



The Miner's Right

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

October 2010

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Next Meeting:

Monday

8th November

12.30 pm

Mareeba Leagues

Club

President's Comment October 2010

DERM (EPA)

On Wednesday 13th October seven delegates from the Queensland Small Miners Council (QSMC) met with senior DERM management in Brisbane to discuss the current DERM mass mail out of invoice to miners

The following list of outcomes was requested.

1. DERM withdraw all current EA Fee Invoices
2. DERM allow a 'Transitional period' in which DERM will work with industry to develop a simple procedure to allow EA holders to amalgamate current EA's
3. DERM to correct legislation so that EA's only commence when tenement granted. Fee in advance to become due only when tenement granted (same as tenement rent) Remove payment in advance on lodgement of application.
4. DERM to work with industry to redefine 'Mining Project' with a clear definition- that will allow miners to amalgamate all relevant EA's held.
5. Develop a simple (low cost) way to add a tenement to an existing EA.
6. Establish a correct and current mailing list.
7. Set a date where this new DERM fee in advance scheme will commence at end of transitional period .

I am of the view that if DERM were to fix up the mess they created with this thoughtless mail out (by following the above) , then industry should accept there will be an annual EA fee on mining tenure (other than Mining Claims). I know there is a different view on this and an argument that there should be no annual fee. I expect this argument will not succeed in the NQMA area (other areas of Queensland may have a stronger argument).

I believe the NQMA position should be: stop sending invoices, fix the problems, allow miners to amalgamate EA's where possible, then send the correct invoice for the correct amount and it will be paid.

DEEDI

A separate meeting was held with DEEDI in Brisbane on Wednesday 13th October at which the seven delegates from QSMC met with senior management of DEEDI and the Ministers adviser. The following outcomes were sought:-

Consultation

The inclusion of Queensland Small Miners Council in all reviews, and proposed legislation changes that would have impacts on the Small Scale Mining Sector.

Appointment of Ministers Advisor- Small Scale Mining

The immediate appointment of a "Small Scale Mining Policy Advisor" who would be the contact point for discussions with "Small Sale Mining Representative Groups" in Queensland, who has direct availability to the Minister for Mines.

DEEDI and QSMC Annual Meetings.

DEEDI engage QSMC in regular "face to face" meetings.

DEEDI's Small Scale Mining Policy advisor to chair and be involved with these meetings.

Development of a Small Scale Mining Platform

QSMC to develop an Industry Working Group (IWG) to work with the DEEDI's Small Scale Mining policy advisor, to develop a modern streamlined process for tenement processing and tenement design.

Definition of Small Scale Miner.

A Small Scale Miner is an individual, partnership or company that prospects, mines or explores for any

Minerals other than coal as prescribed under the Queensland Minerals Resources Act. and has no more than ten (10) "Mining related" employee's.

Small Mining Retention Tenement

The establishment of a Small Miners Retention Tenement (SMRT) which has a lesser annual rental cost than an operational tenement (Mining Lease) similar to the existing Mineral Development Licence (A SMRT can only devolve from discovery of resources during operations on an Exploration Permit.

A SMRT can be held for a period of up to five (5) years before operations must either commence, be turned into a Mining Lease, transferred or surrendered.

A SMRT does not require an Environmental Authority until prior to Mining operations commencing.

A Small Scale Miner can hold no more than four (4) SMRT's.

A SMRT should have a limited size (to be announced by QSMC)

Granting of Tenements

Develop a tenement application check-list, that will allow all tenements for small scale mining that fit this check list to be granted by the District Mining Registrar when there is no objection by other parties. i.e. :- the landholder/s etc. and native title issues are covered with ILUA's.

This is to include Exploration Permits, Mining Leases, MDL's and SMRT's as is currently the case for Mining Claims and Prospecting Permits.

All tenement applications must be subject to an appeals process when the Mining Registrar decides against an applicant for a tenement application.

There should be no restrictions on tenement sizes except for EPM's in Restricted Areas, which should pay an application fee at a pro-rata rate .

Mining Tenement applications to be granted for the term requested by the applicant for up to twenty years. (it has been policy in some mining regions to grant only five (5) years.

Design of a simpler application and reporting system for all tenement types in conjunction with QSMC with appropriate requirements that are suitable for the substantiation of the tenement type.

This is to include the required level of information for financial and technical statements.

The simplification of processes for tenement applications would decrease the threshold of cost recovery as currently scheduled by the state therefore making all exploration and mining tenement processes more affordable, which should be reflected in the application costs.

Land access

New proposed EPM land access compensation agreements must not be applicable to 'crown' or leasehold land.

Wild Rivers Legislation

In a declared "Wild Rivers Area" allow mining operations that comply with Level 2 Environmental Authority. Except in the High Preservation Zone.

Underground mining to occur under High Preservation Zone's without an Environmental Impact Statement as long as the tenement holder is able to comply with the Codes of Environmental compliance.

Health and Safety

The immediate removal of annual fees and quarterly reporting for small scale miners

The meeting above was very positive, the outcome being DEEDI and the Ministers Adviser will work with QSMC to develop a working group and timeline to progress the issues.

Native title.

Paul Crossland is leading the negotiations and will provide an update elsewhere in this newsletter (Cont Page 4)

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Irish Joke

Two Irishmen were working for the city public works department. One would dig a hole and the other would follow behind him and fill the hole in. They worked up one side of the street, then down the other, then moved on to the next street, working furiously all day without rest, one man digging a hole, the other filling it in again.

An onlooker was amazed at their hard work, but couldn't understand what they were doing. So he asked the hole digger, "I'm impressed by the effort you two are putting in to your work, but I don't get it — why do you dig a hole, only to have your partner follow behind and fill it up again?"

The hole digger wiped his brow and sighed, "Well, I suppose it probably looks odd because we're normally a three-person team.

But today the lad who plants the trees called in sick."



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Next Meeting

Monday 8th November
12.30 pm
Mareeba Leagues Club
All Welcome

Contact: Fiona Abbey
Phone: (07) 40926431
Shop 3/165 Byrnes Street,
PO Box 913, MAREEBA QLD
4880
Email: angletm@bigpond.com
Tuesday to Friday 8:30am to
4:30pm
Monday by appointment only

"For the quality management of your mining tenures"

For preparation and lodgement of:

- Mining Tenure Applications
- Mining Tenure Renewals
- Notice of Entries
- All Dealings – including assignments
- Certificates of Application and Public Notice
- Any other administration requirements under the *Mineral Resources Act 1989*

Results of the AGM held on September 13th:

President: Ralph DeLacey
Vice-President: Frank Markert
Secretary: Fiona Abbey
Treasurer: Terry Edwards
Management Committee:

- Paul Crossland

- Vicky Lake

- Ken Wilson

- Graham Steine

- Graham Byrne

- Paul Turpin

- Jeremy Belcher

Paul Crossland was appointed Native Title Officer

Graham Byrne was appointed Mining Heritage Issues Officer

Lyn Byrne was re-appointed as Editor of "Miners Right"

Graham Steine was appointed as delegate to the Mitchell River and Northern Gulf Resource Management Groups.

Vicky Lake was appointed as Publicity Officer

Lyn Byrne was appointed as Gold Panning Co-ordinator.

Delegations were appointed for the following groups:

NQMA members delegated to the Qld Small Miners Council

1. Paul Crossland
2. Ken Wilson
3. Graham Steine

EPA delegates (DERM)

1. Paul Crossland
2. Cathy Hughes (Pixie)
3. Terry Edwards
4. Vicky Lake
5. Graham Byrne

Mining Delegates (DEEDI)

1. Fiona Abbey
2. Graham Steine
3. Cathy Hughes (Pixie)

Next meeting Monday November 8th.

Regards
Ralph



A tragic accident which claimed the lives of Lisa and Matthew Markert, cherished and much loved wife and son of Frank Markert, shocked the whole North Queensland mining community.

Deepest Sympathy, thoughts and prayers are extended to Frank in this very sad time by all our members.

Update on The Native Title Act Section 29 - Right To Negotiate by Paul.E.Crossland (NQMA representative for Native Title matters)

The 3 month closing date for the first batch of mining lease applications in the RTN process has now been reached, as at the 21st October 2010. The 4 month closing date is the 21st November 2010. Letters are now being sent out to the Mining Tenure applicants advising them of the next stage in the process.

The applications which are outside of a registered Native Title area now refer back to the Mineral Resources Act, the Native Title conditions having been complied with.. Applicants in the unclaimed areas now need to contact the Registrar at their local district DEEDI (Mines Department) office to make sure they have complied with all their requirements under the MRA, including the Environmental Conditions. Once all MRA and EPA (DERM) conditions have been complied with, the Mining Registrar can recommend these applications for grant and the grant process will continue.

Those applications which are in a registered Native Title Claimed area now move into a negotiation process for an agreement with the relevant Native Title Claimants.

The Qld State Government compiles the Section 31 of the Commonwealth Native Title Act 1993 Deeds. This initiates the normal negotiation process for agreements between the miner and the Native Title Claimants. The Deeds will be sent out to each mining tenure applicant.

The Indigenous Land Access Unit within DEEDI has advised the NQMA that they prefer to send these Deeds out by E mail.

Miners who wish to receive their Deeds as a printed copy by post mail should contact the NQMA's Native Title Officer on 40953324 so that I can make arrangements for this.

DEEDI is at present drafting the Deeds with the relevant Native Title Claimants, the mining tenure applicants and the State of Qld. The next stage in the RTN process is to negotiate an agreement which is an ancillary agreement "Commercial In Confidence". The Qld State Government will be liaising with the relevant Aboriginal Land Councils to organize the agreement negotiation process. The Land Councils will identify the authorized Native Title Claimants who will be involved in the agreement negotiations and will be the Native Title signatories to the agreement. Once the negotiation of agreements is completed then the mining tenure applications can be recommended for granting by the Mining Registrar, subject to all the conditions of the MRA having been met by the tenure applicants. The time frame for the agreements to be negotiated runs until the 21st January 2011. If an agreement can not be reached by this date then assistance from the Native Title Tribunal will be available upon request for mediation and recommendations.

Miners who have tenure applications in the RTN process and are financial members of the NQMA will receive assistance from the NQMA in the negotiation process.

I urge any miners who are not financial members to do so promptly, the benefit of this will reduce your costs in the negotiation process and ensure that your views are adequately considered. The overall costs in the negotiation process are to be shared between the mining tenure applicants who are involved in the RTN batch.

The NQMA has authorized a group representative who will be liaising between the applicants, the Native Title Claimants and the Qld State Government representatives. The group representative is responsible as the chief negotiator and spokes person for the mining tenure applicants and to oversee the conduct of negotiation meetings on the part of the tenure applicants.

The next batch of Section 29 Notices and RTN applications are the rest of the Southern Area (BarBarrum and Wakaman areas) and the Olkola Area. There are 5 applicants in the Southern Area and 7 in the Olkola Area. Submissions have been received by the Indigenous Land Access Department within the Department of Employment, Economic Development and Innovation (formerly known as the Mines Department) and have gone to the minister for approval. The advertisements and Section 29 Notices are being drafted and the applicants will soon be notified of the cost for each of their relevant advertisements, the closing date for advertisement payments, and the advertising dates.

Applicants are advised to contact their local DEEDI office to ensure that they have complied with all the necessary MRA and Environmental obligations.

I would like to remind all members that to obtain the best outcome in the R.T.N. matters we need your input as to agenda you would like to be included in the agreement negotiations.

Contacts: Paul. Crossland 40968464

Graham Byrne 40914905

Graham Steene 0438726854

Paul Turpin 40963015

Update on the Small Scale Miner Area I.L.U.A.s by Paul.E.Crossland.

There have now been 3 negotiation meetings to discuss the SSM IUAs. These have been held in Mareeba. The meetings have been attended by representatives from the N.Q.L.C; the Ewamiam People , the Djungan People and the Western Yalanji People, the N.Q.M.A. including myself, and our lawyer with representatives from State Government Northern Indigenous Land Access Unit who were present at the first meeting.. The 3 new IUAs are being based on the previous SSM ILUAs, having the same format with differences being cultural heritage inspections, depending on the individual Native Title Claim group involved.

The meetings have been conducted in an orderly fashion. There were items on the agenda that have been partially agreed to, items that have not been agreeable and others that have only been discussed. All parties involved agreed to keep agenda items open for further discussion. The last meeting was held at the Jackaroo Motel in Mareeba on the 23rd September.

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NORTH QUEENSLAND MINER'S 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 Miner's 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 (including metal detecting); 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, partnership or company that provides goods or services to the mining industry but is not directly involved in mining'*.

SIGNED DATE/...../.....

Please send Application form to: NQMA, PO Box 133, Malanda, Q4885

The only agenda item that the Native Title Claimants wished to discuss at this meeting was the Compensation Schedule. To date this item has not reached agreement. The next meeting has not been scheduled as yet and we await the North Queensland Land Council to propose a meeting date. The Minutes from the 23rd September negotiation meeting will be available at the NQMA general meeting to be held at the Mareeba Leagues Club, 12.30 pm, Monday the 8th November. The N.Q.M.A. had applied for financial assistance from the Attorney General's Department to support this association with the considerably large costs we will incur from being a party to the I.L.U.A. negotiation process. The applications have been processed by the A.G. dept and have been approved.

Update on EPA Fee Increase by Paul.E.Crossland

At the general meeting on 13th September the NQMA decided to form a delegation to deal with the environmental issues instead of having a single member as the representative. Four members were elected to the position of delegates for DERM (EPA) issues; the current issue is the Environmental Authority fee increases. Miners in general have found it hard to believe that DERM could propose to increase the application fee for an EA by 2.5 times from the previous amount and then add another fee of \$500.00 as an annual fee without reasonable consultation with the mining industry, also with out providing any upgrade of services to miners. Not to mention the shambles and astonishingly incompetent administration regarding the sending of invoices to mining tenure holders, demanding prompt payment with threats if they did not comply. Examples of this incompetence has been illustrated by miners receiving invoices for tenements that have been surrendered or abandoned, tenements which they have never held, multiple invoicing for a single tenure and delaying invoices until July 2010 for a 1 January 2009 implementation date. Other interesting examples are invoices sent to the wrong address, invoices for tenures never applied for, invoices for tenures which had been sold or transferred and inaccurate categorization with the errors seeming to systematically favor a higher category of fee. There has also been some confusion regarding mining tenements close to/ or within a Wild Rivers Declaration Area, with authorities from DERM showing that they have little knowledge of basic mineralogy and mining. It is hard to accept that such ignorance of common knowledge exists within a Government department whose job it is to ensure the protection and best management practices of the Environment. There are approximately 850 small scale miners in Queensland. The Queensland Small Miners Council has been urging all miners, whether they have already paid the DERM fees or not, to protest in writing to DERM. The QSMC is determined to continue taking action until a resolution is reached with DERM on this matter which is crucial to the continuance of the Small Scale Mining Industry. This is not just of importance to miners but to the wider communities they work and live in and the flow on effect for the benefit of these local economies.

BARRY DUNN
Clermont

18/11/1938 - 15/07/2010

Barry, sometimes known as "Baz" or "Bazza" was a generous spirit who would volunteer his time to help anyone.

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After the 3rd trip they bought the Clermont Detector Gold Shop which they ran for 8 years. Clermont gave him the chance to be himself - a larger than life character who lived life to the fullest.

Barry hit the national news once as the forgetful fossicker who left a 2 oz nugget in the security tray at the Mackay Airport.

NQMA members wish to extend their sympathy to Barry's family and friends.

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