



THE MINER'S RIGHT

The North Queensland Miner's Association Incorporated
Representing Miners, Prospectors and Associated Industries
November 2015

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EDITOR:

Fiona Abbey &
Claire Mackney

WEBSITE:

www.nqma.com.au

Next Meeting:

Monday
9 November
Mareeba Leagues
Club 12:30pm

Robert Logan Jack Trip – October 2015

Contributed by: Kim Hillier

Prospectors and geologists speak in revered tones when the name Robert Logan Jack is mentioned. Born in Scotland in 1845, Robert Logan Jack was appointed to the position of Geological Surveyor for North Queensland in March 1876 and first Government Geologist for all of Queensland in 1879. He meticulously surveyed and mapped coal and mineral fields in Northern Queensland, discovering payable gold in several places. As well as being a diligent scientist, RL Jack's personal qualities made him many friends and he was respected by all who met and knew him.

In 1899, after 22 years of exceptional service to Queensland, Jack and his son, Robert Lockhart Jack, set off for China to investigate metalliferous deposits in Szechuan. He returned to Australia in 1904 and worked as a geological consultant in Western Australia before moving to Sydney in 1910 and continuing to work as a consultant while writing his most outstanding publication, *Northmost Australia*. He died in 1921, aged 76, leaving a wife and son who carried on in the geoscience industry with distinction.

Robert Logan Jack's contribution to both the geology of Queensland and the development of Queensland has been documented by well known local mining identity, Ross Thomas, Mines Inspector (ret.), in his self published homage to RL Jack, *The Classic Robert Logan Jack Map Collection*, 1999. I am fortunate to have book number 463 of the 1000 that were printed. I was fortunate once again when NQMA member Graham Steine asked me to accompany him, John Cavill Jones and RL Jack's grandson, also named Robert Logan Jack, his wife Liz and wife's sister Barbara, on a trip to the Memorial Cairn in the Palmer River area which was erected by the NQMA on a Survey Mark established by RL Jack in 1895 close to Folders Hotel.



Don't be deceived by the distance. It's an 8 hour drive and much harder going north than south.

Continued on page 2....

Robert Logan Jack Trip – October 2015 continued....

NQMA member and surveyor, John Cavill Jones, led the excursion. John had re-surveyed in the Permanent Survey Mark and refurbished the Cairn after vandalism a few years back. He had also taken RL Jack Junior's sister Felicity there as well so he knew the country and the old coach road from Laura to Maytown. John thought it prudent to take two vehicles as the road is pretty rugged and not maintained due to its heritage values. The road up the escarpment was literally carved through the sandstone by hand with picks and the pick marks are still visible.

We set off from Mareeba at a respectable morning hour, lunched at the Palmer River Roadhouse, then took the long way to Laura via Cooktown and the often spectacular Cooktown-Laura Rd. Our group arrived at Laura like all good sundowners do, at sundown, only to be told that the accommodation John had arranged wasn't available. This left us in a predicament only decisive action and money could fix. Fortunately our party had both and we were soon washing the dust down with some cold ones and getting our fill of enormous steaks at the Laura pub.

Next morning, we skipped breakfast, grabbed our lunches from the Laura Roadhouse and set off for the Cairn, a mere 60 km away via the Coach Road. The first 40 km was on the flat country, was two-wheel drive and took only 30 minutes to an hour to reach the first 4WD challenge at the bottom of the jump up on to the sandstone mesas. The next 47 km took 6 hours including the 30 minute lunch stop at the Cairn. This track is not for the faint hearted or lazy - don't be afraid to get out of the car before tackling an obstacle and checking it out. For the record, John's early 90's Nissan GQ did it way easier than Graham's 80 series Cruiser.

Robert Logan, Liz and Barbara, thoroughly enjoyed the adventure. Rob and Liz are Londoners so it was a totally new experience for them.



Photos by Kim Hillier. Robert Logan Jack Jr, his wife Liz on the right and her sister Barbara on the left. Replacement plaque on the Cairn after the original plaque was stolen.

Secretary Report

By Fiona Abbey

Our September meeting brought on the Annual General Meeting with the following elected into the positions for the next 12 months:

President: Ralph De Lacey

Vice-President: Frank Markert

Treasurer: Vicky Lake

Secretary and Editor: Fiona Abbey

Additional Executive Committee Members: Paul Crossland, Graham Steine, Ken Wilson, James Said, Amanda Blazely and Claire Mackney.

Native Title Officer: Paul Crossland

Environmental Issues: Amanda Blazely and James Said

Mining Heritage Issues: Ken Wilson

Northern Gulf Representative: Vicky Lake

Mitchell River Rep: Rob Ryan

Publicity Officers: Graham Steine and Fiona Abbey

Social Media: Claire Mackney

Gold Panning Co-ordinator: Fiona Abbey

On behalf of the NQMA I thank all past positions and welcome any new committee members in the above positions.

There are rumours and concerns in regards to the Mareeba District Office and the availability of future services being delivered from the front counter, at this and other regional offices in Queensland. As many miners take the opportunity to call into the Mareeba office when in town, to check on applications, renewals and lodge dealings etc the NQMA feel that it is unjust if these services are taken away, only to be replaced with faceless contact through phone call and emails to the Mineral Hub based in Townsville. Emails are now coming out from Mineral Hub with no names associated to the writing of the email. This further confirms they are expecting miners to accept this faceless/nameless approach when dealing with DNR. NQMA have forward a letter of deep concern to Dr Anthony Lynham MP, Minister for State Development and Minister for Natural Resources and Mines and we awaiting reply. We may have representation at the next NQMA meeting from the Mineral Hub to explain what is happening to these services.

2016 Calendars are being printed and will be coming out to all members sometime in November. They have all the meeting dates so Members can be well prepared to attend all our meetings in 2016! ☺

This will be the last Miners Right for the year with the next one coming out in early February 2016. On behalf of NQMA Executive Committee I would like to wish all Members a very merry holiday season and prosperous new year. The challenges that we have met this year will not be going away any time soon and we will continue to battle through these, hopeful for successful solutions in 2016. We encourage all Members to come along to meetings or have their say through letters/emails/submissions. We appreciate our members having conversation with other miners and associated businesses to encourage them to join up to our worthy association!

EMERGENCY MANAGEMENT FIRE & RESCUE LEVY

Update provided by: Vicky Lake, NQMA Treasurer

The Etheridge Shire Mayor, Mr Will Attwood tabled a motion at the Annual LGAQ conference in October addressing EMFR issues that are impacting on the Councils and the mining industry.

Number and title of motion 55 - Rating - Emergency Management Fire and Rescue Levy - Amend Classification of Small Mine Operations Motion that the Local Government Association of Queensland lobby the State Government to amend the Emergency Management Fire and Rescue Levy (EMFRL) to minimise the impact on small mines such that they levy be based on the schedule for unimproved land when the mine is not being operated.

Background Local Government are currently responsible for administering and collecting fees associated with the EMFRL. Many small miners are not in a financial position to pay the levy based on the current methodology for calculation resulting in many small miners being overdue in their payment of this levy or being burdened with the requirement for the preparation of a statutory declaration to justify non activity of the mine.

What is the desired outcome sought?

What are the impacts (positive or negative) on local government?

That the State Government review the EMFRL to minimise the financial impact on small miners.

The administrative burden for collecting and managing the Fire and Emergency Services Levy has resulted in councils receiving numerous complaints from small miners and an additional workload for under resourced councils to absorb. Councils are positioned to be the State Governments debt collector for miners who do not pay resulting in councils being forced to choose between enforcing payment and receiving community back lash or ignoring the issue and not complying with State Government requirements.

LGAQ comment The current LGAQ Policy Statement says: Fire Services 3.6.3.1 Administration of the Emergency Management, Fire and Rescue Levy (EMFRL) should be made as simple and practical as possible by the State Government to minimise the burden placed on local governments by this additional function. 3.6.3.2 Local governments should be fully compensated for all costs involved in establishing and administering the EMFRL.

LGAQ has previously sought to have the definition of "prescribed property" reviewed and aligned with the definition of property used by the Valuer-General under the Land Valuation Act, with a view to decision making by councils on what levy is to be applied to property easier and more straight forward.

Unfortunately, the State Government has not agreed that this is necessary, so councils continue to have issues raised by ratepayers regarding the EMFRL. These definitions have been in place since the mid 1980's and do not really reflect modern land uses and relativities.

The Emergency Management, Fire and Rescue Levy Scheme Administration Procedures Manual says: Local governments must, in accordance with section 112 of the Act: a) Identify what properties are liable for the levy b) Identify the levy for each prescribed property situated in a district c) Issue levy notices to the property owners.

The Manual also says:

Remember: If when determining a levy group for a property, it is difficult to determine a sole usage, the property should be classified in the highest levy classification. E.g. A house / shop will be classified as a shop. See section 9 of the Regulation.

Hence, at present councils have a legislated obligation (with no over-riding provision about applying some common sense discretion) to classify a property in accordance with the regulated schedules and definitions.

The issue of small / non-operational mining leases was raised in Parliament in June 2015, when the Minister suggested:

Continued on page 5...

EMERGENCY MANAGEMENT FIRE & RESCUE LEVY continued from page 4...

If holders of mining claims or mining leases disagree with the category that their local government has determined and the land is vacant, without permanent structures and is not being used for the extraction of material from the ground, the holder of the mining claim may submit Statutory Declaration to their local council, for their consideration.

Whilst this approach is a "get-around" it does not address the fundamental practical issue faced by councils in applying archaic definitions, schedules and guidelines to the devolved task of levying and collecting State EMFRL revenues.

Mr Attwood presented a resolution to have the Levy reviewed especially as it applies to small miners. This resolution was passed unanimously and will now be taken up by the LGAQ with Government.

Jason Smith from PSBA on behalf of QFES should have a submission finalised by the end of this year or early next year, which will be review by all stakeholders before be progressed to legislation.

So now we wait to see what this submission entails...

State Small Scale Mining ILUA adjusted fee schedule for 2015/2016

Please see below table for adjusted fee schedule for the Western Yalanji People and Ewamian People SSML. The ILUA's provide for invoicing for payment by the anniversary date of your lease.

| Tenement Type | Rate (exclusive of GST) up to 30/6/16 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Exploration Permits | Refer to NTPCs |
| Prospecting Permit | \$53.16* per permit |
| Mineral Development Licence | \$531.75* for the first 50 ha then \$10.63* per ha thereafter for the balance of the Mineral Development Licence area per annum |
| Mining Lease | \$531.75* for the first 50 ha then \$10.63* per ha thereafter for the balance of the Mining Lease area per annum |
| Mining Claim | \$74.43* per annum |

Updated fee schedules for annual fees and inspection rates will be made available on the NQMA web page shortly.

Native Title Protection Conditions

Compiled by: Claire Mackney & Paul Crossland

Exploration Permit Minerals granted under expedited procedures processing.

When applying for an Exploration Permit Minerals (EPM) you are given options for choosing a native title process. Often the fastest process for small scale exploration and non-surface disturbing activities is the expedited procedures process which are subject to the conditions of the Native Title Protection Conditions (NTPC).

Obligations under the NTPC's include, but are not limited to;

- Notifying the relevant Native Title Parties of the grant of permit within 7 business days (clause 11);
- Notifying the Native Title Parties of exploration activities prior to commencement (clause 3);
- Notify of changes to proposed exploration activities (clause 12);
- Arranging of meetings or Field Inspections of the notified exploration areas depending on the nature of the notified proposed exploration activities (clause 5);
- Comply with the recommendations of an Inspection Report or follow the appropriate dispute process (clauses 5.5, 5.6 and 6.7);
- Notify Native Title Parties of any Cultural Heritage Finds while conducting exploration activities (clause 9);
- Pay Administrative Fees in accordance with the NTPC per the adjusted CPI schedule (clause 8); and
- Notify Native Title Parties of assignment of EPM (clause 13).

EPM applications processed through expedited procedures have a four month notification period, if there are no native title parties or objections in this time, the permit will be granted subject to the NTPC's. If the registered Native Title Party objects to the application progressing under the expedited procedures, the parties may enter negotiations which will delay the grant of the permit.

Costs associated with the expedited procedures process include Annual Administration Fees (schedule on following page) which are CPI adjusted on 1 July of each year. Activity dependent, Inspection Fees may also apply.

Any queries on invoices received should in the first instance be directed to the issuing Native Title Body Corporate.

A copy of the Native Title Protection Conditions and applicant information can be found on the business portal at <https://www.business.qld.gov.au/industry/mining/land-access-environment/native-title/expedited-procedure/understanding>.

Forms for notifications can be found at <https://www.business.qld.gov.au/industry/mining/land-access-environment/native-title/expedited-procedure/forms-native-title>.

The Field and Land Access Unit can be contacted on 07 4447 9226 for further clarification as required.

Eligible Activity Table and NTPC Fee Schedule available on page 7 of this publication.

| Activities eligible to be performed after notification to the native title party (agreed activities) | Activities eligible to be performed after notification but requiring an inspection of the proposed area by the native title party |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Aerial surveys | Levelling of drilling pads and digging of sumps |
| Geological and surveying field work that doesn't involve clearing | Fence line changing |
| Sampling by hand methods | Open trenching or costeaning with an excavator |
| Ground-based geophysical surveys that don't involve clearing | Vegetation clear-felling |
| Environmental field work that doesn't involve clearing | Construction of an exploration camp, concrete pad, sewage or water treatment facility, or fuel dump |
| Drilling and activities associated with drilling that don't include: <ul style="list-style-type: none"> clearing or excavation, other than the minimum necessary to establish a drill pad for a mobile rig clearing or excavation for access to a drill site site hill excavation for access or drill pads as would be necessary on steep slopes drilling in a watercourse or stream diversion clearing in densely vegetated areas | Geophysical surveying with physical clearing Seismic survey using explosives Construction of a track or access road |

Eligible Activities under the Expedited Procedure (source: Business Portal)

| Annual Administration Fee | | | | | |
|---------------------------|--------|------------|-----------------------------------|-----------------------------------|---------------------|
| Financial Year | Clause | A | C1 | C2 | Amount as at 1 July |
| 2015/2016 | 8.1 | \$1,211.00 | Indexation on 1 July 2015 – 3.47% | Indexation on 1 July 2014 – 3.42% | \$1,253.00 |
| 2014/2015 | 8.1 | \$1,171.00 | Indexation on 1 July 2014 – 3.42% | Indexation on 1 July 2013 – 3.45% | \$1,211.00 |
| 2013/2014 | 8.1 | \$1,132.00 | Indexation on 1 July 2013 – 3.45% | Indexation on 23 July 2012 – 3.5% | \$1,171.00 |
| 2012/2013 | 8.1 | \$1,094.65 | Indexation on 23 July 2012 – 3.5% | CPI on 30 June 2011 184.1 | \$1,132.00 |
| 2011/2012 | 8.1 | \$1,062.75 | CPI on 30 June 2011 184.1 | CPI on 30 June 2010 177.3 | \$1,103.51 |
| 2010/2011 | 8.1 | \$1,029.83 | CPI on 30 June 2010 177.3 | CPI on 30 June 2009 171.8 | \$1,062.75 |
| 2009/2010 | 8.1 | \$1,009.45 | CPI on 30 June 2009 171.8 | CPI on 30 June 2008 168.4 | \$1,029.83 |
| 2008/2009 | 8.1 | \$960.30 | CPI on 30 June 2008 168.4 | CPI on 30 June 2007 160.2 | \$1,009.45 |
| 2007/2008 | 8.1 | \$936.32 | CPI on 30 June 2007 160.2 | CPI on 30 June 2006 156.2 | \$960.30 |
| 2006/2007 | 8.1 | \$899.15 | CPI on 30 June 2006 156.2 | CPI on 30 June 2005 150 | \$936.32 |
| 2005/2006 | 8.1 | \$876.97 | CPI on 30 June 2005 150 | CPI on 30 June 2004 146.3 | \$899.15 |
| 2004/2005 | 8.1 | \$850.00 | CPI on 30 June 2004 146.3 | CPI on 30 June 2003 141.8 | \$876.97 |
| 2003/2004 | 8.1 | \$850.00 | | | \$850.00 |

Administration Payment Table (source: NTPC)

Native Title Round Up

By Paul Crossland, NQMA Native Title Officer
(07) 40953324 Email: pc403@bigpond.com

Please note, there have been no updates to the progression of native title matters since the September edition of the Miner's Right. The below information, per the September issue is still current.

Update on Native Title Act Section 29 - Right To Negotiate RTN Batch 3- the Djungan Peoples Areas

The public advertising and notification date for this RTN batch was 14 December 2011. There are 2 mining applicants in this batch who are required to negotiate an ancillary agreement for their mining tenement applications. Both are small proprietary companies. The future act representative acting for the Djungan Peoples is the North Queensland Aboriginal Land Council. The NQLC has advised that further discussions are planned to be held with the Djungan People's Registered Native Title Body Corporate to progress the Djungan RTN batch.

Assistance to RTN applicants

Assistance is available to mining tenement applicants in the RTN process who are NQMA members. The type of assistance available is: advice on the process and interpretation of the required documents, advice on "what to do next" with the process and establish a contact point between the applicant and the Native Title Party. The NQMA has a Standard Ancillary Agreement that is available to mining applicants. This purpose of this agreement is to save time and costs of drafting an agreement from scratch and it has been based on the new Small Scale Mining ILUAs.

Update on the Small Scale Mining Indigenous Land Use Agreements (SSM ILUA)

There are two Small Scale Mining Indigenous Land Use Agreements presently in place. The new Western Yalanji SSM ILUA was registered on the 23rd of April 2014. The new Ewamian SSM ILUA was registered on the 24th of April 2014. Mining applicants who wish to utilise the provisions of the new SSM ILUA should contact the Department of Natural Resources and Mines regarding deeding into the ILUA. Miners who need to have land clearance inspections carried out in order to comply with their obligations regarding Aboriginal Cultural Heritage protection should send a copy of the inspection Notice as per Schedule 4 of the SSM ILUA to the relevant Native Title Party and a copy to the North Queensland Aboriginal Land Council.

Djungan Peoples SSM ILUA

The Djungan Peoples Small Scale Mining Indigenous Land Use Agreement (SSM ILUA) was considered at the Djungan Peoples community meeting held in Cairns on the 10th April 2015. A resolution was passed by the Djungan Peoples representatives who attended the community meeting, to proceed to authorization of the new SSM ILUA. The authorization meeting was held on the 24th April 2015 in Cairns. The new Djungan SSM ILUA was duly authorized by the Djungan Peoples. The NQMA signed the documents on 1st of May. The new ILUA has since been taken to the Queensland State Government for signing by the Minister before it goes to the National Native Title Tribunal for registration.

To avoid any confusion, now that the new Djungan SSM ILUA has been authorized by the native title parties, there are other stages required in the process for the new ILUA. There will still be several months required for the registering of the ILUA 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.

Mareeba Heritage Centre Inc

Saturday 28th November 2015

Come and celebrate the 20th Anniversary Birthday Party to be held at the Mareeba Heritage Centre next to Centenary Park. Activities will be held between 10 am and 2 pm.

Prizes for best Heritage Costume, games and competitions and a mini Gold Panning Competition supported by the North Queensland Miners Association Inc.

A great family day out!

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Any members who have projects with the commodity gold, copper, jade or opals who are looking to sell whole or part of the project or are looking for investors, please contact Ray Chen from New Century Mining on 0402 386 160 or email ncmaus88@gmail.com or cccsyd@gmail.com

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- Mining Tenure Management 07 4093 0052

Editors Notes:

We thank all members and committee members for their contributions to the Miner's Right and our ongoing quest for information and resolution in regards to issues affecting miners in Queensland. We welcome your feedback, contributions and suggestions for future issues. Our last General Meeting for the year is on the 9th November, it would be a great opportunity to network and have your say on matters of concern.



Contact: Mr Reuben Thomas

Phone: 07 40566516

Mobile: 0407080673

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Did you know?

The NQMA can be found online at the new location of <http://www.nqma.com.au> and we're also on Facebook at

<https://www.facebook.com/NorthQueenslandMinersAssociation>.

Please feel free to provide content suggestions for either site to Claire.Mackney@bigpond.com



NORTH QUEENSLAND MINERS' ASSOCIATION INC.

ABN 76 525 585 093

APPLICATION FOR MEMBERSHIP

I/We.....
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 North Queensland Miner's Association Inc.

☐ **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.

Eligibility for Membership: 'Any company which: 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.'

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

Eligibility for Associate Membership: 'Any person or partnership who has interests in fossicking for gold, gems and metals; or any company or individual providing goods or services to the mining industry but not directly involved in mining'.

SIGNED

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

Please send Application Form to:

NQMA Treasurer: Vicky Lake, C/- 395 Lake Street, CAIRNS NORTH QLD 4870
email: vickylake074@bigpond.com