public safety, the environment or infrastructure" **substitute** "the environment, to any member of the public, or to property, land or infrastructure in the vicinity of the work".

### **16 Rent on a licence**

After regulation 37(12) of the Principal Regulations **insert**—

- "(13) Despite subregulation (11), the Minister may set a later date, no more than 28 days after a date specified, by which rent must be paid where a holder of a licence can demonstrate that there are special circumstances preventing the payment of rent by the date specified in this subregulation."

## **17 Variation to increase licence area**

After regulation 38A(4) of the Principal Regulations **insert**—

"(4A) Unless the Department Head directs that the boundaries of the licence area be clarified by a survey, a survey of the boundaries of land proposed to be covered by the continuing licence is not required in an application for a variation of a licence."

## **18 Schedule 2 amended**

(1) For item 3(a) and (b) of Schedule 2 to the Principal Regulations **substitute**—

"(a) a list of the directors and company secretary of the company; and

(b) a copy of the certificate of registration of the company or certificate of registration on change of name."

(2) For item 8 of Schedule 2 to the Principal Regulations **substitute**—

"8. The estimated annual expenditure for each year of the licence."

(3) In item 11 of Schedule 2 to the Principal Regulations after "activities" **insert** "or both".

(4) In item 13 of Schedule 2 to the Principal Regulations after "program of work" **insert** "for each year of the licence".

(5) Item 14 of Schedule 2 to the Principal Regulations is **revoked**.

(6) In the notes at the end of Schedule 2 to the Principal Regulations, note 4 is **revoked**.

**19 Schedule 3 amended**

- (1) After item 5 of Schedule 3 to the Principal Regulations **insert**—  
"5A. A survey of the boundaries of land applied for."
- (2) In the notes at the end of Schedule 3 to the Principal Regulations, note 6 is **revoked**.

**20 Schedule 4 amended**

- (1) After item 5 of Schedule 4 to the Principal Regulations **insert**—  
"5A. Where required, a survey of the boundaries of land applied for."
- (2) In the note at the end of Schedule 4 to the Principal Regulations, note 8 is **revoked**.

**21 Schedule 5 amended**

- After item 5 of Schedule 5 to the Principal Regulations **insert**—  
"5A. A survey of the boundaries of land applied for."

**22 Schedule 18 substituted**

For Schedule 18 to the Principal Regulations **substitute**—

**"Schedule 18—Information required in  
expenditure and activities return—  
Exploration licence**

Regulation 35

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



#### OFFICE-BASED ACTIVITIES

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

#### ON-THE-GROUND RECONNAISSANCE ACTIVITIES

6. Expenditure on airborne exploration surveys and the number of line kilometres flown for—
  - (a) aeromagnetism;
  - (b) radiometrics;
  - (c) electromagnetics;
  - (d) gravity;
  - (e) digital terrain modelling;
  - (f) other (specify).
7. Expenditure on remote sensing including—
  - (a) aerial photography;
  - (b) LANDSAT satellite imagery;
  - (c) SPOT satellite imagery;
  - (d) multi-spectral scanner;
  - (e) other (specify).

8. Expenditure on ground exploration including—
- (a) geological mapping—
    - (i) regional;
    - (ii) reconnaissance;
    - (iii) prospect;
    - (iv) pre-existing underground development;
  - (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) petrophysics;
    - (xiv) other (specify);
  - (c) geochemical surveying and sample collection (state number of samples)—
    - (i) stream sediment;
    - (ii) soil;
    - (iii) rock chip;
    - (iv) laterite;
    - (v) water;

- (vi) biogeochemical sampling;
- (d) related geochemistry, mineralogy and petrology of samples—
  - (i) laboratory analysis (specify element and type);
  - (ii) whole rock analysis;
  - (iii) mineral analysis;
  - (iv) isotopic studies;
  - (v) petrology;
  - (vi) other (specify).
- 9. Total expenditure on on-the-ground reconnaissance activities.

#### SUB-SURFACE EVALUATION

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

11. Expenditure on—

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

12. Expenditure on rehabilitation—

- (a) after drilling;
- (b) track maintenance;
- (c) monitoring;
- (d) other (specify).

13. Total expenditure on sub-surface evaluation activities.

TOTAL EXPENDITURE

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

OTHER

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

**23 Schedule 21 substituted**

For Schedule 21 to the Principal Regulations  
**substitute—**

**"Schedule 21—Information required in  
expenditure and activities return—  
Retention licence**

Regulation 35

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

**A. MINERAL EXPLORATION AND RESOURCE  
ASSESSMENT**

OFFICE-BASED ACTIVITIES

4. Expenditure on office-based activities including—
  - (a) literature search;
  - (b) database compilation;
  - (c) computer modelling;
  - (d) reprocessing of data;
  - (e) general research;
  - (f) geological and geophysical interpretation;
  - (g) ore resource/reserve calculation;

- (h) report preparation, including the expenditure and activities return and mineralisation report;
- (i) other (specify).

5. Total expenditure on office-based activities.

#### ON-THE-GROUND RECONNAISSANCE ACTIVITIES

6. Expenditure on airborne exploration surveys and the number of line kilometres flown for—

- (a) aeromagnetism;
- (b) radiometrics;
- (c) electromagnetics;
- (d) gravity;
- (e) digital terrain modelling;
- (f) other (specify).

7. Expenditure on remote sensing including—

- (a) aerial photography;
- (b) LANDSAT satellite imagery;
- (c) SPOT satellite imagery;
- (d) multi-spectral scanner;
- (e) other (specify).

8. Expenditure on ground exploration including—

- (a) geological mapping—
  - (i) regional;
  - (ii) reconnaissance;
  - (iii) prospect;
  - (iv) pre-existing underground development;

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

- (iv) isotopic studies;
- (v) petrology;
- (vi) other (specify).

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

#### SUB-SURFACE EVALUATION

10. Expenditure on drilling and related activities—

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

11. Expenditure on—

- (a) costeaning / ditchwitching and related subsurface mapping and sampling;
- (b) bulk sampling and related subsurface mapping and sampling;



- (c) shaft restoration or other underground development (describe), and related subsurface mapping and sampling;
  - (d) geochemistry, mineralogy and petrology of subsurface samples—
    - (i) laboratory analysis (specify element and type);
    - (ii) whole rock analysis;
    - (iii) mineral analysis;
    - (iv) isotopic studies;
    - (v) petrology;
    - (vi) other (specify);
  - (e) subsurface geophysical surveys (describe);
  - (f) bulk sample processing, testing and analysis;
  - (g) mineral processing testing.
12. Expenditure on rehabilitation—
- (a) after drilling;
  - (b) track maintenance;
  - (c) monitoring;
  - (d) other (specify).
13. Total expenditure on sub-surface evaluation activities.
14. Total expenditure on mineral exploration and resource assessment (sum of 5, 9 and 13).

**B. TECHNICAL AND ECONOMIC STUDIES**

15. Expenditure and details of the work undertaken during the reporting period in relation to—
- (a) technical and economic studies related to—
    - (i) the development of the mineral resource in accordance with the principles of sustainable development;

- (ii) demonstrating the economic viability of the mineral resource;
  - (b) key milestones under the program of work.
16. Total expenditure on technical and economic studies.

**C. TOTAL EXPENDITURE**

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

**D. OTHER**

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

**24 Schedule 23 amended**

After item 6 of Schedule 23 to the Principal Regulations **insert**—

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

**25 Schedule 24 amended**

In item 8 of Schedule 24 to the Principal Regulations after "specified in the approved work plan" **insert** "or in accordance with a Code of Practice made under Part 8A of the Act".

**26 Schedule 25 amended**

- (1) In item 7 of Schedule 25 to the Principal Regulations after "specified in the approved work plan" **insert** "or in accordance with a Code of Practice made under Part 8A of the Act".

Mineral Resources (Sustainable Development) (Mineral Industries)  
Amendment Regulations 2015  
S.R. No. 98/2015

(2) After item 7 of Schedule 25 to the Principal Regulations **insert**—

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

**27 Schedule 26 amended**

After item 6 of Schedule 26 to the Principal Regulations **insert**—

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

**28 Part 2 of Schedule 28 substituted**

For Part 2 of Schedule 28 to the Principal Regulations **substitute**—

**"Part 2—Rents**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item No.</i>	<i>Reg. No.</i>	<i>Rate for assessing rent</i>	<i>Rate before 1 January 2015</i>	<i>Rate on or after 1 January 2015 and before 1 July 2015</i>	<i>Rate on or after 1 July 2015 and before 1 July 2016</i>	<i>Rate on or after 1 July 2016 and before 1 July 2017</i>	<i>Rate on or after 1 July 2017</i>
1	37	Rate for assessing rent payable for an exploration licence	N/A	2·8 fee units per 10 graticules or part thereof	5·9 fee units per 10 graticules or part thereof	6·6 fee units per 10 graticules or part thereof	6·9 fee units per 10 graticules or part thereof
2	37	Rate for assessing rent payable for a mining licence	1·5 fee units per hectare	5·7 fee units per 10 hectares or part thereof	12·1 fee units per 10 hectares or part thereof	13·6 fee units per 10 hectares or part thereof	14·3 fee units per 10 hectares or part thereof

Authorised by the Chief Parliamentary Counsel

Mineral Resources (Sustainable Development) (Mineral Industries)  
Amendment Regulations 2015  
S.R. No. 98/2015

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item No.</i>	<i>Reg. No.</i>	<i>Rate for assessing rent</i>	<i>Rate before 1 January 2015</i>	<i>Rate on or after 1 January 2015 and before 1 July 2015</i>	<i>Rate on or after 1 July 2015 and before 1 July 2016</i>	<i>Rate on or after 1 July 2016 and before 1 July 2017</i>	<i>Rate on or after 1 July 2017</i>
3	37	Rate for assessing rent payable for a prospecting licence	1.5 fee units per hectare	2.8 fee units	6.0 fee units	6.8 fee units	7.1 fee units
4	37	Rate for assessing rent payable for a retention licence	N/A	1 fee unit per 10 hectares or part thereof	2.1 fee units per 10 hectares or part thereof	2.3 fee units per 10 hectares or part thereof	2.4 fee units per 10 hectares or part thereof".

**29 Schedule 30 amended**

In column 1 of Schedule 30 to the Principal Regulations for "(vii)" (where secondly occurring) **substitute** "(viii)".

**30 Schedule 31 amended**

- (1) Items 2, 33 and 34 in Schedule 31 to the Principal Regulations are **revoked**.
- (2) In item 3 of Schedule 31 to the Principal Regulations—
  - (a) for "38AE" **substitute** "26AV";
  - (b) **omit** "or marking out".

## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 126/2013 as amended by S.R. No. 169/2014.