

The Miner's Right

The North Queensland Miner's Association Incorporated
Representing Miners, Prospectors and Associated Industries

February 2014

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www.nqma.org

Next Meeting
Monday 10th
February 2014

Mareeba Leagues
Club

NQMA Industry Update

DSDIP- Department of State Development, Infrastructure and Planning.

The DSDIP released the draft Cape York Regional Plan for public consultation on the 25th November 2013. The consultation period for the draft will end on the 25th March 2014. NQMA is expecting a Representative from DSDIP to attend the meeting. The Cape York Regional Plan can be viewed on DSDIP Government website. Members are encouraged to view the plan and send in submissions to either the DSDIP or NQMA.

The Regional Planning Interest Bill 2013- was introduced to the Queensland Parliament on the 26 November 2013 and Public submissions to the Bill closed on the 17th January 2014. The Bill is expected to have significant implications for the resources industry, as it creates a new approval requirement for certain activities that are to be carried out in identifies "areas of regional interest" i.e. Repealing the Strategic Cropping Land Act 2011 and identifying SCL as an area of regional interest. Areas of regional interest identified by a regional plan or prescribed by regulation are:

- Priority agricultural areas. (PAA's)
- Priority living areas. (PLA's)
- Strategic cropping areas (SCR's)
- **Strategic environmental areas (SEA's)** – See Cape York Regional Plan. Once we can get a defined map of what tenures or mineralised areas are effected we will be able to put in a submission to the draft CYRP.

The Queensland Plan- a 30 year vision- is a highly inspirational document supporting the future of all Queensland, its people and industry- until you get to pages 20 and 21 of the document. "Environment- achieving balance" Of course it emphasizes protecting the environment, but at what cost to the mining industry? I am a strong advocate of protecting the environment through best practices, scientific studies, (local) community consultation and realistic decisions. Not knee-jerk reactions by organisations that don't live in or know North Queensland.

SSM ILUA-The Native title field inspection, under the new ILUA, can be initiated after the Grant of tenure (once Deeded in to the ILUA) and production can commence when NT inspection has been signed off. The NT field inspection can be organised at any stage by the Miner but won't come into effect until the ILUA's have become active (and deeded into). The risk being that the ILUA's haven't been registered as yet. These issues will need to be taken into consideration as the NTP's will aim to group the inspections into certain time slots over the "dry season". The Mining Registrar confirmed that the DNRM will no longer assist in facilitating NT field inspections under the next ILUA.

DNRM

Dealings that can be lodged online once registered for myminesonline:

- EPM applications.
- Transfer of mining tenures.
- Change of address
- Caveats and Mortgages
- Fossicking permits.
- Associated agreements for Tenures.

DNRM's timeframe for EPM applications is 6 months from lodgement to Grant with no NT and with NT it is within 30 days after the notification period has closed. Miners would be aware that lodging online also requires the NT payment upfront and the Rent to be paid once the work program is accepted or before the close of NT notification period. An important issue to be aware of is when an application (EPM and MDL) has been submitted for 5 years but the grant proposal is only issued for 3 years, the applicant should contact the Department to question the time period allotted if wanting the permit to be granted for the 5 years. Compensation Agreements between Landowners and Miners are no longer required to be assessed for Stamp Duty at the Office of State Revenue and can be lodged directly to the Mines Office. MLA transfers do not need to be assessed by the Office of State Revenue either. OSR are only concerned with Granted Tenures.

Change of Authorised Holder representative has to be lodged through STARS (Service Training and Regulatory Support) in Brisbane.

IRTM will be replaced early 2014 with the world-class GIS system- MinesOnlineMaps.

Instrument Certificate will no longer be issued by the Department for EPM's. As a consequence of this the Instrument Certificate will not be required to be presented on transfers of EPM if it is not available.

Modernising QLD Resource Act- Luke Croton gave an update via phone on the first draft of Legislation changes, which will come out for review early 2014 (addressing the CRA- Common Resources Act). An update on the CRA will be given at the next NQMA meeting. Any Draft legislation will be issued for comment to NQMA members.

DEHP

There have been many comments about correspondence getting lost in transition and as a consequence the Miner has to pay, usually in the form of overdue fee's, but also by having to redo the paper work. The Government have streamlined the process to an extent so far but it is imperative to get DEHP online so that all correspondence is traceable.

AMEC

Federal- At present AMEC are addressing the following issues

- Repeal of mining and carbon taxes.
- Exploration Development Incentive paper.
- Review of Employee Share Schemes.
- Re-instate the immediate deductibility for mining rights first used in exploration.
- Emissions Reduction Fund (ERF).
- Native Title Inquiry commences.
- Environmental reforms being implemented.

Queensland- At present AMEC are addressing the following issues

- DSDIP- Bill "The Bill unfortunately adds greater administrative burdens and has missed the objective of providing clarity for exploration and mining activities. AMEC has made a submission to the Committee and should appear before the Committee in February."
- Financial Assurances- FA policy in QLD will be reviewed following recommendations from AMEC.
- Review of Mineral Development Licences Rents.

Next meeting- 10th February 2014

Vicky Lake

NQMA Executive Committee Member

Call to a men's helpline

Help Line: "Hello my name is Bob, how can I help you?"

Caller: "Hi Bob, I really need your advice on a serious problem. I have suspected for some time now that my wife has been cheating on me, the usual signs: if the phone rings and I answer, the caller hangs up; she goes out with the girls a lot. I try to stay awake to look out for her when she comes home but I usually fall asleep.

Anyway, last night about midnight I hid in the shed behind the boat. When she came home she got out of someone's car buttoning her blouse.

It was at that moment, crouched behind the boat, that I noticed a hairline crack in the outboard engine mounting bracket.

Is that something I can weld or do I need to replace the whole bracket?"

2014 January

Native Title and Mining Report

by Paul.E.Crossland (NQMA Native Title Officer and representative for Native Title matters)

Update on The Native Title Act Section 29 - Right To Negotiate

RTN Batch 1- Western Yalanji Peoples Areas.

The RTN Batch 1 ancillary agreements for the Western Yalanji Claimed areas have been through the native title process and are now in the grant process. Miners who need to have land clearance inspections carried out in order to comply with their obligations regarding Aboriginal Cultural Heritage protection should send the inspection notice to the Western Yalanji Aboriginal Corporation at contact address -

Address: Unit 7B & C, Hort Street, Mareeba, QLD 4880

Postal: PO. Box 2682 Mareeba, QLD 4880

Phone: (07) 4092 6712

Email: admin@westernyalanjicorp.com

The RTN ancillary agreement states that the time frame for inspections is from the month of May to the month of September. For notices received outside this period, it will be up to the Western Yalanji Corporation whether they would conduct inspections.

RTN Batch 2- the Olkola Peoples Areas.

There were 2 mining tenure applicants in this RTN Batch. There has been a change regarding the Olkola Peoples native title claim and the miners in this batch are now no longer required to negotiate agreements. The mining tenures are now in the grant process. The Federal Court heard the matter on 20th August 2013 and a number of Olkola native title claims have been discontinued.

RTN Batch 3- the Ewamian Peoples and the Djungan Peoples Areas.

Ewamian Peoples Area

There are now four miners remaining in this batch, leaving 2 small scale miners and 2 proprietary companies. This batch of mining applications is currently being assisted through mediation provided by the National Native Title Tribunal. The negotiations have mainly been conducted by phone and Email communication. A meeting was held on the 2nd of August 2013 at the Cairns office of the NNTT between the miners in this batch and the new NNTT Member Valerie Cooms. Agreement has been on a number of matters. The outstanding issue has been the amount of costs that the Ewamian Peoples legal representative has sought from the miners. The miners in this RTN batch have made offers to contribute to the native title party's costs based on an amount that the miners can afford, however this amount does not cover the full amount that the native title party's lawyer is seeking. The NQMA Native Title Officer and the NNTT have been endeavouring to resolve this issue and progress the agreement negotiations.

Djungan Peoples Areas- There are 3 mining applicants in this batch who are required to negotiate an ancillary agreement for their mining tenement applications, 1 is a small scale miner and 2 are proprietary companies. The future act representative acting for the Djungan Peoples is the North Queensland Aboriginal Land Council. Initial consultation with the Djungan People's negotiation team began during the negotiations for the new Djungan Small Scale Miner ILUA in late 2011. Since then there has been a change to the Djungan People's representatives, due to the finalization of four native title claims.

On the 2nd of August 2012, the Federal Court handed down their determination for the Djungan Peoples #1, #2, #3, and #4 native title claims near Mt Mulligan, finding that native title exists in the whole of the claimed areas. Under the National Native Title Act 1993 s55- 59A, the usual determination made by the Federal Court includes that the native title rights and interests of the native title claimants are to be administered by a Registered Native Title Body Corporate (RNTBC). The Djungan People formed their RNTBC, the Nguddaboolgan Native Title Aboriginal Corporation in 2013. The RNTBC is defined as a native title party under the NTA1993 s30, which has the result that the RNTBC is involved in the RTN process as the formal body which oversees the administration of the native title claim areas. This includes holding community and authorization meetings for agreements between the registered native title claimants and third parties such as mining applicants. The registered native title claimants remain the signatories for each agreement in their particular claim area.

The NQLC has advised that a meeting was held in October 2013 with the Djungan People's RNTBC and others to consider the negotiation of the ancillary agreements in the Djungan RTN batch. Negotiations of these agreements are expected to progress after the authorization of the new Small Scale Miner ILUA.

RTN Batch 4- Birriah Peoples Area

This batched RTN was advertised on the 27th of June 2012, the native title party closing date was the 27th of September 2012 and the objection closing date was 29th October 2012. The NQMA is representing one miner with the negotiation of an agreement for two mining leases in the Birriah Peoples Area near Charters Towers. The mining party and the native title party are considering two standard ancillary agreements, one proposed by the Birriah People and one proposed by the NQMA (the NQMA Standard Ancillary Agreement). The matter of costs for the Birriah People to participate in negotiations of an agreement has yet to be decided before the miner would be able to proceed with the negotiations. The miner finds that it is not reasonable to expect him provide for all the costs of the native title party to participate in and attend negotiation meetings. He believes that it would be a financial risk to make such a commitment without a quote or written advice from the native title party's legal representative on the estimated cost he would be expected to pay.

Cont Page 4

In general agreement negotiations, each party bears their own costs, but when it comes to negotiating mining agreements, the costs burden appears to be placed upon the mining party.

The Mareeba Area Batched RTN

This batch of RTN notices was advertised in January 2013. The notification date was the 6th of February 2013. The native title party closing date was the 06 May 2013 and the objection closing date was 06 June 2013. This batch consists of twelve mining lease applications and three EPMs. Of this batch, three miners have mining tenure applications that fall within native title claim areas. There are two Small Scale Miners in the Western Yalanji native title claim area that are required to negotiate an agreement to satisfy the native title obligations for their mining applications. One application is for a renewal of a granted mining lease with a change of conditions – to extend the term of the lease beyond the term that it was originally granted for. The Western Yalanji Small Scale Miner ILUA that was in force at the time did not allow for the renewal of a mining lease for a term that is longer than what it was granted for. This change of conditions has triggered the RTN process as it could not be processed under the existing Small Scale Miner ILUA.

The other miner in the Western Yalanji native title claim area has three mining lease applications that require a negotiated agreement before the State can grant them.

Another miner has 2 mining lease applications in the Ayapathu Peoples area, 40 kilometers south of Coen, in the historical Ebagoola gold mining area. The native title claimants live in the Coen area and the miner is expected to travel to Coen with the NQMA Native Title officer to conduct negotiations after the wet season is over. At present, discussions have commenced by telephone between a representative for the Ayapathu People and the representative for miner.

Mining tenement applicants in any of the RTN batches who wish to have the NQMA represent them in the negotiation process need to be financial members of the NQMA and authorize the NQMA to act on their behalf by contacting Paul.E.Crossland, Native Title Officer.

For any information relating to the RTN process please contact the NQMA Native Title Officer.

The NQMA Standard Ancillary Agreement is available to mining applicants by contacting the NQMA Native Title Officer.

Update on the Small Scale Miner Area Indigenous Land Use Agreements

by Paul.E.Crossland.

Western Yalanji Peoples SSM ILUA

The Western Yalanji Small Scale Miner ILUA is presently with the National Native Title Tribunal for the registration process. The Land Access Unit within the Department of Natural Resources and Mines has advised that the ILUA is undergoing the public notification advertising. The ILUA was advertised on the 26 of January 2014 and the notification period commenced on the 22 January 2014 and ends on 22 April 2014. The notification advertisement was published in the Koori Mail and Cairns Post on the 15th of January 2014. The public notice period will run for three months from the notification date. This period is to allow for any member of the public who believe they have a valid objection to the ILUA to make an objection in the prescribed manner. Providing that there are no objections from the public regarding the new ILUA, it is expected that the new SSM ILUA will become available for miners to deed into by mid 2014.

Cont Page 6



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APPLICATION FOR MEMBERSHIP

ABN 76 525 585 093

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the undersigned, being an eligible person, partnership, or company, hereby apply for Membership of
the North Queensland Miners' Association Inc. (See eligibility clause below)

BUSINESS NAME.....

POSTAL ADDRESS.....
..... POSTCODE.....

CONTACT PERSON.....

Phone No during day:.....Fax No:.....

E-mail address if available.....

NUMBER and LOCATION of MINING TENEMENT/S held or ASSOCIATION WITH MINING
INDUSTRY.....
.....

I/We hereby agree to comply with the Rules and Regulations as prescribed in the Constitution of the
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☐ **Full Membership.** Enclosed herewith is Annual Membership Fee of \$100.00.

Eligibility for Membership: 'Any person, partnership or company who: is actively involved in mining or prospecting; holds or has an application for any mining tenure allowable under the Queensland Mineral Resources Act 1989 or any Act that replaces it; has a tenement before the Land and Resources Tribunal; or has a direct professional interest in the mining industry.'

☐ **Corporate Membership.** Enclosed herewith is Annual Membership Fee of \$250.00.

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☐ **Associate Membership.** Enclosed herewith is Annual Membership Fee of \$40.00.

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SIGNED

DATE/...../.....

Please send Application Form to:

NQMA Treasurer: Terry Edwards, P O Box 133, Malanda QLD 4885

Ph 07-40965094 email : tezzedwards@gmail.com

The Ewamian Peoples SSM ILUA

The Ewamian Peoples SSM ILUA has been certified by the North Queensland Aboriginal Land Council and has been signed by the Ewamian Peoples representatives and the NQMA representatives. The registration process has been delayed due to the Federal Court's determination of the Ewamian People #2 and #3 native title claims. The consent determination was handed down on the 11th of November 2013. The NTA 1993 required that the Ewamian People form a Prescribed Body Corporate for the new native title claims and the existing PBC had to be amended to reflect the newly determined claims. The PBC is required under the Native Title Act to become a party to the ILUA through a Deed of Assumption. The NQMA will also need to sign the Deed as a party to the ILUA. The State is awaiting the Deed of Assumption from the Ewamian PBC. Once the State has received the Deed, it will proceed with its process to sign the ILUA before sending it to the NNTT for the registration process. The registration process generally takes from five to seven months and includes the publishing of a public notice in a newspaper widely circulated amongst indigenous communities (such as the Koori Mail) and a major newspaper in the local area to the ILUA.

Djungan Peoples SSM ILUA

In August 2012, four Djungan native title claims were determined by the Federal Court and the Djungan People formed their Registered Native Title Body Corporate (RNTBC) in 2013. Under the NTA1993 s30 24 CD, the RNTBC is required to become a party to the proposed Small Scale Miner ILUA. I have been advised by the North Queensland Land Council future act lawyer that the Djungan people's RNTBC and other native title claimants have considered the new Small Scale Miner ILUA at a community meeting. The RNTBC has instructed the NQLC to proceed with the authorization meeting process with a view towards authorization of the new SSM ILUA. The NQLC plans to schedule the authorization meeting in the first quarter of 2014.

To avoid any confusion, I advise that once the new SSM ILUA has been authorized by the native title parties, there are other stages required in the process for the new ILUAs. There will still be several months required for the registering of the ILUAs by the National Native Title Tribunal before the ILUA will be available for miners to deed into to satisfy the native title obligations for their mining tenure applications.

Contacts: Paul.E.Crossland- (07) 4095 3324 Email- pc403@bigpond.com
Graham. Byrne- (07) 4091 4905

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12.30 pm

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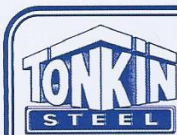
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Thanks to Chris Larkin for this contribution.



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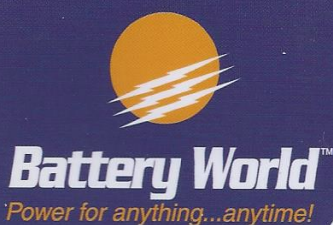
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