

# Mineral Development Licences (MDL)

## A guide for landowners and answers to the most asked questions

### Introduction

This guide explains the rights and responsibilities of landowners whose properties are affected by a mineral development licence (MDL) and those of licence holders.

It can be read in conjunction with the *Mineral Resources Act 1989* (see Part 6 for MDL provisions).

The act can be viewed online at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) or purchased from the Goprint ([www.goprint.gov.au](http://www.goprint.gov.au)).

The Queensland Government recognises the importance of ensuring the holders of mining tenements maintain a satisfying working relationship with landholders.

This is a broad guide and does not address individual specific situations. In the event of uncertainty, it is recommended independent legal or specialist advice is sought.

The requirements associated with other tenures for the exploration; mining; production; processing and transport of minerals and coal; and petroleum and coal seam gas are covered in separate guides.

These can be downloaded from the Department of Mines and Energy's website [www.dme.qld.gov.au](http://www.dme.qld.gov.au).

### Mineral

The term 'mineral' in legislation includes what is generally perceived as a mineral (for example bauxite, clay and precious stones) but also coal and the product of an underground coal gasification process.

### What is a mining tenement?

A mining tenement is a permit, claim, licence or lease that may be granted by a Mining Registrar, the Minister for Mines and Energy, or by the Governor in Council.

A permit, claim, licence or lease may, among other things, authorise prospecting, exploration, mining,

processing or transport of minerals (the term minerals includes coal) under the provisions of the *Mineral Resources Act 1989*.

A permit, claim, licence or lease may be applied for by an eligible person, as defined under the *Mineral Resources Act 1989*, this usually being an adult individual or a company.

### How many are there?

There are five different types of mining tenements. They are:

1. a **prospecting permit (PP)** of which there are two types. They are a district prospecting permit and a parcel prospecting permit.

They both allow the holder to enter the property (lands) shown on the permit to "mark out" the site intended for an application for a mining claim or lease. These also allow the permit holder to prospect for minerals and/or to hand mine for minerals other than coal.

2. a **mining claim (MC)** which allows for prospecting and hand mining for any mineral other than coal.
3. an **exploration permit (EP)** of which there are two key types — an exploration permit for all minerals other than coal (**EPM**) and an exploration permit for coal (**EPC**).

An **EP** allows for exploration to determine the existence of, quality and amount of minerals.

Examples of exploration activities include prospecting using appropriate instruments, equipment and techniques to determine the existence of any mineral.

And extracting and removing samples, (mineral or other substances) to determine the mineral bearing capacity of the land.

4. a **mineral development licence (MDL)** is a tenement generally used where a deposit of a mineral has been found within a specific area of an EP, but either requires further geological investigation, or is not currently commercially viable to develop

5. **a mining lease (ML)**, allows for the mining of minerals specified in the lease and any purposes necessary to, associated with, arising from, or promoting mining.

As a landholder or occupier you may encounter holders of MDLs, or their representatives, requiring entry to land. This document deals specifically with this type of mining tenement.

For further information about the rights and responsibilities in relation to the other mining tenements, contact any DME regional or district office, (details in the back of this guide).

### ***Does a person applying for a Mineral Development Licence have to contact the owner or occupier of the land?***

No, not for an application.

### ***Will I know if a Mineral Development Licence has been granted over my land?***

Yes. The holder of an MDL must notify the landholder within 15 business days of the licence being granted, detailing the area of land on the licence.

The holder or representative of an MDL must contact the landholder via a *Notice of Entry* at least five business days prior to entering the land.

#### **Note**

Details of MDL applications or grants (mineral/petroleum tenures/property boundaries-cadastral/ resources and geology) can be accessed on the DME website [www.dme.ald.gov.au](http://www.dme.ald.gov.au) - *Interactive Resource and Tenure Maps*.

Detailed maps are available at a nominal cost from any DME regional or district office.

The DME - MERLIN data-base, holds the register of all mining and petroleum tenements.

### ***Can I object to a mineral development licence being granted over my property?***

No.

### ***What rights does the holder of an MDL have?***

During the life of the licence, the holder may enter lands and carry out any activities listed in the licence, including feasibility and environmental studies, metallurgical testing, marketing, engineering and design studies.

Before an MDL is granted, the Minister for Mines and Energy must ensure the applicant for the MDL has satisfied the provisions outlined in the Act.

These include proof of the applicant's identity, site clearly defined, fees and sureties paid, and many other checks and balances.

### ***Will I be notified if someone wants to enter my property?***

Yes. This is required by law.

The holder of an MDL must give the owner of the land five days notice before entering the property.

This notice of entry must:

1. describe the activities proposed to be carried out on the land under the MDL
2. state when the activities are to be carried out
3. be accompanied by a copy of—
  - (i) *the codes of conduct (available from regional offices) or practice applying to activities under the MDL; and*
  - (ii) *any statement given to the Minister about proposals to protect the environment and rehabilitate the land.*

The notice of entry must also be given to the District Mining Registrar. This must be done immediately after the notice is given to the owner of the land, and before entry is made on the land.

The period covered by the notice of entry is three months from the date stated, unless the owner of the land agrees in writing to a longer period.

Any written agreement to the extension of time for the notice of entry must be submitted to the District Mining Registrar.

The notice of entry may be renewed. A notice of the renewal must:

1. be given to the Registrar and landholder at least five, but no more than 15 business days before the current notice of entry ends
2. describe the activities proposed to be carried out on the land under the MDL
3. state when the activities are to be carried out
4. be accompanied by a copy of—
  - (i) *the codes of conduct or practice applying to activities under the MDL; and*
  - (ii) *any statement given to the Minister about proposals to protect the environment and rehabilitate the land.*

It should be noted that if the landowner cannot be easily contacted, the holder of the MDL may give the occupier of the land the notice of entry.

If both the owner and occupier of the land cannot be easily contacted by the MDL holder, the Mining Registrar may dispense with the need for a notice of entry to be given, but require the MDL holder to publicise the entry by advertising in a newspaper or other publication, or by some other means as the registrar sees fit.

### ***Can I prevent the holder of an MDL entering my land?***

No. The holder of an MDL may enter your land, provided they have a current MDL and the notice of entry obligations have been complied with.

If the MDL holder enters land, without having a current MDL, or without having complied with the notice of entry obligations, it is a breach of the *Mineral Resources Act 1989* and could result in **compliance action** against the MDL holder. This compliance action could be a **monetary penalty, or,**

### **in the case of a granted MDL, cancellation of the MDL.**

If you are unsure that an MDL holder, or a person acting under the authority of the MDL holder, has complied with the notice of entry obligations, you should notify the nearest Mining Registrar. (See contact details on back page).

### ***Should people identify themselves if they enter my land?***

Yes. The holder of the MDL, or any person authorised to carry out work for the holder of the MDL, should carry identification to clearly establish their identity, either as the MDL holder or a person working for the MDL holder.

The *Mineral Resources Act 1989* requires any person entering land under the authority of an MDL, to either have the Mineral Development Licence itself, or a written authorisation from the holder of the MDL, on their person.

You may **refuse entry** to anyone who cannot clearly identify themselves as the holder of the MDL or a person working for the holder of the MDL.

### ***Are there any areas of my land that the MDL holder is not allowed to explore?***

Yes, the holder of an MDL cannot enter restricted land without the landholder's written permission. Restricted land is defined in the MRA as restricted land (category A) or restricted land (category B).

1. restricted land (category A) means land within 100m laterally of a permanent building used:
  - (i) *mainly as accommodation or for business purposes; or*
  - (ii) *for community, sporting or recreational purposes or as a place of worship.*
2. restricted land (category B) means land within 50m laterally of any of the following features:
  - (i) *a principal stockyard*
  - (ii) *a bore or artesian well*
  - (iii) *a dam*

- (iv) another artificial water storage connected to a water supply
- (v) a cemetery or burial place.

The only time the holder of an MDL can enter restricted land is if:

1. the owner of the land where the relevant permanent building, or relevant feature, is situated consents in writing to the entry and
2. the MDL holder provides and copy of the consent to the Director-General of the DME.

### ***Am I liable if someone is injured on my land?***

No, you are not liable for any injuries caused by any activities, authorised by the MDL, that are undertaken on your land, unless you contributed to the injury.

### ***What should I do if I have questions or concerns about activities conducted on my land?***

You can raise any concerns with any Mining Registrar of the DME.

Each Mining Registrar has the responsibility to ensure that holders of mining tenements comply with the provisions of the *Mineral Resources Act 1989*.

Also, the Mining Registrar within any DME district office can answer questions you may have about the exploration activities that are occurring on your land.

The Registrar can also investigate any concerns you may have, and following investigation, can recommend actions to ease your concerns.

The Mining Registrar may also convene a conference, with the landowner and the MDL holder to discuss and resolve any concerns.

If a conference is held, the Mining Registrar must endeavour to help those attending to reach an early, inexpensive settlement.

The details for the DME regional or district offices are in the back of this guide.

### ***Am I entitled to compensation?***

The owner of land, on which an MDL holder has conducted activities authorised under the MDL, is entitled to recover in the Land Court, compensation in respect of damage or injury suffered or loss incurred by a person acting or purporting to act under the authority of an MDL.

However, any money paid to DME as a security for the MDL, used to rectify the damage caused by the MDL holder (or person purporting to act under the authority of the MDL) shall be taken into account in assessing any compensation.

Further details about how to apply to the Land Court, to determine compensation, can be obtained from its website, [www.landcourt.qld.gov.au](http://www.landcourt.qld.gov.au) or by contacting the Land Court (07) 3247 5193 during office hours.

There is also an **improvement restoration** requirement that applies when an MDL expires, is terminated, other than by surrender, for the purpose of the granting of a new MDL or mining lease over the land the subject of the terminated licence.

To carry out **improvement restoration** for an MDL, means to repair any damage caused by an activity under the MDL to all pre-existing improvements on, or attached to, the land subject to the MDL by:

1. restoring them to the same, or substantially the same, condition they were in before the damage happened, or
2. replacing them with another improvement in the same condition they were in before the damage happened.

If the Minister for Mines and Energy is not satisfied the holder has complied with the condition to carry out improvement restoration for an MDL, the Minister may give the MDL holder reasonable directions about carrying out the restoration.

It is a requirement of the *Mineral Resources Act 1989* that the holder is to comply with this direction. Penalties apply for non-compliance.

### ***The “At Risk” agreement***

In certain circumstances the holder of an MDL may be required to give an offer to purchase the property

of a landowner defined as being “at risk” under guidelines endorsed by the Queensland Government.

These guidelines are available from DME regional and district offices.

An “at risk” landowner is one whose land overlays an ore body or mineral deposit announced as intended to be mined, but where development is not proposed to proceed in the near future, and where compensation is not being negotiated under the provisions of the *Mineral Resources Act 1989*.

Holders of mining titles are obliged in certain circumstances to offer to purchase, at fair market value, the properties which wholly or partially overlay the deposit or ore body announced as intended to be mined.

Under the ‘at risk’ agreement, hardship exists when a landholder is unable to sell his property on the open market due to the existence of the mineral deposit or ore body.

Landowners who claim hardship must demonstrate an inability to sell the affected property on fair market terms as a result of the existence of the MDL.

The Land Court has jurisdiction to hear and decide proceedings about whether hardship exists and about the fair market value of a property for the purposes of the agreement.

### ***Who is responsible for rehabilitating the land?***

The *Environmental Protection Act 1994* requires an MDL holder to rehabilitate the land after conducting activities authorised by the MDL.

When an application is made for an MDL, a security deposit is lodged with the Queensland Government, corresponding to the type of activities being proposed, to ensure environmental rehabilitation is carried out.

If you have any questions about environmental or rehabilitation matters regarding activities on an MDL, you should contact the Environmental Protection Agency (EPA) as follows:

### **Ecoaccess Customer Service Unit**

Telephone: 1300 368 326

Email: [eco.access@epa.qld.gov.au](mailto:eco.access@epa.qld.gov.au)

<http://www.epa.qld.gov.au/ecoaccess/mining/>

## **DME contact details**

Tenure information and services are available from DME regional and district offices throughout the state. If a landholder or exploration company has concerns please contact the DME district or regional office in which your land is located. Maps showing the DME district boundaries may be viewed at the DME website at [www.dme.qld.gov.au](http://www.dme.qld.gov.au)

### **District and Regional Offices**

#### **Southern Region**

Landcentre  
Podium 2, Ground Floor  
Cnr Main and Vulture Streets  
Woolloongabba QLD 4102  
PO Box 1475 , Coorparoo QLD 4151

Phone: (07) 323 83729

Fax: (07) 3405 5347

#### **Brisbane District Office (Mining Registrar)**

Landcentre  
Podium 2, Ground Floor  
Cnr Main and Vulture Streets  
Woolloongabba QLD 4102  
PO Box 1475 , Coorparoo QLD 4151

Phone: (07) 3238 3733

Fax: (07) 3405 5346

#### **Quilpie District Office (Mining Registrar)**

Court House  
Buln Buln Street  
Quilpie QLD 4480  
PO Box 29, Quilpie QLD 4480

Phone: (07) 4656 1266

Fax: (07) 4656 1442

### **Central Region**

Queensland Government Building  
Level 4, 209-214 Bolsover Street  
Rockhampton QLD 4700  
PO Box 548 , Rockhampton QLD 4700

Phone: (07) 4938 4126  
Fax: (07) 4938 4310

### **Rockhampton District Office (Mining Registrar)**

Queensland Government Building  
Level 4, 209-214 Bolsover Street  
Rockhampton QLD 4700  
PO Box 548 , Rockhampton QLD 4700

Phone: (07) 4938 4187  
Fax: (07) 4938 4310

### **Emerald District Office (Mining Registrar)**

State Government Offices  
99 Hospital Road  
Emerald QLD 4720  
PO Box 245 , Emerald QLD 4720

Phone: (07) 4987 9373  
Fax: (07) 4987 9333

### **Winton District Office (Mining Registrar)**

Court House  
Vindex Street  
Winton QLD 4735  
PO Box 230 , Winton QLD 4735

Phone: (07) 4657 1727  
Fax: (07) 4657 1760

### **Northern Region**

Level 3, 187-209 Stanley Street  
Townsville QLD 4810  
PO Box 1752 , Townsville QLD 4810

Phone: (07) 4799 7677  
Fax: (07) 4760 7400

### **Mount Isa District Office (Mining Registrar)**

13 Isa Street  
Mount Isa QLD 4825  
PO Box 334 , Mount Isa QLD 4825

Phone: (07) 4747 2103  
Fax: (07) 4743 7165

### **Charters Towers District Office (Mining Registrar)**

Tropical Weeds Research Centre  
27-43 Natal Downs Road  
Charters Towers QLD 4820  
PO Box 62 , Charters Towers QLD 4820

Phone: (07) 4761 5762  
Fax: (07) 4761 5760

### **Mareeba District Office (Mining Registrar)**

167 Walsh Street  
Mareeba QLD 4880  
PO Box 2266 , Mareeba QLD 4880

Phone: (07) 4048 4785  
Fax: (07) 4092 4224

### **Georgetown District Office**

Court House  
High Street  
Georgetown QLD 4871  
PO Box 28 , Georgetown QLD 4871

Phone: (07) 4062 1204

## **Further information**

The *Mineral Resources Act 1989* may be

- viewed at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) or
- purchased from Goprint (the Queensland Government printer) via the website [www.goprint.qld.gov.au](http://www.goprint.qld.gov.au)