



THE MINER'S RIGHT

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

March 2021

NQMA General Meeting 11am, Monday 10th May 2021 at Mareeba Leagues Club

To buy, or not to buy, that is the question....

Buying mining tenure is hardly the stuff of Shakespeare's plays, but there is a number of questions a prospective buyer should be asking.

Often times an agreement is struck on a handshake after seeing an advertisement for a permit and taking the information on face value. The list of obligations and requirements relating to mining leases runs much deeper than what mineralisation is present on the permit.

Things you should know about going into the purchase of production tenure include (but are not limited to) things like the native title process and agreement the permit is subject to, the landholder agreement and conditions, the environmental conditions. Is the rent paid, and has all required reporting been addressed? Is there a financial assurance held against the permit?

When it comes to the mineralisation of a lease, a site visit is always recommended unless there is solid evidence by way of assays and a geological report to back the assertions of the seller.

Both the buyer and the seller need to be aware of the obligations and responsibilities associated with the transfer and familiarise themselves with the processes that are required for the circumstances specific to the permit/project.

Editors Notes:

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Disclaimer: *While every effort is made to ensure that information provided in the Miners Right is correct, it should not be relied on when making decisions in relation for your business. The NQMA committee recommends that appropriate professional advice should be sought.*

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Quick notes

EPM rent relief was extended to all EPM's with anniversaries prior to 31 March 2021. If your EPM anniversary falls due in April (or beyond), expect to receive an invoice for the year forward.

EA Annual Returns are due for lodgement by 1 April 2021. The form has changed again this year, so ensure that you read the notes on the left side of the page carefully to ensure you answer correctly. Incomplete or incorrectly completed forms will be returned for correction and re-lodgement.

Permit Expiry dates – a reminder from the department to be aware of the expiry dates and renewal requirements for your permits. Mining lease and mining claim renewals should be lodged no later than 6 months prior to expiry, exploration permit renewals should be lodged no later than 3 months prior to expiry. You can apply for late lodgement consideration for lodgements up to the date of expiry. If your permit expires, you cannot get it back (unless you re-apply for the area). The upshot is, if you want to renew your tenement, ensure that you do it in a timely fashion!

“Genius is the gold in the mine, talent is the miner who works and brings it out”

– Marguerite Gardiner

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Negotiating Landholder Compensation

Miners are required to reach a compensation agreement with a landholder prior to the grant of tenure. For new applications, this should be done within 3 months of the close of objections period for the mining lease notice issued. Tenure with renewal applications need to have the compensation agreement lodged within 3 months post expiry.

A copy of *A guide to landholder compensation for mining claims and mining leases* (the Guide) is required to be served on landholders whose land is subject to compensation. It is recommended that Miners familiarise themselves with the publication (https://www.dnrme.qld.gov.au/data/assets/pdf_file/0007/1441447/landholders-compensation-guide.pdf).

According to the Guide, a mining lease is defined as follows:

“A mining lease is a resource authority that allows larger scale mining operations. Mining leases can be issued for any specified mineral including coal or a specific purpose and allow the holders of these authorities to mine using machinery and other activities related to mining (such as constructing a processing plant or installing powerlines). The miner has exclusive access for any purposes authorised by the lease to any surface land included in the mining lease while it is in force.”

Mining lease access land is determined differently, as it is a shared use of the land, not exclusive possession. These factors are important to keep in mind when negotiating a compensation agreement.

When the landholder and the miner work together to reach a compensation agreement both parties can walk away with an agreement that suits both their needs. This can include monetary compensation and/or in-kind works such as road or dam construction, biosecurity requirements or other suitable work.

In the event that the parties cannot reach agreement, the matter can be referred to the Land Court for determination. It is important to consider that the Land Court can only determine a monetary value for compensation. They cannot compel either party to comply with other desired conditions (such as road maintenance, vehicle washdowns etc).

If you must proceed through the Land Court for the determination of your compensation matters, it is strongly advised that you read Land Court Practice Direction 3 of 2019, Procedure for deciding Compensation Disputes and Conduct and Compensation Disputes (https://www.courts.qld.gov.au/data/assets/pdf_file/0008/597500/lc-pd-3of2019-Amended.pdf) to gain an understanding of how the Court Process will work.

Post grant, non-payment of compensation may be met with compliance action against the Miner.

More information can be found on the departments website at <https://www.business.qld.gov.au/industries/mining-energy-water/resources/landholders/landholder-compensation>. The information is written in a way that addresses landholders, however all the relevant information is provided for either party.

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The NQMA is a proud member of the Queensland Small Miners Council (QSMC). The QSMC is made up of 5 small mining associations working together to engage with government to ensure our voices are heard. I encourage all members to have a look at the website, <https://www.qsmc.org.au/> to see what we are up to collectively.



Queensland Sapphire
Miners Association Inc



North Queensland Gold
Miners Association Inc



Queensland Opal Miners
Association Inc



Queensland Boulder
Opal Association Inc



Yowah Opal Mining
Community Services Inc

Resource Users Group (Land Court) Feedback

By Amanda Blazely

One of the points raised by President Kingham, convenor of the meeting was that the Land Court is encouraging parties to seek ADR (Alternate Dispute Resolution) before a matter between two parties progresses to a point that the parties are heading towards a court hearing.

I support this wholly for the following reason.

Unfortunately, government policy requires the miner submit an Originating Application to the Land Court if there is no Compensation Agreement in place within 3 months of the last date of objections to the mining lease/claim etc application to the Department.

This can trigger the following:

A formal letter from the Land Court is provided to the Respondent (always the land holder) and one to you the miner (always an Applicant), containing Direction Orders.

Letters from any Court can cause responses that may include anxiety, anger, pretty much a 'How dare they?!' response. Therefore, from the beginning the parties (Respondent - land holder, Applicant -you as the miner) are in 'fight mode'.

This is not conducive to 'negotiating in good faith'.

Whilst some people may think it would be more costly to go down the ADR path, the cost (monetary and personal time) they could end up spending remaining in this 'fight' mode should be considered.

President Kingham made the comment along the lines that while ultimately it could do them out of a job, it is the Court's belief that the parties have a better chance of reaching an Agreement if they have worked through their differences from the beginning.

If you have upcoming agreements to work through with a land holder I suggest you go through the included ADR flowchart to gain an understanding of what it entails.

President Kingham reminded participants that a number of mediators in the Far North are available. The Land Court website provides a list of these [here](#).

A phone call to inquire about their cost and to gauge whether the mediator would be worthwhile in assisting you in a procedure you have found yourself in, could be well worth your time.

Vehicle washdowns, an art form....

In November 2020 a small group of Miners tracked down an RTO to provide training in AHC BIO201 Inspect and Clean Machinery for Plant, Animal & Soil Material. We were fortunate enough that the RTO in question had some other training in Far North Queensland and we were able to arrange for a group of 11 people to receive the (statement of attainment) qualification on 7th December 2020.

It seems simple enough to wash a vehicle (or machinery) but when it comes to certifying a vehicle/equipment as being clean and free of plant, animal & soil material, that becomes a little more serious. There are many hidey holes where mud and weed seeds might be present and in order to certify that your vehicle is clean, they all must be inspected.



The Trainer supervising Raymond's washdown techniques.

The NQMA may be able to facilitate this training (by liaising with the RTO to travel to FNQ) in future if there is enough interest in attending the one day course. Please contact us via email to info@nqma.com.au to register your interest.



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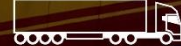
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FOR SALE/WANTED

FOR SALE

EPM 26321

21 sub-blocks on the North Palmer River. Expiry 1 May 2023.

ML 20715

42.81 on the North Palmer River. Expiry 31 May 2028.

Contact Claire at Avoca Tenement Consulting on 07 4092 6743 for more information.

MINING LEASES FOR SALE

ML 20472 (granted)

ML 20473 (granted)

ML 100219 (application)

ML 100238 (application)

Contact 0408 011 994 for more details

Are you looking to buy plant and equipment? Have a mining lease, or project you would like to sell? If so, email the details to info@nqma.com.au before 26 April 2021 to have your ad included in the next edition of the Miners Right.

WANTED

Wanting to purchase a small mining lease in the Palmer Goldfields Resource Reserve (R16).

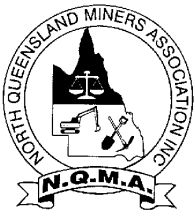
Phone Paul on 0429 107 186.

Resources Info Line 137 107

Are you having concerns with a landholder? Has someone been trespassing on your mining lease? Have you seen something industry related that needs reporting?

The department has a dedicated phone number for seeking information and reporting matters relating to field and land access, mining and fossicking. Collect as many details as you can, such as vehicle descriptions, number plates, offender description so you can provide it when you call.

Please contact Department of Resources on 137 107 or resources.info@resources.qld.gov.au to discuss your concerns or register a complaint.



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: PO Box 1548, Mareeba Qld 4880 or
email: info@nqma.com.au

Payment can be by cheque, cash at the next meeting or EFT. (Preferred) Details:
Bendigo Bank - BSB 633-108 - A/C 1287-02172 - North Qld Miners Assoc.

Tick the box if you would like meeting minutes emailed to you and the Miners Right posted (normally emailed)

NQMA Survey

We are conducting a short survey in relation to the types of training members may be interested in, and the information being provided. By completing and returning this survey, you will be assisting the organisation to deliver industry information relevant to your operations.

This survey can also be completed online [here](#).

If completing this survey by hand, can you please post to:

North Queensland Miners Association Inc.
PO box 1548
Mareeba Qld 4880

Alternatively, you can scan and email to info@nqma.com.au or bring along to the next NQMA meeting on 10th May at 11am.

Please ensure that your responses are submitted by the above means no later than 31 May 2021.

If the NQMA were to organise it, what type of training is of interest to you? These may be delivered as nationally recognised training (if relevant) or information sessions.

- Safety training in order to meet mandatory requirements
- First Aid training (basic and remote)
- Biosecurity (washdowns and awareness)
- Environment (Industry information, rehabilitation guidance)
- Native Title (Cultural and Heritage workshops/awareness sessions)
- Government Resources (e.g. MinesOnline, Connect, QldGlobe, GeoResGlobe)
- Geology and Mapping
- Supplier presentations
- Other (describe below)

Following from question 1, is there specific information or training you would like access to?

If the NQMA could assist with provision of document templates to ensure that you were meeting your obligations, what would you like to see?

NQMA Survey

If the NQMA were to provide a member only section of the webpage to access documents, updates and other relevant information, would this be of interest to you?

Yes No Maybe

The NQMA publishes a newsletter several times a year. The content is contributed by the volunteer committee. Are you familiar with this publication?

Yes No

Are you willing to contribute content to the newsletter (such as a shared experience, jokes, legislative commentary)?

Yes No

In respect to information provided in the newsletter and email correspondence, what subjects would you like to see more of?

Is there any other feedback or suggestions that you would like to leave us?
