



THE MINER'S RIGHT

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

November 2020

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VICE-PRESIDENT:

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A word from the President

Hard to believe that it's nearly Christmas already!

It has been a challenging year in industry with the COVID-19 pandemic and the introduction of several pieces of legislation affecting the way we will do business in the future.

The NQMA held their AGM in September with a strong executive committee committed to strengthening our relationships with Stakeholders and providing better resources for resource authority holders going forward.

We are continuing our engagement with DNRME, DES, the Land Court and other relevant government bodies into 2021 in an effort to have the voice of the small operators heard.

We are working on facilitating industry training and information sessions for members and in 2021 we anticipate changes to our website and the content provided.

As always, member feedback is greatly appreciated and valued. What is it you would like to see your industry body provide? Can you assist in any way?

On behalf of the committee, we wish you a very Merry Christmas and a safe and prosperous new year.

Claire

Dates to remember

27 November 2020

Associated Water Reporting due (if applicable)

8 February 2021

NQMA General Meeting

1 December 2020

All outstanding mining lease rent must be paid to avoid initiation of cancellation proceedings

1 April 2021

Standard Environmental Authority Annual Returns due for lodgement.

INSIDE THIS ISSUE

Be boundary aware.....	1
Meet the Committee.	2
Reporting Changes for Resource Authorities.....	2
MEROLA Act.....	3
EPOLA Act.....	5
SSE/Training.....	6
Lakeland Irrigation Area Scheme.....	6
Biosecurity	7
For Sale/Wanted.....	8
Membership form.....	9

Meet the new Committee

Following the AGM held in Mareeba on 14 September 2020, the NQMA welcomes a new committee. The Secretary was replaced at the November meeting.

Positions as follows:

President: Claire Mackney

Vice-President: Tom Saunders

Secretary: Taylor Somerville

Treasurer: Susan Day

Other nominated committee members:

Mike Scott (Water & Palmer River Dam)

Amanda Blazely (Environmental Officer)

Paul Crossland (Native Title Officer)

Charles Silver

Greg Guernier

James Said

Graham Byrne

We look forward to the year ahead, continued liaison with government departments and other industry bodies in representation of the best interests of our continued operations well into the future.

“If it can’t be grown, it must be mined.”

– Unknown

Reporting Changes for Resource Authorities

New reporting requirements for minerals and coal became effective from 1 October 2020. There are also changes to the confidentiality periods for minerals and coal exploration and tenure reports.

The department asserts that the new practice directions and data submission templates will improve the quality, usability and value of Geoscience data submitted by resource authority holders.

The data submission templates ensure that data is reported in a consistent and structured way, aligning with resources industry standards.

There will be a transitional period to the new reporting system between 1 October 2020 and 30 June 2021. Geoscience and tenure reports must be submitted in the GSQ lodgement portal no later than 30 June 2021 using the new reporting templates and practice directions.

The confidentiality period for minerals and coal exploration and tenure reports has changed to 5 years. Most reports and data older than 5 years will be eligible for public release on the GSQ Open Data Portal from 1 January 2021 unless nominated for the option to resubmit report data by 30 November 2020 using the report list template. Once the report list has been received, authority holders will have until 30 November 2021 to resubmit the report data in new formats. Find out more on how to resubmit data in the [Guideline: resubmitting historic minerals and coal report data](#).

The new Minerals and coal reporting practice direction can be located [here](#).

The above changes are part of the Geoscience Data Modernisation Project managed by the Geological Survey of Queensland.

The new [GSQ Open Data Portal](#) increases access to Queensland geoscience data and making it easier to find and use. This portal replaces the QDEX data system.

This is separate to the [GSQ Lodgement Portal](#) which includes data validation to ensure only quality geoscience data is lodged for the long term benefit of the resources industry.

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Mineral and Energy Resources and Other Legislation Amendment Act 2020

The Mineral and Energy Resources and Other Legislation Amendment Act 2020 (MEROLA) was passed by the Queensland Parliament on 20 May 2020.

The Act paves the way for changes to mining and resources legislation that:

- strengthen safety laws in the resources sector
- improve financial assurance and support the whole-of-government mine rehabilitation reforms
- improve the administration and efficiency of the regulatory framework applying to resource projects.

Some of the key changes are provided below.

Industrial manslaughter

The introduction of industrial manslaughter offences into Queensland's resource safety Acts strengthens safety laws by bringing into focus the conduct of employers and senior officers.

The offence of industrial manslaughter applies when an employer's or senior officer's criminal negligence causes the death of a worker in the resources sector.

These changes are consistent with industrial manslaughter offences in Queensland's [Work Health and Safety Act 2011](#) and provide consistent treatment of criminal negligence.

Serious penalties apply, including 20 years imprisonment for an individual and 100,000 [penalty units](#) for a corporation, equivalent to more than \$13 million.

These amendments come into effect following the commencement of the [Resources Safety and Health Queensland Act 2020](#) on 1 July.

Financial Assurance and Mine Rehabilitation

These amendments are part of the whole-of-government reforms to financial assurance and mine rehabilitation. They address some of the recommendations made in the Queensland Treasury Corporation's [Review of Queensland's financial assurance framework \(PDF, 1.5MB\)](#) released in April 2017.

Changes in control of a resource authority

These amendments increase scrutiny around the financial capability of the transferee when there is a change in control of a resource authority. The changes are designed to mitigate the risks associated with both direct and indirect changes of control.

Direct transfers - Before an [assessable transfer](#) can be registered, the Minister is now able to consider whether the proposed transferee has the ability to fund the estimated rehabilitation cost for the resource authority.

Indirect changes of control - A new process applies if the Minister becomes aware that there has been a change in control of the entity holding the resource authority.

In these cases, the Minister may assess whether the new entity has the financial and technical resources to comply with the resource authority. The Minister may impose or vary conditions on the resource authority if a significant risk is identified.

Abandoned mines and operating plant

These amendments broaden the government's powers for remediating abandoned mines and abandoned operating plant sites to:

- make them safe, durable and secure
- enable productive land uses, where possible.

The amendments clarify and expand the powers of authorised persons undertaking the remediation activities outlined in the [Abandoned Mines Management Policy \(PDF, 121.0KB\)](#).

The amendments also allow authorised persons to access any affected land outside of the original tenure boundary to carry out required remediation activities, as long as the owner/s and occupier/s of the affected land have given consent.

Continued on next page....

Mineral and Energy Resources and Other Legislation Amendment Act 2020 continued...

Mining lease tenders

The amendments allow the Queensland Government to tender areas for mining leases, which were previously only offered through direct applications.

This change works in conjunction with the abandoned mines reforms to allow the targeted release of sites that have been abandoned. It also provides opportunities to commercialise potentially economic mineral resources.

Existing [requirements for mining lease applications](#), including requirements for native title, landholder notices and environmental authorities, apply to mining lease tenders.

Disqualification criteria for applicants, tenderers and transferees

The Act introduced disqualification criteria against which applicants, tenderers and proposed transferees will be assessed before a resource authority is granted or transferred. This only applies to new applications, tenders or transfers lodged after 7 September 2020. The assessment of disqualification criteria allows the Queensland Government to:

- better assess the capacity of potential authority holders to adequately manage the resource authority and comply with their obligations
- mitigate the risk of a site being disclaimed or left with debts.

The disqualification criteria are in addition to the assessment of the applicant's financial and technical resources and any other application requirements that apply.

The disqualification criteria include:

- history of non-compliance with relevant prescribed legislation
- relevant prescribed criminal history
- history of mismanagement of a company
- association with a person who would fail any of the 3 previous criteria.

Being an 'associate' has a prescribed definition that must be met. A process to ensure procedural fairness will apply before an applicant is disqualified. If the applicant is disqualified, the application will be terminated with no further assessment required.

Regulatory efficiency of resource assessment processes

Notifiable dealings for non-assessable transfers

Non-assessable transfers are transfers that happen automatically by operation of the law, for example, because of a death or bankruptcy. The changes will allow non-assessable transfers to be registered without obtaining the Minister's approval. However, transfers can only be registered if all royalties or contributions to the Financial Provisioning Scheme have been paid.

Refusal to grant mining claim or mining lease if compensation is not determined

The changes amend existing provisions in the *Mineral Resources Act 1989* to provide a time period after which the Minister may refuse the grant of a mining claim or mining lease when compensation with landholders hasn't been agreed.

If 3 months elapse from the withdrawal of the last objection to the application, and compensation has not been settled, the Minister may refuse the application.

The 3-month period is consistent with the other timeframes established through the *Mineral, Water, and Other Legislation Amendment Act 2018*.

The information provided in relation to the MEROLA changes has been sourced from the Department of Natural Resources, Mines and Energy website.

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.

Environmental Protection and Other Legislation Amendment Act 2020

The *Environmental Protection and Other Legislation Amendment Act 2020* (EPLOA) commenced on 20 August 2020. EPOLA is part of the Queensland Government's ongoing commitment to improve rehabilitation and financial assurance outcomes for the state's resources industry.

These reforms will ensure that Queensland has evidence-based, best practice, world-leading rehabilitation practices that will deliver better economic and environmental outcomes.

EPOLA:

- Enables the appointment of a Rehabilitation Commissioner, to provide rigorous, scientific and independent advice to both government and industry. The Rehabilitation Commissioner will also monitor and provide reports on rehabilitation performance and trends. This will enable evaluation of the rehabilitation framework in Queensland.
- Amends the existing residual risk framework to ensure that any risks remaining on a resource site after a project is completed are appropriately identified, costed and managed.
- Establishes a residual risks fund and provides for payments to this fund to be managed by the Scheme Manager, the same entity that manages the Financial Provisioning Scheme. This will ensure the appropriate financial management of residual risk payments in a way that will enhance investment opportunities to grow the fund.

EPOLA also made minor and technical amendments to the *Environmental Protection Act 1994* to remove unnecessary provisions and clarify and improve regulatory processes.

EPOLA provides an expansion to the existing residual risk framework to strengthen the EP Act provisions around residual risk (i.e. any environmental risk that remains after a resource activity is completed). For standard operations this is reflected in your post mining (surrender) reporting.



GOLD

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Australian Mining



Australia's resource

18%

Share of world gold resources in 2016

285 t

Australia's gold production in 2016-17



1st

Largest share of the world's gold resources in 2016

\$689m

Gold exploration expenditure in 2016-17

Economic contribution

334 t

Export volume of refined gold in 2016-17

\$19.8 b

Value of Australia's gold exports in 2016-17

\$2.3 b

Wages to gold industry workers in 2016-17

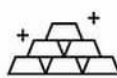
15,646

Australia's gold mining jobs in 2016-17

Gold at work



Awards



Investment



Electronics



Jewellery



Hi-tech health



Aerospace

DID YOU KNOW?

One tonne of mobile phones yields more gold than one tonne of gold ore. Tech companies are cashing in on this gold mine by rolling out recycling programs. Apple's recycling program reaped almost a tonne of recoverable gold in 2015.

Sources: Geoscience Australia; USGS; Department of Industry, Innovation and Science; ABS June 2018

Properties

Discovered
Melting point
Density
Conductivity
Malleability



≈3000 BC
1064.2°C
19.3 g/cm³
High
High

Mandatory SSE requirements

As of 1 July 2020, all Site Senior Executive's for mine sites need to be appropriately qualified.

For operations with 5 or less employees, the qualification consists of completion of 4 modules, with further qualifications for underground mines and blasting.

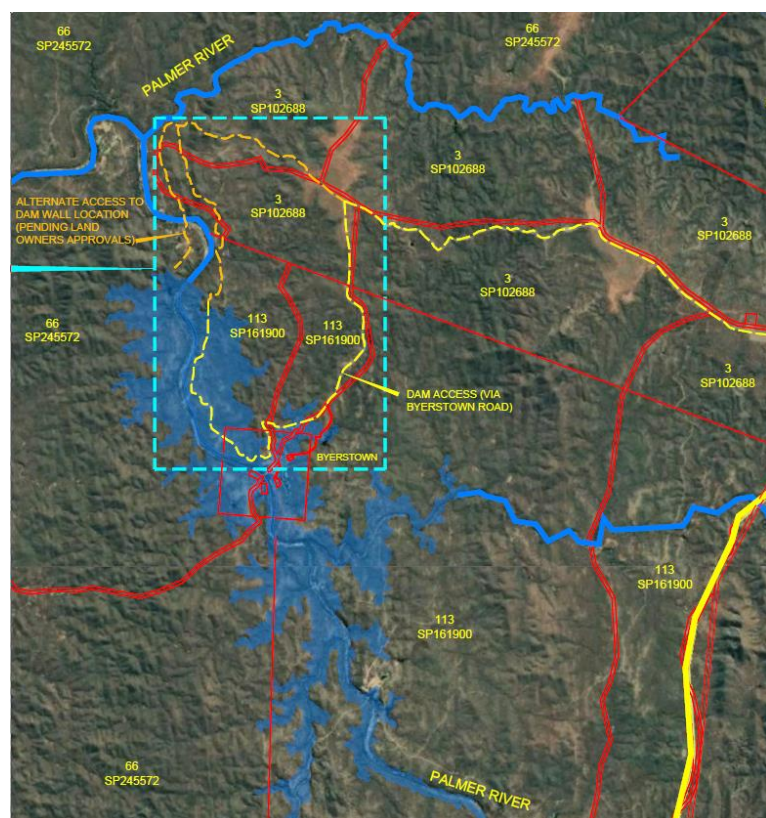
Qualifications required as provided by DNRME.

- 2 years' experience in mining or quarrying in the past 5 years
- Completed
 - **Introduction to Safety Management Systems; and**
 - **Effective Risk Management; and**
 - **Incident Investigation; and**
 - **Electrical Awareness.**
- If Blasting, either
 - Shotfirer's license; or
 - RIIBLA301D and RIIBLA205D and RIIBLA305D; or
 - Safe drill and blast course

The North Queensland Miners Association Inc. provides training for the modules in bold above (not the blasting related courses). Please contact our trainer, Chris Larkin on 0432 561 068 or by email to cjlmntisa@yahoo.com.au to register your interest in attending upcoming courses.

If your operation has more than 5 employees/contractors, please contact the Mines Safety Inspectorate on (07) 4447 9248 or email tsvmunes@rshq.qld.gov.au for advice in relation to your site requirements.

LAKELAND IRRIGATION AREA SCHEME



Latest update from Mike Scott

Last month a group of potentially affected local miners had a meeting at the roadhouse (thanks Andy & Karen)and met with 2 representatives from SMEC, the company conducting the feasibility study and we had the opportunity to express out concerns over the proposed project, not only the flooded mines but also issues for miners immediately down stream, currently on the site they are conducting a flora and fauna study of the flood area and a drilling program is planned before the wet to determine if the rock will provide a suitable foundation for the dam wall and to find some local rock suitable for making the concrete.

More detailed information on the Lakeland Irrigation Scheme can be located online at <https://www.rdatropicalnorth.org.au/about/initiatives/lakeland-irrigation-scheme/>.

Biosecurity in Queensland

All Queenslanders have a 'general biosecurity obligation' (GBO) under Queensland's [Biosecurity Act 2014](#).

This means that everyone is responsible for managing [biosecurity risks](#) that are:

- under their control and
- that they know about or should reasonably be expected to know about.

Under the GBO, individuals and organisations whose activities pose a biosecurity risk must:

- take all reasonable and practical steps to prevent or minimise each biosecurity risk
- minimise the likelihood of causing a '[biosecurity event](#)', and limit the consequences if such an event is caused
- prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.

What is Biosecurity?

Biosecurity is the control of pests, disease and weeds in Australia. It involves the implementation of measures to reduce or minimise the risks to the spread of pests, disease and noxious weeds.

How does this affect Miners and Explorers?

Biosecurity obligations are causing a bit of tension between some Landholders and Miners. The risk of pest and disease introduction to an unaffected property is a real cause for distress as it can affect their ability to sell their meat/produce and may see the property quarantined for a period of time having lasting impacts on their livelihoods.

Advice provided in May by the office of the Minister for Agricultural Industry Development and Fisheries is per below.

"The Department of Agriculture and Fisheries has consulted with the Department of Natural Resources, Mines and Energy and has determined that mining claim and mining lease holders have the right to cross 'access land' to get to their granted mining claim or lease (see sections 81(a)(b) and 276(1)(b) in the Mineral Resources Act 1989).

Mining claim and mining lease holders also have the right to be on the area of the mining claim or lease and conduct mining activities. This means that these holders are permitted to enter these areas without complying with any biosecurity management plan. However, the compensation agreement the mining claim or mining lease holder has with the relevant landowner may include conditions, such as complying with the biosecurity management plan. This is able to be negotiated between the parties.

The position differs slightly for holders of Exploration Permits (EP) and Mineral Development Licences (MDL), depending on the circumstances. To gain access to the area of an EP or MDL the resource authority holder may need to cross private land and except in an emergency, this must be done with the relevant landholder's agreement, which cannot be unreasonably withheld. Compliance with a biosecurity management plan may be part of this agreement. In this case any entry requires at least 10 business days' notice to the landholder (unless a shorter period is agreed)."

If you have an Exploration Permit or Mineral Development Licence, you should also familiarise yourself with the requirements of [The Land Access Code 2016](#). For holders of mining leases and mining claims, the below resources may prove useful when implementing your own Biosecurity control measures/procedures.

DAF Publication - [Vehicle and machinery cleandown procedures](#)

DAF Publication - [Vehicle and Machinery INSPECTION PROCEDURE](#)

DAF Publication - [Queensland invasive plants and animals strategy 2019–2024](#)

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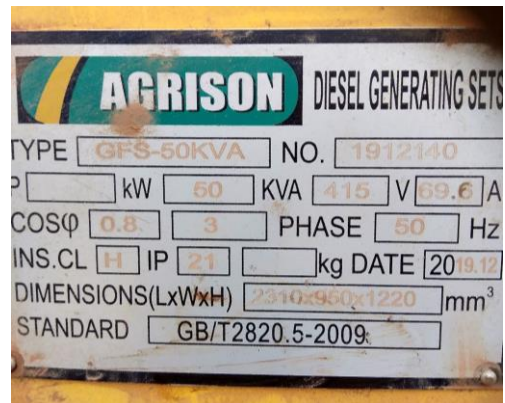
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Editors Notes:

The Miners Right is usually published every February, May, July, September and November, usually prior to the NQMA general meetings. The Miners Right is a great way to share information within our mining community. We are always looking for contributions to make the newsletter interesting and informative. If you would like to see something included or you can contribute stories, historical information or general mining info please contact the editor. Members can also advertise their business, items for sale or wanted items without charge. Please send requests via email to info@nqma.com.au.

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.