

## Exploration laws explained

### Introduction

The following contains information of a general nature and is intended to demystify aspects of the mineral exploration process, including coal.

It should be read in conjunction with part 5 of the *Mineral Resources Act 1989*.

This information is a broad guide and does not take into account individual situations.

If uncertain, it is recommended independent legal or specialist advice is sought.

Greater detail is available from regional and district offices of the Department of Mines and Energy listed at the end of this information sheet.

### Definitions

**DME** — Department of Mines and Energy

**EP** — means an exploration permit granted under the *Mineral Resources Act 1989*

**EPA** — Environmental Protection Agency

**EPC** — is an EP granted specifically for coal

**EPM** — is an EP granted specifically for all minerals other than coal

**Exploring** — for minerals (including coal), means carrying out an activity to determine the existence of, quality and amount of minerals.

Examples include—

1. Prospecting — using a metal detector or similar hand held instrument, or sampling using only hand held implements, including hammers, hand augers, panning dishes, picks, shakers, shovels and sieves
2. using instruments, equipment and techniques appropriate to determine the existence of any mineral
3. extracting and removing samples for testing to determine minerals and/or mineral bearing capacity

**Land** — means either freehold land; or an interest in land less than fee simple (the most common form of property ownership) held from the State under another Act

**Mineral** — described in the *Mineral Resources Act 1989* as a substance normally occurring naturally as part of the earth's crust, including clay, silica, sand, limestone, marble and coal.

**Minister**— The Minister for Mines and Energy who administers the Mineral Resources Act.

### Exploration methods

Depending on the size of the area granted to the holder, exploration activities can range from a single person using a pick and shovel hunting for gem stones, to large mining companies using geophysical techniques and modern drilling activities to identify and map underground mineral deposits.

First stage of the search is most often the study of rocks, maps, photographs and satellite images, looking for higher than normal concentrations of metals or other elements.

Sampling and chemical analysis of rocks and soils is employed to reveal elevated chemical concentrations.

To confirm the presence of mineral deposits, drilling is carried out and the samples (cuttings or cores) are analysed.

### More detail

Explorers are assisted in Queensland by the Department of Mines and Energy as detailed reports of all previous explorations are on file and may be available for research.

Modern seismic and geophysical instruments are used to detect and highlight concentrations of minerals that may be commercially viable.

Seismic readings are taken to determine the structure of the sub-surface earth.

## Rock and soil sampling/geochemical analysis

Samples of sediment, soil and rocks are taken from areas that research has shown indicate high levels of mineralisation.

Samples of sediment taken from riverbanks of major catchments can reveal the mineral history of the area over thousands of years.

Geochemical analysis (often called *assaying*) is used to determine the chemical properties of these samples.

## Drilling

While all the in-house and field research along with analysis of samples identifies areas of possible mineralisation, the only sure way to confirm an underground mineral deposit is by drilling.

This usually involves a truck-mounted mobile drill rig, similar to those used to bore for water.

Rock chips (cuttings and cores) are brought up from the drill hole, and analysed to determine the properties of the sub-surface structures.

Drilling costs can be high, so it is important the drilling area is clearly defined by thorough geological research.

## Exploration permit application

An eligible person (defined under the act as an adult, a company, a local government authority, an educational institution, and others) can apply for an EP.

Applications are not generally accepted over an area already subject to an exploration permit for minerals, however areas for petroleum and gas exploration permits may overlap with mineral EPs.

Details of the proposed work must be submitted with the application.

The maximum term for an EP is five years. However the length of the permit may be shortened or renewed at the Minister's discretion.

EPs are granted in sub-blocks approximately one minute of latitude and one minute of longitude.

The DME-created Block Identification Maps (BIMs) use a linear grid to cover Queensland drawn at a scale of 1:1 000 000.

The area shown on each BIM consists of 3456 blocks, which are individually numbered.

Each BIM is named, most often after a local geographical feature.

The description of each block is a combination of the name and the BIM number.

For example Clermont Block 1645.

Each block is made up of 25 sub-blocks (5x5) and these are listed in alphabetical order (with the exception of the letter "I").

For example Clermont Block 1645, sub-block "a".

The approximate area of a sub-block is 2.8 square kms (280 ha or 720 acres).

Generally, the maximum area an EP for minerals may be granted is 100 sub-blocks and for coal 300 sub-blocks (approximately 840 square kilometers).

Details of EP applications or grants can be accessed on the DME website – Interactive Resource and Tenure Maps.

## Right to enter land

The landowner or landholder must be given written notice, five days before the holder of an EP wishes to enter a property to construct exploration activities..

### Notice of entry

The written notice of entry, given to the landowner or landholder, must:

- describe the activities proposed to be carried out on the land under the EP
- state when the activities are to be carried out
- be accompanied by a copy of—
  - (i) the codes of conduct or practice (available from mining registrar), applying to activities under the EP; 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 mining registrar for the district in which the EP is located.

The notice must be given to the registrar immediately after the notice is given to the landowner and/or landholder, and before entry is made on the land.

The period covered by the initial notice of entry is three months from the date stated in the notice, unless the landowner or landholder agrees, in writing, to an extension.

The written agreement by the landholder to a change in the time-frame must be submitted to the mining registrar for the district in which the EP is located.

### *Renewal of notice of entry*

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

- (a) Be given to the landowner/landholder at least five, but no more than 15 business days before the initial notice of entry ends
- (b) Describe the activities proposed to be carried out on the land under the EP
- (c) State when the activities are to be carried out
- (d) Be accompanied by a copy of—
  - (i) The codes of conduct or practice applying to activities under the EP; and
  - (ii) any statement given to the minister about proposals to protect the environment and rehabilitate the land.
- (e) A copy must be provided to the Mining Registrar in the district.

### *Restricted entry*

Generally, the holder of an EP cannot enter **restricted land**. Restricted land is defined in the MRA as:

- (a) 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.
- (b) 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 EP can enter restricted land is if:

- (c) He owner or landholder of the land where the relevant permanent building, or relevant feature, is situated consents in writing to the entry and
- (d) The EP holder lodges the consent with the Director-General of DME.

## Compensation

### *Principles*

The owner of land, on which an EP holder has conducted activities, is entitled to apply to the Land Court for compensation in the event of damage or injury suffered or loss incurred by the holder of the EP.

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

Further Land Court details regarding compensation are available on the website - [www.landcourt.qld.gov.au](http://www.landcourt.qld.gov.au) or by contacting the Land Court on telephone (07)3247 5193 during office hours.

### *Improvement restoration requirement*

When an EP is terminated or expires, an improvement restoration requirement immediately applies.

This means the permit holder must repair any damage caused by activity carried out during exploration and return the property to its pre-existing state.

To restore to the same or substantially the same condition improvements (including fences, dams, roads, buildings etc) to the state they were in before the damage happened. This can also mean replacing them with another improvement.

If the Minister is not satisfied the permit holder has complied with the condition to carry out improvement restoration, the Minister may give the holder reasonable directions about carrying out the restoration.

Penalties apply for non compliance.

## *Environmental Rehabilitation*

Before the granting of an EP, the Environmental Protection Agency determines an amount for environmental security, and retains this security (called a “financial assurance”) until rehabilitation of any disturbance.

If, for example, a company goes into liquidation and does not rehabilitate any disturbed lands, the EPA can use part or all of this financial assurance to employ contractors to do the job.

The Minister of Mines and Energy must also, taking into account the program of work, determine the amount of security to be provided prior to an EP being granted.

This security may be used, among other things, to rectify any damage caused by exploration activities.

Also, an EP cannot be granted unless a relevant environmental authority has been issued by the EPA.

Environmental and rehabilitation matters relating to EP activities come under the Environmental Protection Agency - Codes of Environmental Compliance.

For further information:

Ecoaccess Customer Service Unit,

Tel: 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

Tenures information and services are available from DME regional and district offices throughout the state.

If a land holder or exploration company has concerns they can contact the DME district or regional office. 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)