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### **Definitions**

4. The definition of 'Exploration Hazard' has dramatically changed the implications for exploration work. The old regulations had some minimum parameters that have been removed, these minimum parameters gave exploration some leeway for native vegetation removal, working on slopes, proximity to water ways. What is the basis for their removal? An extension of the old minimum parameters to apply to Prospecting Licences would be a better outcome.

### **Time Of payment**

9. The timeframes in this regulation do not work. The licensee has the ability to submit the return 30 days after it is due on the 30th of June. The process then is that the royalty is calculated, and an invoice sent back to the client for payment. None of this can occur within the timeframes prescribed in Regulation 9.

### **Additional information requirements—mining licence applications**

15.(j) This should only apply if there is potential for a dispute or if the application location is considered vague as per Section 24(2). It is difficult to know if this is the case from the applicant's point of view while making the application. This would therefore require a survey at a later stage and so it needs to be removed as it is our view that the surveys should occur following the application for the license. On that basis the requirement to produce the survey with the application becomes redundant.

15.(k) Mineralisation report - The Regulations must still clearly state that an applicant who is currently mining within the boundaries of the proposed area does not require a mineralisation report. (ie Applying for a mining licence over an active Prospecting licence)

### **Additional information requirements—prospecting licence applications**

16.(h) Similar comments to 15. (j) above

16. Appeals to the Mining Warden - The Regulation must clearly state that the Mining Warden has the power to override the lack of consent of an exploration license holder or retention license holder if the license is greater than two years old.

### **Additional information requirements—retention licence applications**

17.(h) Similar comments to 15. (j) above

### **Advertising**

Timing of advertising - As has been seen over a considerable period of time, the timing required under the regulations for the publishing of the notices can be very tight, particularly around holiday periods. The whole thing would be better if there were 28 days in which the license could be advertised and 14 days for the lodgement of the copies with the Department.

1.(ii) (B) We feel that as an alternative to the applicant maintaining a web site, that the Department could have a portal viewable by the general public where applicants could post the information required under this subclause.

### **Survey of mining, prospecting or retention licence area**

24. Survey - Survey should only be required when there is a real or perceived possibility of confusion of the location of the license, particularly where other licenses exist close by. If a survey is to occur, it should be requested by the Department Head following the application process. The provisions in 24 (2) simply will not work because the departmental head has no way of knowing whether a person intends to apply for a mining, prospecting or retention license. This knowledge can only occur once the application has been lodged.

### **Rent on Licence**

29. (1) The rent on the initial year of the license should be calculated on the actual number of days that the license is in existence. For example, if a license is granted on the 29th of June, the licensee is required to pay for a whole year and this seems patently unfair.

### **Prescribed circumstances for variation of licence**

38. The provisions of this regulation are unnecessarily prescriptive and should be removed. Any of the provisions of the license should be made available to be varied but only with the consent of the Minister.

### **Work Plans**

43. (a), 'Community views should only be taken into account when dealing with 'land affected' that is crown land with a proposed use that differs from its previous use or tenure. Proposed land use for 'affected' private land should be based on agreement between licensee and the land owner, not community views.

43.(e) Creating a timing schedule for rehabilitation milestones is impractical during planning stages. This timing schedule should be relating to sequence or order of events rather than specific times/dates?

44.(d),(e ) The yet to be fully developed Code of Practice for Risk Management needs to enable small scale, low to medium risk operations or activates to meet the requirements of the draft regulations to **'provide evidence to support the assessment of the potential for harm or damaged to be caused and; an assessment of the risks that the identified hazards may pose to identified sensitive receptors.....'**, without the need to use external consultants.

### **Reporting**

51. (i), 'an abnormal event;' should be removed or merged with 51.(j) as it is vague and has no practical context. What is an abnormal event and when is it deemed reportable?

### **RIS**

Table 5 of the RIS seems to be an error, (duplication of Table 4)

**Code of Practice Attachment C**

The PMAV has members from many various backgrounds and experience. We as an organization see that the Code of Practice for Risk Management Plans has the potential to be a very practical and useful document that will assist small scale miners improve their work practices, culture and compliance for the betterment of the sector as a whole without being bogged down in red or green tape. Based on this the PMAV would like to accept the Department's offer to be involved in the development of this document.

Submission Ends.