

**Authorised Version No. 001**  
**Mineral Resources (Sustainable  
Development) (Mineral Industries)  
Regulations 2019**

**S.R. No. 48/2019**

Authorised Version as at  
1 July 2019

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## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are—

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

### **2 Authorising provision**

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

### **3 Commencement**

These Regulations come into operation on 1 July 2019.

#### 4 Definitions

In these Regulations—

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

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

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

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

***rehabilitation hazard*** means any rehabilitation activity and circumstance that may pose a risk to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the rehabilitation activity;

***rehabilitation milestone*** means a measurable, significant event or step in the process of rehabilitation;

*safe, stable and sustainable* means—

- (a) is not likely to cause injury or illness;  
and
- (b) structurally, geotechnically and  
hydrogeologically sound; and
- (c) non-polluting; and
- (d) aligns with the principles of sustainable  
development;

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

*work plan area* means the area where work  
described in the work plan is, or is proposed  
to be, carried out.

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

### **5 Period for which royalties are payable**

- (1) For the purposes of section 12(1)(b) and (2) of the Act—
  - (a) royalties are payable in respect of each financial year; or
  - (b) if the Minister, under subregulation (2), varies the period in respect of which royalties are payable, royalties are payable in respect of the varied period.
- (2) The Minister, by notice in writing to the licence holder, may vary the period in respect of which royalties are payable.

### **6 Calculation of royalties**

- (1) For the purposes of section 12(1)(b) of the Act, royalties for any mineral, other than gold or 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 of the mineral produced under the licence.
- (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 resulting from work under a licence over Crown land disposed of by the holder of—
  - (a) a mining licence under section 14(2)(b) of the Act; or
  - (b) a prospecting licence under section 14B(2A) of the Act.



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

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

### **Examples**

- 1 The holder of a mining licence gives the Department Head a production and royalty return under regulation 8. The Minister is of the view that the costs reported in relation to the sale of a mineral are unreasonably high. The Minister makes a determination under this regulation.
  - 2 The holder of a mining licence gives the Department Head a production and royalty return under regulation 8. The Minister is of the view that the reported sale price of a mineral resulted from a transaction between related bodies corporate that was not a genuine commercial transaction. The Minister makes a determination under this regulation.
- (2) Before making a determination under subregulation (1), the Minister—
- (a) must give the licensee a written notice that—
    - (i) 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) states the reasons for that opinion; and
    - (iii) 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 written submission that is made by the licensee within the time specified in the notice.
- (3) For the purposes of subregulation (2)(a)(iii), the Minister must not specify a period of less than 7 days.
- (4) If the Minister makes a determination under subregulation (1), 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 on which the licensee is given written notice of the determination.

## **8 Production and royalty return**

- (1) This regulation applies to production and royalty returns for relevant periods commencing on or after 1 July 2019.
  - (2) Within 30 days after the end of each relevant period, the holder of a mining licence or prospecting licence must give the Department Head a production and royalty return for the relevant period that—
    - (a) contains the information specified in subregulation (3); and
    - (b) is in the form approved by the Department Head.
- Penalty: 20 penalty units.
- (3) For the purposes of subregulation (2), the information is—
    - (a) the quantity of lignite produced under the licence during the relevant period and the value of the net wet specific energy content of that lignite used for the purpose of the calculation of the royalty; and

- (b) if the licence area includes Crown land, the quantity of tailings resulting from work under the licence on Crown land that were disposed of during the relevant period; and
- (c) the following details for each other mineral produced under the licence (if any)—
  - (i) the type and quantity of the mineral produced under the licence during the relevant period;
  - (ii) the net market value of the mineral;
  - (iii) the costs taken into account in calculating the net market value;
  - (iv) any other information used in the calculation of the net market value.
- (4) In this regulation—
  - relevant period* means—
    - (a) a financial year for which royalties must be paid; or
    - (b) if the Minister varies the period for which royalties must be paid under regulation 5(2), the varied period.

## **9 Time of payment**

- (1) This regulation applies to payment of royalties for a period commencing on or after 1 July 2019.
- (2) For the purposes of section 12(1)(b) and (2) of the Act, the time by which royalties are to be paid is—
  - (a) within 30 days after the date on which the Department Head receives the production and royalty return under regulation 8 for the period for which royalties are to be paid; or

- (b) a later date determined by the Minister under subregulation (3).
- (3) The Minister, by notice in writing to the licence holder, may determine a date by which royalties are to be paid, which must be later than the date by which royalties otherwise are to be paid in accordance with subregulation (2)(a).

#### **10 Records relating to royalties**

- (1) For the purposes of assessing or verifying the amount of royalties payable, a licensee must retain the books and records of production, disposals, transfers, sales and costs under the licence for at least 5 years.

Penalty: 10 penalty units.

- (2) For the purposes of assessing or verifying the amount of royalties payable by a licensee, the Department Head, or an officer of the Department authorised by the Department Head, may inspect the whole or any part of the books and records retained under subregulation (1).

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

- (1) For the purposes of the definition of *gigajoule unit of lignite* in section 12A(5) of the Act—
- (a) the prescribed manner for measuring a gigajoule unit of lignite, in units of tonnes per gigajoule, is by using the following formula—

$$1/NWSE$$

where—

**NWSE** is net wet specific energy measured in units of gigajoules per tonne, and calculated on the basis of historic drillhole data representative of the

lignite for which the royalty is being paid, with gross energy value converted to net energy value using International Organization for Standardization standard ISO 1928:2009(E); and

- (b) the prescribed time at which the measurement is made is a time that is suitable for performing the measurement in the prescribed manner.
- (2) For the purposes of section 12A(2) 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);

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

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

where—

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

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

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

## Part 3—Licences

### Division 1—Licence applications

#### 12 Meaning of *competent person*

- (1) For the purposes of section 15(1BG) of the Act, a person is a *competent person* to prepare a mineralisation report under section 15(1BE) of the Act if—
  - (a) the person has—
    - (i) membership of an organisation approved by the Department Head that is of a class approved by the Department Head; and
    - (ii) a minimum of 5 years' experience which is relevant to the style of mineralisation or type of deposit and to the activity that is the subject of the report; or
  - (b) in the case of a report relating to a mineral deposit that is easily and readily assessed visually at the ground surface, the Minister has determined, on a case-by-case basis, that the person has the relevant experience in mining or mineral exploration to prepare the report.
- (2) For the purposes of subregulation (1), the Department Head may, by notice published in the Government Gazette, approve organisations and classes of membership.

### **13 Information requirements—all licence applications**

An application for a licence under section 15(1), 26AD(1) or 26AJ(1) of the Act must contain—

- (a) the name, address, contact phone number and email address of the applicant; and
- (b) if the applicant is a corporation—
  - (i) a list of the directors and company secretary of the company; and
  - (ii) a copy of the certificate of registration of the company or certificate of registration on change of name; and
- (c) if the application includes Crown land, how the applicant proposes to comply with the Native Title Act 1993 of the Commonwealth or the **Traditional Owner Settlement Act 2010**; and
- (d) the requested term of the licence (in years); and
- (e) whether the applicant or an associate of the applicant is an insolvent under administration; and
- (f) if any circumstance set out in section 16(1) of the Act applies to the applicant or an associate of the applicant, details of the surrounding circumstances; and
- (g) any other information that may be relevant for determining whether the applicant is a fit and proper person to hold the licence, having regard to any guidance issued by the Department Head.

#### **Note**

In addition to information prescribed in this regulation, an application for a licence under section 15(1) of the Act must, under section 15(1BA) of the Act, specify the mineral or minerals to which the licence will relate.



#### **14 Additional information requirements—exploration licence applications**

An application for an exploration licence under section 15(1), 26AD(1) or 26AJ(1) of the Act must contain the following additional information—

- (a) the area, in graticular sections, of land that is the subject of the licence application;
- (b) a map of 1:100 000 scale that indicates the land applied for and shows graticular sections;
- (c) details of the proposed program of work for each year of the licence including—
  - (i) the nature of the work to be undertaken; and
  - (ii) the location and focus of the proposed exploration activities, as far as is practicable; and
  - (iii) the nature of the targets that the program seeks to delineate; and
  - (iv) the geological rationale behind the proposed program; and
  - (v) the proposed timing schedule for the exploration program;
- (d) the estimated annual expenditure, for each year of the licence, to undertake the proposed program of work and rehabilitation;
- (e) evidence of the applicant's financial capability to fund the estimated expenditure;
- (f) the name, address, contact phone number, email address and qualifications of each technical advisor who will assist in the proposed program of work;

- (g) for each technical advisor (if any) who is not an employee of the applicant, evidence that the technical advisor has consented to assist in the proposed program of work;
- (h) details of the applicant's experience in exploration and mining activities and associated rehabilitation;
- (i) a preferred annual reporting date for the purposes of regulation 53, being one of 30 June, 30 September, 31 December or 31 March.

**15 Additional information requirements—mining licence applications**

- (1) An application for a mining licence under section 15(1) of the Act must contain the following additional information—
  - (a) the area, in hectares, of the land that is the subject of the licence application;
  - (b) a map of the land applied for that—
    - (i) is of 1:25 000 scale or of a scale that provides more detail; and
    - (ii) shows the boundaries of private and Crown land; and
    - (iii) shows the extent of land used as agricultural land;
  - (c) the names and addresses of all owners and occupiers of any private land covered by the application;
  - (d) details of the proposed program of work for each year of the licence including—
    - (i) a map of the location of the proposed mining works in relation to the boundaries of the land included in the application; and

- (ii) a brief description of the proposed types of works; and
- (iii) if studies and geological work on the mineral resource and its viability for mining are proposed, details of the proposed studies and geological work; and
- (iv) the proposed schedule for the commencement of mining, including any activities that must be undertaken before mining can commence, such as the obtaining of any necessary permit, approval or authorisation, construction or commissioning for mining;
- (e) the estimated annual expenditure, for the first 5 years of the licence, to undertake the proposed program of work and rehabilitation;
- (f) evidence of the applicant's financial capability to fund the estimated expenditure;
- (g) the name, address, contact phone number, email address and qualifications of each technical advisor who will assist in the proposed program of work;
- (h) for each technical advisor (if any) who is not an employee of the applicant, evidence that the technical advisor has consented to assist in the proposed program of work;
- (i) details of the applicant's experience in exploration and mining activities and associated rehabilitation;
- (j) if the application is required to include a mineralisation report under section 15(1BE) of the Act—

- (i) the name, address, contact phone number and email address of the person who prepared the report; and
- (ii) how the person meets requirements to be a competent person under regulation 12;
- (k) if the application includes land covered by an exploration licence, prospecting licence or retention licence and the applicant is not the holder of that licence, the written consent of the holder of the exploration licence, prospecting licence or retention licence to the granting of the mining licence.

**Notes**

- 1 The application must also include a survey of the boundaries of the land proposed to be covered by the licence—see section 15(1BH) of the Act.
  - 2 Further information requirements for mining licence applications are in section 15(1BB) and (1BE) of the Act.
- (2) An application for a mining licence under section 26AD(1) of the Act must contain the additional information set out in subregulation (1)(a) to (j).
- (3) An application for a mining licence under section 26AJ(1) of the Act must contain the additional information set out in subregulation (1)(a) to (i).

**16 Additional information requirements—prospecting licence applications**

An application for a prospecting licence under section 15(1) of the Act must contain the following additional information—

- (a) the area, in hectares, of the land that is the subject of the licence application;

- (b) a map of 1:25 000 scale that indicates the land applied for and shows—
  - (i) the boundaries of private and Crown land; and
  - (ii) the extent of land used as agricultural land;
- (c) the names and addresses of all owners and occupiers of any private land covered by the application;
- (d) details of the proposed program of work for each year of the licence including—
  - (i) a map of the location of the proposed works in relation to the boundaries of the land included in the application; and
  - (ii) a brief description of the proposed type of works;
- (e) the estimated expenditure to undertake the proposed program of work and rehabilitation, including—
  - (i) the estimated annual expenditure for the first 2 years of the licence; and
  - (ii) the estimated total expenditure for the term of the licence;
- (f) evidence of the applicant's financial capability to fund the estimated expenditure;
- (g) details of the applicant's experience in exploration and mining activities and associated rehabilitation;
- (h) if the applicant is requested to include a survey of the boundaries of land proposed to be covered by the licence under regulation 24(2), the survey undertaken in the manner required by regulation 24(3);

- (i) if the application includes land covered by an exploration licence, other than an exploration licence that was first registered more than 2 years before the application is to be lodged, and the applicant is not the holder of that licence, the written consent of the holder of the exploration licence to the granting of the prospecting licence;
- (j) if the application includes land that is the subject of an application for an exploration licence and the applicant is not the applicant for the exploration licence, the written consent of the applicant for the exploration licence to the granting of the prospecting licence;
- (k) if the application includes land covered by a retention licence and the applicant is not the holder of that licence, the written consent of the holder of the retention licence to the granting of the prospecting licence;
- (l) if the application includes land that is the subject of an application for a retention licence and the applicant is not the applicant for the retention licence, the written consent of the applicant for the retention licence to the granting of the prospecting licence.

**17 Additional information requirements—retention licence applications**

- (1) An application for a retention licence under section 15(1) of the Act must contain the following additional information—
  - (a) the area, in hectares, of the land that is the subject of the licence application;

- (b) information to demonstrate that the area of land applied for may be required for the purpose of mining a mineral resource in the future;
- (c) a map of 1:25 000 scale that indicates the land applied for and shows—
  - (i) the boundaries of private and Crown land; and
  - (ii) the extent of land used as agricultural land;
- (d) the names and addresses of all owners and occupiers of any private land covered by the application;
- (e) unless the Minister considers it unnecessary or inappropriate under section 15(6A) of the Act, details of the proposed program of work for each year of the licence, including—
  - (i) the nature of the work to be undertaken on intensive exploration; and
  - (ii) technical and economic studies related to the development of the mineral resource in accordance with the principles of sustainable development; and
  - (iii) technical and economic studies related to demonstrating the economic viability of the mineral resource; and
  - (iv) a proposed timing schedule for the program of work including key milestones and proposed expenditure against each milestone; and

- (v) evidence demonstrating that the scale of proposed mining is commensurate with the efficient development of the mineral resource with consideration to its size;
- (f) if a program of work is proposed—
  - (i) the estimated annual expenditure, for the first 2 years of the licence, to undertake the proposed program of work and rehabilitation; and
  - (ii) the estimated total expenditure, for the term of the licence, to undertake the proposed program of work and rehabilitation; and
  - (iii) evidence demonstrating that the estimated expenditure is appropriate for the proposed program of work; and
  - (iv) evidence of the applicant's financial capability to fund the estimated expenditure; and
  - (v) the name, address, contact phone number, email address and qualifications of each technical advisor that will assist in the proposed program of work; and
  - (vi) for each technical advisor (if any) that is not an employee of the applicant, evidence that the technical advisor has consented to assist in the proposed program of work;
- (g) details of the applicant's experience, or availability of experience to the applicant, in—
  - (i) exploration and mining activities and associated rehabilitation; and



- (ii) project evaluation and development activities;
- (h) a preferred annual reporting date for the purposes of regulation 53, being one of 30 June, 30 September, 31 December or 31 March;
- (i) if the application is required to include a mineralisation report under section 15(1BE) of the Act—
  - (i) the name, address, contact phone number and email address of the person who prepared the report; and
  - (ii) how the person meets requirements to be a competent person under regulation 12;
- (j) if the application includes land covered by an exploration licence and the applicant is not the holder of that licence, the written consent of the holder of the exploration licence to the granting of the retention licence;
- (k) if the application includes land that is the subject of an application for an exploration licence and the applicant is not the applicant for the exploration licence, the written consent of the applicant for the exploration licence to the granting of the retention licence;
- (l) if the application includes land covered by a prospecting licence and the applicant is not the holder of that licence, the written consent of the holder of the prospecting licence to the granting of the retention licence;

- (m) if the application includes land that is the subject of an application for a prospecting licence and the applicant is not the applicant for the prospecting licence, the written consent of the applicant for the prospecting licence to the granting of the retention licence.

**Notes**

- 1 The application must also include a survey of the boundaries of the land proposed to be covered by the licence—see section 15(1BH) of the Act.
  - 2 Further information requirements for retention licence applications are in section 15(1BB) and (1BE) of the Act.
- (2) An application for a retention licence under section 26AD(1) of the Act must contain the additional information set out in subregulation (1)(a) to (i).
- (3) An application for a retention licence under section 26AJ(1) of the Act must contain the additional information set out in subregulation (1)(a) to (h).

**18 Form of licence applications**

An application for a licence must be submitted in the form and in accordance with the procedure approved by the Department Head.

**19 Fees for licence applications**

- (1) An application for an exploration licence must be accompanied by a fee of 145·8 fee units.
- (2) An application for a mining licence must be accompanied by a fee of 262·3 fee units.
- (3) An application for a prospecting licence must be accompanied by a fee of 50 fee units.
- (4) An application for a retention licence must be accompanied by a fee of 145·8 fee units.

## **20 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 an additional fee of 66 fee units.

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

- (1) An application for an exploration licence, a mining licence, a prospecting licence or a retention licence that includes Crown land must be accompanied by an additional fee of 73.5 fee units for an assessment 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) before the assessment of whether or not the provisions of the Native Title Act 1993 of the Commonwealth apply is undertaken, the applicant chooses to excise all Crown land from the area that is the subject of the licence application.

## **22 Advertising a licence application**

- (1) For the purposes of sections 15(5), 26AD(4)(a) and 26AK(3)(a) of the Act, an application for a licence must be advertised—
  - (a) by publishing—
    - (i) a notice containing the information set out in Part 1 of Schedule 1, in a newspaper circulating in each locality where all or part of the area that is the subject of the licence application is located; and

- (ii) if the application is for an exploration licence, mining licence or retention licence—
  - (A) a notice containing the information set out in Part 1 of Schedule 1, other than the map described in item 6 of that Part, in a Wednesday edition of a newspaper circulating generally in Victoria; and
  - (B) the information set out in Part 2 of Schedule 1, on an Internet site maintained by the applicant for at least 21 days after the latest date on which the application was advertised; or
- (b) by a method approved by the Department Head under subregulation (2).
- (2) The Department Head may approve a method for advertising a licence application by setting out the method in guidelines published in the Government Gazette.
- (3) An applicant must lodge with the Department Head within 7 days after the licence application is advertised, a copy of—
  - (a) each notice of the application published in a newspaper under subregulation (1)(a), extracted from the newspaper and showing the date of publication; or
  - (b) the material that was advertised under subregulation (1)(b).

**23 Notice of mining licence or prospecting licence application to be given to owner and occupier of land affected**

- (1) For the purposes of section 15(5) of the Act, notice of a mining licence application or prospecting licence application must be given to the owner and occupier of the land affected by serving on the owner and occupier a copy of—
  - (a) a notice of the application published in a newspaper under regulation 22(1)(a)(i), extracted from the newspaper and showing the date of publication; or
  - (b) the material advertising the application that was advertised under regulation 22(1)(b).
- (2) For the purposes of sections 26AD(4)(b) and 26AK(3)(b) of the Act, notice of an application for a mining licence for the exploration or mining of coal on exempted land must be given to the owner and occupier of the land affected by serving on the owner and occupier a copy of—
  - (a) a notice of the application published in a newspaper under regulation 22(1)(a)(i), extracted from the newspaper and showing the date of publication; or
  - (b) the material advertising the application that was advertised under regulation 22(1)(b).

**24 Surveys**

- (1) An application for a prospecting licence is not required to include a survey of the boundaries of the land proposed to be covered by the licence, unless the Department Head has requested the applicant to include the survey under subregulation (2).

- (2) The Department Head may request a person who intends to apply for a prospecting licence to include in the application a survey of the boundaries of the land proposed to be covered by the licence, 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.

**Notes**

- 1 If a survey is requested under this regulation, it must be included in the prospecting licence application—see regulation 16(h).
  - 2 All mining licence applications and retention licence applications must include a survey of the land proposed to be covered by the licence—see section 15(1BH) of the Act.
- (3) For the purposes of section 26AR(1) of the Act, a person who is required to survey the boundaries of land which is proposed to be covered by a licence must comply with the surveying requirements and standards stipulated in the Surveying (Cadastral Surveys) Regulations 2015<sup>1</sup>.

## **Division 2—Tenders**

### **25 Information requirements for 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, the information set out in regulations 13 and 14; and
- (b) in the case of a tender for a mining licence, the information set out in regulations 13 and 15; and

- (c) in the case of a tender for a retention licence, the information set out in regulations 13 and 17.

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

- (1) For the purposes of section 27B(1)(a) of the Act, the acceptance of a tender must be advertised—
- (a) by publishing—
- (i) a notice containing the information set out in Part 1 of Schedule 2 in a newspaper circulating in each locality where all or part of the area that is the subject of the tender is located; and
  - (ii) a notice containing the information set out in Part 1 of Schedule 2, other than the map described in item 6 of that Part, in a daily newspaper circulating generally in Victoria; and
  - (iii) the information set out in Part 2 of Schedule 2 on an Internet site maintained by the successful tenderer for at least 21 days after the latest date on which acceptance of the tender was advertised; or
- (b) by a method approved by the Department Head under subregulation (3).
- (2) For the purposes of section 27B(1)(b) of the Act, the successful tenderer for a mining licence must give notice by serving on the owner or occupier of the land to be affected by the licence, a copy of—
- (a) a notice of acceptance of the tender published in a newspaper under subregulation (1)(a)(i), extracted from the newspaper and showing the date of publication; or

- (b) the material advertising acceptance of the tender that was advertised under subregulation (1)(b).
- (3) The Department Head may approve a method for advertising acceptance of a tender for a licence by setting out the method in guidelines published in the Government Gazette.
- (4) A successful tenderer must lodge with the Department Head as soon as practicable after the acceptance of the tender is advertised, a copy of—
  - (a) each notice of acceptance of the tender published in a newspaper under subregulation (1)(a), extracted from the newspaper and showing the date of publication; or
  - (b) the material that was advertised under subregulation (1)(b).

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

- (1) The fee for grant of a licence following the acceptance of a tender is—
  - (a) for the grant of an exploration licence, a fee of 145·8 fee units; or
  - (b) for the grant of a mining licence, a fee of 262·3 fee units; or
  - (c) for the grant of a retention licence, a fee of 145·8 fee units.
- (2) The fee set out in subregulation (1) must be paid to the Department by the successful tenderer before the licence is granted.

### **Division 3—Grant of licence**

#### **28 Form of licence**

- (1) An exploration licence must be in the form set out in Schedule 3.



- (2) A mining licence must be in the form set out in Schedule 4.
- (3) A prospecting licence must be in the form set out in Schedule 5.
- (4) A retention licence must be in the form set out in Schedule 6.

## **29 Rent on a licence**

- (1) For the purposes of section 26(4) of the Act, the prescribed time is—
  - (a) within 28 days after 30 June of each year; or
  - (b) if the Minister has extended the period under subregulation (4) for a year, within the extended period.
- (2) For the purposes of section 26(4) of the Act, the prescribed rate of rent for a licence held at 30 June in a year is—
  - (a) for an exploration licence—6.9 fee units per 10 graticules or part thereof of the land covered by the licence as at 30 June of that year;
  - (b) for a mining licence—14.3 fee units per 10 hectares or part thereof of the land covered by the licence as at 30 June of that year;
  - (c) for a prospecting licence—7.1 fee units;
  - (d) for a retention licence—2.4 fee units per 10 hectares or part thereof of the land covered by the licence as at 30 June of that year.
- (3) 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.

- (4) The Minister may extend the period for payment of rent if there are special circumstances preventing the payment of rent by the time prescribed under subregulation (1)(a).

#### **Division 4—Licence renewal**

### **30 Information requirements for renewal of exploration licences**

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

- (a) the number of the licence to which the application relates; and
- (b) the requested term of renewal of the licence (in years); and
- (c) details of the proposed program of work under the licence, including matters set out in regulation 14(c); and
- (d) the estimated expenditure, for the requested term of renewal, to undertake the proposed program of work and rehabilitation; and
- (e) reasons for renewal of the licence, including—
  - (i) any evidence demonstrating that additional time is necessary to assess the economic viability of those minerals; and
  - (ii) any evidence demonstrating that mining of the mineral resources covered by the licence is not yet economically viable but may become so in the future; and
  - (iii) if the application is for the second renewal of the licence, all matters that the applicant considers are exceptional

circumstances to warrant a second renewal.

**31 Information requirements for renewal of mining licences**

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

- (a) the number of the licence to which the application relates; and
- (b) the requested term of renewal of the licence (in years); and
- (c) reasons for renewal of the licence; and
- (d) details of the proposed program of work under the licence, including whether a variation to the work plan will be sought; and
- (e) the estimated expenditure, for the next 5 years of the licence, to undertake the proposed program of work and rehabilitation.

**32 Information requirements for renewal of retention licences**

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

- (a) the number of the licence to which the application relates; and
- (b) the requested term of renewal of the licence (in years); and
- (c) the area of land applied for in hectares; and
- (d) details of any proposed program of work under the licence, including matters set out in regulation 17(1)(e); and

- (e) if a program of work is proposed—
  - (i) evidence demonstrating that the proposed program of work is suitable to establish the economic viability of the mineral resource; and
  - (ii) the estimated expenditure, for each year of the requested term of renewal, to undertake the proposed program of work and rehabilitation; and
  - (iii) evidence demonstrating that the estimated expenditure is appropriate for the proposed program of work; and
- (f) reasons for renewal of the licence, including—
  - (i) any evidence demonstrating that mining of the mineral resources covered by the licence is not yet economically viable but may become so in the future; and
  - (ii) any evidence demonstrating that the area of land applied for is land which may be required for the purpose of mining a mineral resource in the future; and
  - (iii) if the application is for the second renewal of the licence, all matters that the applicant considers are exceptional circumstances to warrant that second renewal.

### **33 Form of application for renewal of a licence**

An application for renewal of a licence under section 29(1) of the Act must be submitted in the form and in accordance with the procedure approved by the Department Head.

**34 Fee for application for renewal of a licence**

- (1) An application for renewal of an exploration licence under section 29(1) of the Act must be accompanied by a fee of 76·3 fee units.
- (2) An application for renewal of a mining licence under section 29(1) of the Act must be accompanied by a fee of 76·7 fee units.
- (3) An application for renewal of a retention licence under section 29(1) of the Act must be accompanied by a fee of 76·3 fee units.

**35 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 7 to the owner and occupier of the land affected.

**Division 5—Changes to licences**

**36 Fee for transfer of licence**

An application for the transfer of a licence under section 33, 33A or 33B of the Act must be accompanied by a fee of 14·3 fee units.

**37 Fee for variation of licence**

An application for the variation of a licence under section 34(2)(a) of the Act must be accompanied by a fee of 27·3 fee units.

**38 Prescribed circumstances for variation of licence**

For the purposes of section 34(2)(d) of the Act, the prescribed circumstances are that it is necessary to provide another licensee with access for conveying minerals or materials across the land covered by the licence.

### **39 Fee for amalgamation of licence**

A request made by a licensee for the amalgamation of licences under section 36 of the Act must be accompanied by a fee of 23·2 fee units.

## **Division 6—Work plans**

### **40 Information required in work plans**

For the purposes of section 40(3)(g) of the Act, a work plan must contain the following other matters—

- (a) if exploration work is to be carried out under the licence, the information specified in regulation 41;
- (b) if mining work is to be carried out under the licence—
  - (i) the information specified in regulation 42; and
  - (ii) the applicable information specified in regulation 43, as part of the rehabilitation plan included in the work plan under section 40(3)(e) of the Act; and
  - (iii) if the mining work includes the mining of coal, a fire risk management plan that meets requirements set out in Schedule 8;
- (c) in all cases, the information specified in regulations 44, 45 and 46.

#### **Note**

In the case of a work plan that includes work to be carried out at a declared mine, information set out in Schedule 12 must also be included in the work plan in accordance with section 40(3)(f) of the Act and regulation 63.

**41 Information required in work plans—exploration work and related rehabilitation**

For the purposes of regulation 40(a), the specified information is—

- (a) a description of the exploration work to be carried out under the licence which includes—
  - (i) a map showing the general location of drilling or other exploration works; and
  - (ii) a description of sensitive receptors in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the work; and
  - (iii) the location of the sensitive receptors; and
- (b) details of the proposed rehabilitation of areas disturbed as a result of exploration work under the licence, including—
  - (i) proposals for revegetation; and
  - (ii) if plant and equipment has been introduced to the area, proposals for the removal of plant and equipment.

**42 Information required in work plans—mining work**

For the purposes of regulation 40(b)(i), the specified information is a description of the mining work to be carried out under the licence which includes—

- (a) a description of sensitive receptors in relation to the environment, any member of the public, or land, property or infrastructure in the vicinity of the work; and

- (b) a location map of the work plan area and areas within 2 km of the work plan area, drawn at an appropriate scale, that shows—
  - (i) the location of sensitive receptors identified; and
  - (ii) the extent and status of Crown lands and extent of private lands; and
  - (iii) residential, commercial and industrial development; and
  - (iv) public facilities and infrastructure; and
  - (v) rivers and streams; and
- (c) a general description of geological information pertaining to the work, including—
  - (i) stratigraphy; and
  - (ii) any adverse geological structures; and
  - (iii) the minerals to be extracted; and
  - (iv) the estimated mineral resources and ore reserves; and
- (d) a general description of the mine operations including—
  - (i) the method and scale of extraction; and
  - (ii) ore processing methods and facilities; and
  - (iii) waste disposal methods and facilities; and
  - (iv) stockpiling facilities; and
  - (v) other mine infrastructure; and



- (e) a site map, drawn at an appropriate scale, that shows—
  - (i) the general layout of the mine, associated facilities and infrastructure; and
  - (ii) cross-sections and, in the case of an underground mine, long sections of the proposed extraction area; and
- (f) in the case of an underground mine, a schematic and description of the workings of underground operations.

**43 Information required in work plans—rehabilitation plans**

- (1) Subregulation (2) applies to a work plan lodged on or after 1 July 2020.
- (2) For the purposes of regulation 40(b)(ii), the specified information is details of the proposed rehabilitation of land disturbed by mining work under the licence including—
  - (a) proposed land uses for the affected land after it has been rehabilitated, that considers community views expressed during consultation; and
  - (b) a land form that will be achieved to complete rehabilitation, which must—
    - (i) be safe, stable and sustainable; and
    - (ii) be capable of supporting the proposed land uses referred to in paragraph (a); and
  - (c) objectives that set out distinct rehabilitation domains that collectively amount to the land form described in paragraph (b);

- (d) criteria for measuring whether the objectives described in paragraph (c) have been met; and
  - (e) a description of, and schedule for, rehabilitation milestones; and
  - (f) an identification and assessment of relevant risks that the rehabilitated land may pose to the environment, to any member of the public or to land, property or infrastructure in the vicinity of the rehabilitated land, including—
    - (i) the type, likelihood and consequence of the risks; and
    - (ii) the activities required to manage the risks; and
    - (iii) the projected costs to manage the risks; and
    - (iv) any other matter that may be relevant to risks arising from the rehabilitated land.
- (3) Subregulation (4) applies to a work plan lodged on or after 1 July 2019 but before 1 July 2020.
- (4) For the purposes of regulation 40(b)(ii), the specified information is—
- (a) concepts for the end utilisation of the mine site; and
  - (b) proposals for the progressive rehabilitation, stabilisation and revegetation of extraction areas, waste disposal areas, stockpile areas, dams and other land affected by the mining work; and
  - (c) proposals for landscaping to minimise the visual impact of the mine site; and

(d) proposals for the final rehabilitation and closure of the mine site, including the security of the site and the removal of plant and equipment, taking into account any potential long-term degradation of the environment.

(5) In this regulation—

*relevant risks* means risks that may require monitoring, maintenance, treatment or other ongoing land management activities after rehabilitation is complete.

#### **44 Information required in work plans—identification of hazards and risks**

For the purposes of regulation 40(c), the specified information is the following information relating to the identification of risks required by section 40(3)(b) of the Act—

- (a) if exploration work is to be carried out under the licence, details of exploration hazards that may arise from the exploration work;
- (b) if mining work is to be carried out under the licence, details of mining hazards that may arise from the mining work, including mining hazards arising from—
  - (i) set up or construction; and
  - (ii) operations or production;
- (c) details of the rehabilitation hazards that may arise from rehabilitation under the licence;
- (d) an explanation of how the identified hazards may harm or damage the sensitive receptors described in the work plan, including evidence to support the assessment of the potential for harm or damage to be caused;

- (e) an assessment of the risks that the identified hazards may pose to identified sensitive receptors, having regard to—
  - (i) the nature of the hazard; and
  - (ii) the likelihood of the hazard causing, or contributing to, any harm or damage; and
  - (iii) the severity or consequence of the harm or damage that may be caused.

**45 Information required in work plans—risk management plan**

For the purposes of regulation 40(c), the specified information is a risk management plan that sets out the following information relating to the requirement in section 40(3)(c) of the Act to specify what the licensee will do to eliminate or minimise the identified risks as far as reasonably practicable—

- (a) measures to be applied to eliminate or minimise the risks as far as reasonably practicable;
- (b) the performance standards to be achieved by either individual measures or some combination of measures;
- (c) management systems, practices and procedures that are to be applied to monitor and manage risks and compliance with performance standards;
- (d) an outline of the roles and responsibilities of personnel accountable for the implementation, management and review of the risk management plan.

#### **46 Information required in work plans—community consultation**

For the purposes of regulation 40(c), the specified information is how the licensee will comply with their duty to consult with the community under section 39A of the Act throughout the period of the licence, in the form of a plan that—

- (a) identifies the community likely to be affected by the work under the licence; and
- (b) sets out how the licensee will share information with the community; and
- (c) sets out how the licensee will receive feedback from the community; and
- (d) sets out how the licensee will manage complaints and other communications from members of the community; and
- (e) in the case of a work plan for a mining licence that covers an area of more than 5 hectares, sets out how the licensee will—
  - (i) identify community attitudes and expectations; and
  - (ii) analyse community feedback, taking into account community concerns or expectations; and
  - (iii) register, document and respond to complaints and other communications from members of the community in relation to the mine operations.

#### **47 Fees for work plans**

A work plan for a mining licence or prospecting licence that includes mining work must be accompanied by the relevant fee specified in Schedule 9.

**48 Information required in application for variation of work plan**

- (1) For the purposes of section 41(2) of the Act, the prescribed information is the following—
- (a) if changes to the work or rehabilitation set out in the work plan are proposed, a description of any new or changed exploration hazard, mining hazard or rehabilitation hazard arising from the proposed changes that significantly increases the risks posed to—
    - (i) the environment; or
    - (ii) any member of the public; or
    - (iii) land, property or infrastructure in the vicinity of the work or rehabilitation relating to the new or changed hazard;
  - (b) if any new or changed hazard is described under paragraph (a), the information specified in regulations 44 and 45 that relate to the new or changed hazard, including the resulting proposed changes to the work plan;
  - (c) if the proposed variation includes new or changed rehabilitation of areas disturbed by exploration work, the information specified in regulation 41(b) that relates to the new or changed rehabilitation, including the resulting proposed changes to the work plan;
  - (d) if the application for the proposed variation is lodged on or after 1 July 2020 and includes new or changed rehabilitation of land disturbed by mining, the information specified in regulation 43(2) that relates to the new or changed rehabilitation, including the resulting proposed changes to the rehabilitation plan in the work plan;

- (e) if the application for the proposed variation is lodged on or after 1 July 2019 but before 1 July 2020 and includes new or changed rehabilitation of land disturbed by mining, the information specified in regulation 43(4) that relates to the new or changed rehabilitation, including the resulting proposed changes to the rehabilitation plan in the work plan;
- (f) if the application for the proposed variation is lodged on or after 1 July 2020 and the variation is in respect of a work plan that includes a pre-July 2020 rehabilitation plan, the information specified in regulation 43(2) (other than information already included in the application under paragraph (d)), including the resulting proposed changes to the rehabilitation plan in the work plan;
- (g) if the proposed variation includes or gives rise to any changes relating to community consultation, the proposed changes to the work plan in relation to the information specified in regulation 46;
- (h) if the proposed variation includes any new or changed work to be carried out at a declared mine, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the requirements and processes set out in Schedule 12;
- (i) if the proposed variation includes any new or changed mining work that is the mining of coal, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the information specified in regulation 40(b)(iii);

(j) a description of how the proposed variation to the work plan relates to the current approved work plan.

(2) In this regulation—

*pre-July 2020 rehabilitation plan* means a rehabilitation plan included in a work plan lodged before 1 July 2020 that does not include the information prescribed in regulation 43(2).

#### **49 Fees for work plan variations**

An application for approval of a variation to a work plan under section 41(2) of the Act that relates to a mining licence or prospecting licence that includes mining work must be accompanied by the relevant fee specified in Schedule 9.

#### **50 Fee for submitting an impact statement**

An impact statement submitted to the Minister under section 41A(1) of the Act must be accompanied by a fee of 159·8 fee units.

### **Division 7—Reporting**

#### **51 Reportable events**

(1) For the purpose of section 41AC(1) of the Act—

- (a) a report of a reportable event must be made either orally or in writing and must include—
- (i) the date, time and place of the event; and
  - (ii) a description of the event; and
  - (iii) the steps taken to minimise the impact of the event; and



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

- (g) an escape, spillage or leakage of a harmful or potentially harmful—
    - (i) substance; or
    - (ii) slurry; or
    - (iii) tailings;
  - (h) a breach of a licence condition, or non-compliance with the approved work plan for the licence or the work plan conditions, that results or is likely to result in a risk to—
    - (i) the environment; or
    - (ii) any member of the public; or
    - (iii) property, land, or infrastructure in the vicinity of the work under the licence;
  - (i) an abnormal event;
  - (j) an event that results, or may result, in significant impacts on public safety, the environment or infrastructure.
- (3) A licensee who reports a reportable event must comply with the requirements of subregulation (1)(a).

Penalty: 20 penalty units.

- (4) A licensee must comply with a request of the Chief Inspector under subregulation (1)(b).

Penalty: 20 penalty units.

## **52 Recording of activities undertaken under a licence**

For the purpose of verifying information furnished to the Minister under section 116(1) of the Act, the holder of a licence must keep a record of the exploration and mining activities undertaken under the licence.

Penalty: 20 penalty units.

### **53 Annual reporting requirements**

- (1) This regulation applies to reporting dates in the year commencing 1 July 2019 and subsequent years.
- (2) For the purposes of section 116(1) of the Act, the prescribed form is the form approved by the Department Head.
- (3) For the purposes of section 116(1) of the Act, the prescribed times are—
  - (a) if the licence is in force—
    - (i) within 28 days after the reporting date for each year; or
    - (ii) if the Minister has extended the period under subregulation (5) for a year, within the extended period; or
  - (b) if the licence is not in force, within 28 days after the licence ceases to be in force.
- (4) For the purposes of section 116(1) of the Act, the prescribed information is—
  - (a) an annual return of expenditure and activities for the licence containing the information specified in regulation 54; and
  - (b) if the licence is a relevant licence, an annual technical report that—
    - (i) complies with requirements specified in regulation 57; and
    - (ii) contains information specified in regulation 57.
- (5) The Minister may extend the period by which information must be furnished for a year if the licensee or former licensee requests the extension within 28 days of the reporting date.

(6) In this regulation—

*relevant licence* means—

- (a) an exploration licence; or
- (b) a mining licence, other than a mining licence granted before 1 February 2012 that covers an area of 5 hectares or less; or
- (c) a retention licence;

*reporting date* means—

- (a) for mining licences and prospecting licences—30 June; or
- (b) for exploration licences and retention licences—the date specified in the licence as the reporting date.

#### **54 Information requirements for the annual return of expenditure and activities**

For the purposes of regulation 53(4)(a), the specified information is—

- (a) the number of the licence to which the return relates; and
- (b) the reporting period to which the return applies; and
- (c) the name and role of the person completing the return; and
- (d) the information set out—
  - (i) in the case of a return relating to an exploration licence—in regulation 55(1); or
  - (ii) in the case of a return relating to a retention licence—in regulation 55(1) and (2); or

- (iii) in the case of a return relating to a mining licence that covers an area of more than 5 hectares—in regulation 56(1), (3) and (4); or
- (iv) in the case of a return relating to a prospecting licence or mining licence covering an area of 5 hectares or less—in regulation 56(2), (3) and (4).

**55 Additional information requirements for the annual return of expenditure and activities—exploration licences and retention licences**

- (1) For the purposes of regulation 54(d)(i) and (ii), the information is—
  - (a) expenditure during the reporting period on—
    - (i) wages and salaries; and
    - (ii) office-based activities; and
    - (iii) equipment, plant or machinery; and
    - (iv) administration and consumables; and
    - (v) rehabilitation; and
  - (b) expenditure during the reporting period on, and details of the nature and extent of, airborne or remote reconnaissance activities including—
    - (i) airborne exploration and surveys; and
    - (ii) remote sensing; and
  - (c) expenditure during the reporting period on, and details of the nature and extent of, ground exploration activities including—
    - (i) geological mapping; and
    - (ii) ground geophysics; and
    - (iii) geochemical surveying and sample collection; and

- (iv) preparation, geochemistry, mineralogy and petrology of surface samples; and
- (d) expenditure during the reporting period on, and details of the nature and extent of, subsurface exploration activities including—
  - (i) drilling; and
  - (ii) well logging and other downhole geophysics; and
  - (iii) preparation, geochemistry, mineralogy and petrology of drill samples; and
  - (iv) costeaning or ditchwitching and related subsurface mapping and sampling; and
  - (v) bulk sampling and related subsurface mapping and sampling; and
  - (vi) shaft restoration or other underground development and related subsurface mapping and sampling; and
  - (vii) preparation, geochemistry, mineralogy and petrology of subsurface samples; and
  - (viii) subsurface geophysical surveys; and
  - (ix) bulk sample processing, testing and analysis; and
  - (x) mineral processing testing.
- (2) For the purposes of regulation 54(d)(ii), the information is—
  - (a) expenditure on, and details of, any technical and economic studies undertaken under the licence during the reporting period related to—

- (i) the development of the mineral resource in accordance with the principles of sustainable development; and
  - (ii) demonstrating the economic viability of the mineral resource; and
- (b) progress against key milestones achieved during the reporting period under the program of work to be carried out under the licence.

**56 Additional information requirements for the annual return of expenditure and activities—mining licences and prospecting licences**

- (1) For the purposes of regulation 54(d)(iii), the information is—
- (a) expenditure during the reporting period on—
    - (i) wages and salaries; and
    - (ii) equipment, plant or machinery; and
    - (iii) administration and consumables; and
    - (iv) exploration work; and
    - (v) mining work; and
    - (vi) rehabilitation; and
  - (b) a detailed plan of any underground mine as at the end of the reporting period; and
  - (c) a description and quantities of ore and waste mined and treated during the reporting period; and
  - (d) a description of any development or extensions during the reporting period to surface mine facilities and works; and

- (e) a description of any shaft or underground development during the reporting period including depth or distance developed; and
  - (f) the most recent mineral resource and ore reserve estimate for the licence; and
  - (g) the total area of land disturbed up to the end of the reporting period, and the proportion of that area in relation to each of the following—
    - (i) pits;
    - (ii) overburden and waste rock dumps;
    - (iii) tailings storage facilities;
    - (iv) infrastructure; and
  - (h) the area of land disturbed during the reporting period.
- (2) For the purposes of regulation 54(d)(iv), the information is—
- (a) expenditure during the reporting period on—
    - (i) wages and salaries; and
    - (ii) office-based activities; and
    - (iii) exploration work; and
    - (iv) mining work; and
    - (v) rehabilitation; and
  - (b) a plan of any surface mine facilities and works as at the end of the reporting period; and
  - (c) a plan of any underground mine as at the end of the reporting period; and
  - (d) a description of ore and waste mined and treated during the reporting period; and



- (e) a description of any shaft or underground development during the reporting period, including depth or distance developed; and
  - (f) the total area of land disturbed up to the end of the reporting period; and
  - (g) the area disturbed during the reporting period.
- (3) For the purposes of regulation 54(d)(iii) and (iv), the information is details of the environmental management activities undertaken during the reporting period including—
- (a) the volume and composition of tailings produced; and
  - (b) the volume and composition of other waste streams produced; and
  - (c) a statement outlining whether the licensee has complied with environmental monitoring requirements under the work plan and conditions, including details of any non-compliance that have not otherwise been reported in accordance with regulation 51 (reportable events).
- (4) For the purposes of regulation 54(d)(iii) and (iv), the information is information relating to rehabilitation including—
- (a) if the approved work plan for the licence includes the information specified in regulation 43(2)—
    - (i) details of rehabilitation undertaken over the reporting period, including any area of progressively rehabilitated land that contributes to achieving the land form set out in the licensee's work plan under regulation 43(2)(b); and

- (ii) progress that has been made towards the achievement of rehabilitation milestones; and
  - (iii) an estimate of the rehabilitation liability for the licence area at the end of the reporting period; and
  - (iv) the net change in estimated rehabilitation liability from the previous reporting period; or
- (b) if the approved work plan for the licence does not include the information specified in regulation 43(2)—
- (i) the area of land rehabilitated over the reporting period; and
  - (ii) the percentage of that area that is revegetated with local native vegetation; and
  - (iii) an estimate of the rehabilitation liability for the licence area at the end of the reporting period; and
  - (iv) in the case of a return relating to a mining licence that covers an area of more than 5 hectares, the proportion of the area referred to in subparagraph (i) in relation to each of the following—
    - (A) pits;
    - (B) overburden and waste rock dumps;
    - (C) tailings storage facilities;
    - (D) infrastructure.

**57 Requirements for annual technical report on exploration activity**

- (1) For the purposes of regulation 53(4)(b)—
- (a) the specified requirements are that an annual technical report must comply with any relevant—
    - (i) guidelines issued by the Minister under section 120A of the Act; and
    - (ii) guidance issued by the Department Head; and
  - (b) the specified information is the following in relation to activities undertaken under the licence—
    - (i) a complete record of all geological, geophysical, geochemical and other technical investigations with relevant maps showing locations of surveys;
    - (ii) a complete record of all drillholes and excavations with logs and relevant maps showing locations;
    - (iii) details of any material tested and assay results;
    - (iv) a summary of any mineral resource or ore reserves;
    - (v) any interpretations formed as a result of surveys or activities undertaken;
    - (vi) details of how the maps and sections provided in the report are related to the Map Grid of Australia 2020 (MGA2020), within the meaning of the Survey Co-ordination Regulations 2014;
    - (vii) data, text and maps submitted in an electronic form.

- (2) An annual technical report may encompass the activities occurring in relation to more than one licence if the licences are—
- (a) held by the same licensee; and
  - (b) over adjoining areas; and
  - (c) have the same reporting date.

## **Part 4—Other authorities**

### **58 Miner's rights**

- (1) An application for the grant of a miner's right under section 57 of the Act—
  - (a) may be made orally or in writing; and
  - (b) must include the name and address of the applicant; and
  - (c) must be accompanied by a fee of 1·7 fee units.
- (2) A miner's right must be in the form set out in Schedule 10.

#### **Notes**

- 1 The **Electronic Transactions (Victoria) Act 2000** provides for how a requirement to give information in writing may be met by giving information by electronic communication in accordance with that Act.
- 2 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.

### **59 Tourist fossicking authorities**

- (1) An application for a tourist fossicking authority under section 60 of the Act must contain the following—
  - (a) the name of the applicant;
  - (b) the address of the applicant;
  - (c) a contact phone number and email address for the applicant;
  - (d) a description of the activity proposed to be carried out under the tourist fossicking authority;
  - (e) the maximum number of people expected to search for minerals under the authority;
  - (f) the proposed term of the authority (in years);

- (g) either—
    - (i) a map showing the boundaries of the land to which the application relates; or
    - (ii) a description of the boundaries of the land to which the application relates by reference to established boundaries;
  - (h) if the application includes land covered by a mining licence, prospecting licence or retention licence—
    - (i) a statement of whether the applicant has the consent of the licensee to the granting of the authority; and
    - (ii) if the applicant has consent, evidence of that consent.
- (2) An application for a tourist fossicking authority under section 60 of the Act must be—
- (a) submitted in the form and in accordance with the procedure approved by the Department Head; and
  - (b) accompanied by a fee of 6.4 fee units.

**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.

- (3) A tourist fossicking authority must be in the form set out in Schedule 11.

## **Part 5—Requirements for declared mines**

### **60 Mine stability levy**

For the purposes of paragraph (a) of the definition of *Latrobe Valley region coal mine* in section 38AAA of the Act, the prescribed coal mines are—

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

### **61 Amount of mine stability levy**

For the purposes of section 38AAD of the Act, the amount of the mine stability levy payable in respect of each Latrobe Valley region coal mine is 34 868 fee units.

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

- (1) For the purposes of section 38AAE of the Act—
  - (a) the mine stability levy is payable in respect of each financial year; or
  - (b) if the Minister, under subregulation (3), varies the period in respect of which the mine stability levy is payable, the mine stability levy is payable in respect of the varied period.
- (2) For the purposes of section 38AAE of the Act, the mine stability levy is to be paid—
  - (a) within 28 days after the end of the period in respect of which the mine stability levy is payable under subregulation (1); or

- (b) by a later date determined by the Minister under subregulation (4).
- (3) The Minister, by notice in writing to the licence holder, may vary the period in respect of which the mine stability levy is payable.
- (4) The Minister, by notice in writing to the licence holder, may determine a date by which the mine stability levy is to be paid, which must be later than the date by which the mine stability levy otherwise is to be paid in accordance with subregulation (2)(a).

### **63 Mine stability requirements and processes for declared mines**

For the purposes of sections 40(3)(f) and 41AE(2) of the Act, the prescribed mine stability requirements and processes are the requirements and processes set out in Schedule 12.

### **64 Reporting requirements for declared mines**

- (1) For the purposes of section 41AB of the Act, a report provided by the holder of a licence in respect of a declared mine must be 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 licence holder, ending on the nominated dates.
- (2) The report must be provided to the Department Head in writing within 3 months after the end of the period to which it relates.



- (3) For the purposes of section 41AB of the Act, the prescribed particulars are—
- (a) a description of activities taken to implement the control measures set out in the work plan in accordance with regulation 63 and clause 3 of Schedule 12; and
  - (b) the results of the monitoring carried out under the monitoring plan set out in the work plan in accordance with regulation 63 and clause 4 of Schedule 12; and
  - (c) the outcomes of reviews relating to the declared mine carried out under the work plan in accordance with regulation 63 and clause 5 of Schedule 12, taking into account—
    - (i) the implementation of control measures referred to in paragraph (a); and
    - (ii) the results of monitoring referred to in paragraph (b); and
    - (iii) any stability modelling undertaken; and
    - (iv) any significant changes in the operation of the declared mine; and
    - (v) implications for the mine design components; and
  - (d) any recommended changes to the work plan arising out of reviews carried out under the work plan in accordance with regulation 63 and clause 5 of Schedule 12.

## **Part 6—Mining register**

### **65 Information in documents**

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 13 is the information set out in relation to that document in column 3 of that Schedule.

### **66 Fees for information and copies**

- (1) For the purposes of section 74(1) of the Act, the prescribed fee is 1.7 fee units.
- (2) Despite anything to the contrary in this regulation, no fee is payable for accessing the register made available on the Internet or for downloading information from the register made available on the Internet.

### **67 Certificate of information**

- (1) For the purposes of section 76 of the Act, the prescribed form of a certificate is a certificate that—
  - (a) states that it is a certificate under section 76 of the Act; and
  - (b) contains a certification as to the matters in the certificate that appear in or have been ascertained from the register or other records kept by the Department Head.
- (2) The fee for a certificate of information issued by the Department Head under section 76 of the Act is 1.7 fee units.

## **Part 7—Infringements**

### **68 Infringements**

- (1) For the purposes of Part 12 of the Act, an offence specified in column 2 of an item in Schedule 14 is prescribed as an infringement offence.
- (2) For the purposes of section 106(3) of the Act, an infringement penalty specified in column 3 of an item in Schedule 14 is prescribed in respect of the infringement offence specified in column 2 of the corresponding item.

## **Part 8—Disclosure of interests**

### **69 Duty of disclosure**

- (1) For the purposes of section 118(2) of the Act, a person to whom that section applies must disclose an interest, in accordance with the Department's procedures for declaring conflicts of interest, if—
  - (a) the interest exceeds \$1000 in value derived from exploration or mining operations in Victoria; or
  - (b) the interest (whether of a pecuniary nature or not) appears to raise a conflict with the person's responsibilities for the administration of the Act.
- (2) A person who is required to disclose an interest under subregulation (1) 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 the person to do so.
- (3) Subregulation (1) does not apply to any remuneration or allowance received by a person 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.

## **Part 9—General**

### **70 Consent for work near dwelling**

For the purposes of section 45(3)(a) of the Act,  
the prescribed form is the form in Schedule 15.

## **Part 10—Transitional provisions**

### **71 Saving of production and royalty return—financial year 2018–19**

- (1) Despite the expiry of the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018, for the purposes of section 12(1)(b) and (2) of the Act, regulation 8 of those Regulations continues to apply as if it had not expired for the purposes of calculating the time by which royalties are to be paid for the financial year ending 30 June 2019.
- (2) Despite the expiry of the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018, regulation 9 of those Regulations continues to apply as if it had not expired in respect of production and royalty returns for the financial year ending 30 June 2019.

### **72 Saving of annual return of expenditure and activities for the year ending 30 June 2019**

Despite the expiry of the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018, regulation 31 of those Regulations continues to apply as if those Regulations had not expired in respect of an annual return of expenditure and activities for the year ending 30 June 2019.

### **73 Saving of annual technical report for the year ending 30 June 2019**

Despite the expiry of the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018, regulation 32 of those Regulations continues to apply as if those Regulations had not expired in respect of an annual technical report for the year ending 30 June 2019.

## **Schedule 1—Information required in notice of licence application**

Regulation 22

### **Part 1**

1. The name and address of the applicant/s.
2. A contact phone number and email address of the applicant for maps and other information requests.
3. The Internet site address or other location where the information in Part 2 of this Schedule is published (not relevant for prospecting licence applications).
4. Details of the application, including the following—
  - (a) the application number;
  - (b) the locality or localities where the land to which the application relates is located;
  - (c) in the case of a notice of application for an exploration licence, the approximate area of land to which the application relates in graticular sections;
  - (d) in the case of a notice of application for a mining licence, prospecting licence or 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;
  - (g) the term the licence is applied for;
  - (h) in the case of a notice of application for a mining licence or prospecting licence, if applicable, the date authority to enter was granted.

5. A statement that any person may object to the grant of a licence in accordance with section 24 of the Act and details as to how a person can object to the grant of the licence, including current contact details for the Department and the Department's Internet site address through which objections can be made.
6. 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 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.
9. 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.
10. 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.



11. 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 to be carried out under 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 2—Information required in notice of acceptance of a tender for a licence**

Regulation 26

### **Part 1**

1. The name and address of the tenderer/s.
2. The contact phone number and email address of the tenderer for maps and other information requests.
3. The Internet site address or other location where the information in Part 2 of this Schedule is published (not relevant for tender for a prospecting licence).
4. Details of the tender, including the following—
  - (a) the locality or localities where the land to which the tender relates is located;
  - (b) in the case of a tender for an exploration licence, the approximate area of land to which the tender relates in graticular sections;
  - (c) in the case of a tender for a mining licence, prospecting licence or retention licence, the approximate area of land to which the tender relates in hectares;
  - (d) the date of the application for the tender;
  - (e) an outline of the proposed program of work to which the tender relates;
  - (f) the term of licence tendered for;
  - (g) the date authority to enter granted (if applicable).
5. A statement that any person may object to the grant of a licence in accordance with section 24 of the Act and details as to how a person can object to the grant of the licence, including current contact details for the Department and the Department's Internet site address through which objections can be made.

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6. A map clearly identifying the land to which the tender relates, including relevant roads and place names.
7. If the tender 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 tender 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.
9. If the tender 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.
10. If the tender 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.
11. 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 to be carried out under the licence.
2. A description of the tenderer'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 tenderer intends to meet a licensee's obligations under section 39A of the Act to consult with the community (including landowners and occupiers).

## Schedule 3—Exploration licence

Regulation 28(1)

Licence no.

### Mineral Resources (Sustainable Development) Act 1990

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

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

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

1. The licensee must expend in connection with exploration of the land a minimum of the following (*remove where necessary, depending on term of years from date of registration*)—

- \$ in the first year of the term of the licence;
- \$ in the second year of the term of the licence;
- \$ in the third year of the term of the licence;
- \$ in the fourth year of the term of the licence;
- \$ in the fifth year of the term of the licence—

unless this requirement is varied, or application of this requirement is suspended for a specified period, in accordance with the Act. The required expenditure may be varied on the second and fourth anniversaries (as applicable) of the licence grant if the area of the licence is decreased in accordance with section 38A of the Act.

2. The reporting date is *[insert reporting date]* annually.

\*Delete if not applicable.

### SCHEDULE OF CONDITIONS

*[insert conditions]*.

## Schedule 4—Mining licence

Regulation 28(2)

Licence no.

### Mineral Resources (Sustainable Development) Act 1990

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

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

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.

\*Delete if not applicable.

### SCHEDULE OF CONDITIONS

*[insert conditions]*.

## Schedule 5—Prospecting licence

Regulation 28(3)

Licence no.

### Mineral Resources (Sustainable Development) Act 1990

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

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

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.

\*Delete if not applicable.

### SCHEDULE OF CONDITIONS

[*insert conditions*].

## Schedule 6—Retention licence

Regulation 28(4)

Licence no.

### Mineral Resources (Sustainable Development) Act 1990

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

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

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

1. The licensee must expend in connection with retention licence activities of the land a minimum of the following (*remove where necessary, depending on term of years from date of registration*)—
  - \$ in the first year of the term of the licence;
  - \$ in the second year of the term of the licence;
  - \$ in the third year of the term of the licence;
  - \$ in the fourth year of the term of the licence;
  - \$ in the fifth year of the term of the licence;
  - \$ in the sixth year of the term of the licence;
  - \$ in the seventh year of the term of the licence;
  - \$ in the eighth year of the term of the licence;
  - \$ in the ninth year of the term of the licence;
  - \$ in the tenth year of the term of the licence—

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

2. The reporting date is *[insert reporting date]* annually.

\*Delete if not applicable.

### SCHEDULE OF CONDITIONS

*[insert conditions]*.



## **Schedule 7—Information required in notice of application for renewal of mining licence to owner and occupier of land**

Regulation 35

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

## **Schedule 8—Fire risk management plan for coal mines**

Regulation 40(b)(iii)

1. The fire risk management plan must be prepared with the input of an independent expert with appropriate expertise in mine safety and fire prevention, mitigation and suppression.
2. The fire risk management plan must—
  - (a) specify all fire hazards; and
  - (b) specify key sensitive receptors; and
  - (c) assess the risks that the identified fire hazards pose to the environment, to any member of the public, or to land, property or infrastructure in the vicinity of the work described in the work plan; and
  - (d) specify appropriate controls to eliminate or minimise, as far as reasonably practical, the risks identified under paragraph (c); and
  - (e) specify and quantify the objectives, standards or acceptance criteria that each control measure or a combination of control measures will achieve; and
  - (f) specify how the control measures will be implemented and continuously improved; and
  - (g) specify procedures for the regular testing of the control measures; and
  - (h) specify procedures for the monitoring and reporting of the status, performance and effectiveness of the control measures; and
  - (i) specify the procedures for regular review and updating of the plan and whenever the hazards or the risks change; and
  - (j) specify mine emergency procedures to be followed in the case of a fire.

3. For the purposes of subclause 2(c), an assessment of the risk of fire hazards must have regard to—
- (a) the likelihood of fire entering or breaking out in the work plan area and causing or contributing to any harm or damage to the environment, to any member of the public, or to land, infrastructure or property in the vicinity of the work described in the work plan; and
  - (b) the severity or consequence of the harm or damage that may be caused.

## Schedule 9—Work plan fees for mining licences and prospecting licences

Regulations 47 and 49

### 1 Definitions

(1) In this Schedule—

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

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

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

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

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

- (2) The Minister, by notice published in the Government Gazette, may declare a place or class of places to be a sensitive location for the purposes of this Schedule.
- (3) In determining the perimeter of the area for the purposes of this Schedule, any buffer zone in or in relation to that area is to be excluded.

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## 2 Fee for lodgement of work plan

The fees for lodging a work plan are specified in the following Table.

**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Item</i>	<i>Category</i>	<i>Fee</i>	
		<i>SE work plan</i>	<i>EES work plan</i>
1	Prospecting licence or a mining licence that covers an area of 5 hectares or less	123·4 fee units	N/A
2	For a mining licence, in respect of a mine that is not a declared mine with no blasting involved and that has no sensitive locations within 200 metres of the perimeter of the area covered by the work plan	308·4 fee units	1233·8 fee units
3	For a mining licence, in respect of a mine that is not a declared mine with no blasting involved and that has one or more sensitive locations within 200 metres of the perimeter of the area covered by the work plan	370·1 fee units	1233·8 fee units
4	For a mining licence, in respect of a mine that is not a declared mine with blasting involved and that has no sensitive locations within 500 metres of the perimeter of the area covered by the work plan	308·4 fee units	1233·8 fee units
5	For a mining licence, in respect of a mine that is not a declared mine with blasting involved and that has one or more sensitive locations within 500 metres of the perimeter of the area covered by the work plan	740·3 fee units	2467·5 fee units
6	For a mining licence, in respect of a mine that is a declared mine	740·3 fee units	2467·5 fee units

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Schedule 9—Work plan fees for mining licences and prospecting licences

### 3 Fee for varying a work plan

The fees for varying a work plan are specified in the following Table.

**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
<i>Item</i>	<i>Category</i>	<i>SE work plan</i>	<i>Fee</i>	
			<i>EES work plan</i>	<i>Other work plan</i>
1	A prospecting licence, or a mining licence that covers an area of 5 hectares or less	114.4 fee units	N/A	38.1 fee units
2	For a mining licence, in respect of a mine that is not a declared mine with no blasting involved and that has no sensitive locations within 200 metres of the perimeter of the area covered by the application	305.0 fee units	1143.8 fee units	95.3 fee units
3	For a mining licence, in respect of a mine that is not a declared mine with no blasting involved and that has one or more sensitive locations within 200 metres of the perimeter of the area covered by the application	381.3 fee units	1143.8 fee units	114.4 fee units
4	For a mining licence, in respect of a mine that is not a declared mine with blasting involved and that has no sensitive	305.0 fee units	1143.8 fee units	95.3 fee units

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Schedule 9—Work plan fees for mining licences and prospecting licences

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>		
<i>Item</i>	<i>Category</i>	<i>Fee</i>		
		<i>SE work plan</i>	<i>EES work plan</i>	<i>Other work plan</i>
5	locations within 500 metres of the perimeter of the area covered by the application  For a mining licence, in respect of a mine that is not a declared mine with blasting involved and that has one or more sensitive locations within 500 metres of the perimeter of the area covered by the application	762.5 fee units	2287.5 fee units	228.8 fee units
6	For a mining licence, in respect of a mine that is a declared mine	762.5 fee units	2287.5 fee units	228.8 fee units

## Schedule 10—Miner's right

Regulation 58

### Mineral Resources (Sustainable Development) Act 1990

\$ [*cost of 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 [*insert date on which the term of the miner's right begins*] until [*insert date on which the term of the miner's right ends*].

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 11—Tourist Fossicking Authority

Regulation 59

Authority no.

### **Mineral Resources (Sustainable Development) Act 1990**

I, *[insert name]*, \*the Minister/\*acting as delegate of the Minister, grant to *[insert full name of holder]* of *[insert address of holder]* this tourist fossicking authority. The authority is granted under section 61 of the Act, over the area described in the attached document plan.

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

This licence is subject to the Schedule of Conditions attached.

\*Delete if not applicable.

### **SCHEDULE OF CONDITIONS**

*[insert conditions]*.

## **Schedule 12—Stability requirements and processes for declared mines**

Regulation 63

1. Any geological information, in addition to that required under regulation 40, that is relevant to the stability of the declared mine, including a plan showing cross-sections and long sections of the proposed extraction area of the declared mine.
2. An assessment of the geotechnical and hydrogeological risks for the declared mine.
3. A description of the control measures proposed to be implemented to eliminate or reduce the geotechnical or hydrogeological risks to an acceptable level including—
  - (a) a description of any proposed groundwater control system; and
  - (b) particulars of other measures to ensure the stability of the mine, associated infrastructure and adjacent land.
4. A plan for monitoring the stability and groundwater management of the declared mine.
5. A description of the process for reviews of the assessment, plan, actions and control measures referred to in this Schedule relating to the declared mine.

## Schedule 13—Information in documents required to be recorded in the mining register

Regulation 65

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

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mining register

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

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the Act</i>	<i>Document</i>	<i>Information to be included</i>
section 69(2)(a)(xi)	Instrument of cancellation of licence	Licence type/number, Date of notice of intention to cancel, Name/s of licensee/s, Address/es of licensee/s, Area (ha/graticules), Date of cancellation, Stratum of land (if relevant)
section 69(2)(a)(xii)	Instrument of variation, suspension, revocation or addition of licence conditions	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/graticules) (if relevant), Date of instrument approval, Description of the general nature and purpose of the instrument, Stratum of land (if relevant)
section 69(2)(a)(xiii)	Approved instrument of transfer of licence	Licence type/number, Name/s of licensee/s, Address/es of licensee/s, Area (ha/graticules), Date of instrument approval, Name/s of transferee/s, Address/es of transferee/s, Stratum of land (if relevant)
section 69(2)(a)(xiv)	Instrument for creating, assigning or affecting interests in, or conferred by, licence (including mortgages)	Licence type/number, Name/s of licensee/s, Area (ha/graticules), Name/s of other parties involved, Address/es of parties involved, Description of the general nature and purpose of the instrument, Summary of the interests created, assigned or affected, Stratum of land (if relevant)
section 69(2)(a)(xv)	Instrument for devolution of licence or interest in, or conferred by, licence	Licence type/number, Name/s of licensee/s, Area (ha/graticules), Name/s of other parties involved, Address/es of parties involved, Description of the general nature and purpose of the instrument, Stratum of land (if relevant)

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Schedule 13—Information in documents required to be recorded in the  
mining register

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the Act</i>	<i>Document</i>	<i>Information to be included</i>
section 69(2)(a)(xva)	Instrument (including mortgages) for the termination or cancellation of interests in, or conferred by, licence	Licence type/number, Name/s of licensee/s, Area (ha/graticules), Name/s of other parties involved, Address/es of parties involved, Description of the general nature and purpose of the instrument, Summary of the interests cancelled or terminated by the instrument, Stratum of land (if relevant)
section 69(2)(a)(xvb)	Written undertakings entered into under section 107 in relation to a licence	Licence type/number, Name/s of licensee/s, Description of the general nature and purpose of undertaking, Description of the terms of each undertaking
section 69(2)(a)(xvi)	Determination of the Tribunal or the Supreme Court as to the amount of compensation payable	Licence type/number, Name/s of licensee/s, Address/es of parties involved, Title description of land covered by agreement, Names of parties to agreement

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Schedule 14—Infringements

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## Schedule 14—Infringements

Regulation 68

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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
1	An offence under section 8(1) of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
2	An offence under section 14(2A) of the Act	6 penalty units
3	An offence under section 14BA of the Act	6 penalty units
4	An offence under section 26AT of the Act	1 penalty unit
5	An offence under section 26AV of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
6	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work in an area or at a location that is not authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
7	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work outside of the hours authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case

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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
8	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work in buffer zones that is not authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
9	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing blasting work that is not authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
10	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work that exceeds blasting limits specified in the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
11	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work that discharges water other than as authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
12	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work that exceeds noise limits specified in the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case



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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
13	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing drilling work that is not authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
14	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work that exceeds dust limits specified in the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
15	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by doing work that removes native vegetation other than as authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
16	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by constructing a fence that is not in accordance with the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case

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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
17	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by rehabilitation of a drillhole that is not in accordance with the licence or work plan, including but not limited to failing to plug a drillhole	60 penalty units in the case of a corporation or 12 penalty units in any other case
18	An offence under section 39(1) of the Act constituted by a contravention of the licence or the approved work plan by storing, handling, transporting, using, disposing or discharging a chemical other than as authorised by the licence or work plan	60 penalty units in the case of a corporation or 12 penalty units in any other case
19	An offence under section 39(5) of the Act	60 penalty units in the case of a corporation or 12 penalty units in any other case
20	An offence under section 42(1) of the Act	60 penalty units in the case of a corporation or 12 penalty units in any other case
21	An offence under section 43(1) of the Act	60 penalty units in the case of a corporation or 12 penalty units in any other case
22	An offence under section 58(1)(a) of the Act	10 penalty units
23	An offence under section 58(1)(b) of the Act	10 penalty units
24	An offence under section 58(1)(c) of the Act	10 penalty units

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<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
25	An offence under section 58(1)(d) of the Act	10 penalty units
26	An offence under section 58(2) of the Act	5 penalty units
27	An offence under section 62(1)(a) of the Act	10 penalty units
28	An offence under section 62(1)(b) of the Act	10 penalty units
29	An offence under section 62(1)(c) of the Act	10 penalty units
30	An offence under section 62(1)(d) of the Act	10 penalty units
31	An offence under section 62(2) of the Act	10 penalty units
32	An offence under section 62(3) of the Act	5 penalty units
33	An offence under section 80(4A) of the Act	25 penalty units in the case of a corporation or 5 penalty units in any other case
34	An offence under section 80(6) of the Act	60 penalty units in the case of a corporation or 12 penalty units in any other case
35	An offence under section 95R(2)(a) of the Act	30 penalty units in the case of a corporation or 6 penalty units in any other case
36	An offence under section 110(3) of the Act	30 penalty units in the case of a corporation or 6 penalty units in any other case
37	An offence under section 113A(3) of the Act	5 penalty units
38	An offence under section 116(1) of the Act	2 penalty units
39	An offence under regulation 8(2)	5 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
40	An offence under regulation 51(3)	5 penalty units
41	An offence under regulation 51(4)	5 penalty units
42	An offence under regulation 52	5 penalty units

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## Schedule 15—Landowner's consent under section 45

Regulation 70

### Part 1

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

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

#### Note

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

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

#### What happens if I give consent?

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

#### If you do give consent:

1. You cannot withdraw your consent and any subsequent owner of the land cannot withdraw a consent you have given.
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 make your consent conditional on 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

**Office Use only:**

**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

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

Signature of landowner:

Name of landowner:

Witnessed by:

Signature of witness:

Name of witness:

Date:

\*Delete if not applicable.

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## Endnotes

### 1 General information

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

The Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019, S.R. No. 48/2019 were made on 18 June 2019 by the Governor in Council under section 124 of the **Mineral Resources (Sustainable Development) Act 1990**, No. 92/1990 and came into operation on 1 July 2019: regulation 3.

The Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 will sunset 10 years after the day of making on 18 June 2029 (see section 5 of the **Subordinate Legislation Act 1994**).

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

##### Style changes

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

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

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

##### Interpretation

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

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).



- **Examples, diagrams or notes**

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

- **Punctuation**

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

- **Provision numbers**

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

- **Location of "legislative items"**

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

- **Other material**

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

## **2 Table of Amendments**

There are no amendments made to the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 by statutory rules, subordinate instruments and Acts.

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

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

#### 4 Explanatory details

<sup>1</sup> Reg. 24(3): S.R. No. 43/2015 as amended by S.R. No. 189/2018.

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##### Fee Units

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

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

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. 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 2019 is \$165.22.

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

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

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

The following table of applied, adopted or incorporated matter was included in S.R. No. 48/2019 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 11	ISO 1928:2009(E) Solid Mineral Fuels – Determination of gross calorific value by the bomb calorimetric method and calculation of net calorific value published by the International Organization for Standardization in June 2009, Third Edition 2009-06-01.	The whole