

PROCEDURES WHICH SHOULD BE FOLLOWED BEFORE REFERRAL OF MATTERS TO THE “AT RISK” COMMITTEE

Regulation of the At Risk Agreement guidelines is the responsibility of a tripartite committee comprising a Department of Mines and Energy chairman, two representatives of the mining industry and two representatives of the rural industries.

The committee meets as required to monitor the scheme and, where necessary, acts as a mediator to bring about mutually satisfactory resolution of hardship claims. However, before a hardship claim is to be heard by the committee, the procedures outlined below are to be followed by the relevant persons/organisations.

LAND HOLDERS

1. Establish that he/she is the present owner/lessee of the property under dispute and that the property was acquired before announcement of a discovery of a viable orebody or intention to mine was made.
2. Establish that the property overlays a mineral deposit or orebody 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 terms of the Mineral Resources Act.
3. Establish that hardship has been incurred in that, because of the existence of the mineral deposit or orebody, sale of the property on the open market at fair market value is not possible.
4. Establish that the mining tenement or authority holder has been advised that the land holder wishes to invoke the conditions of the “at risk” agreement and require that party to purchase the property.
5. In the event that the mining tenement holder refuses to act as requested under the terms of the Agreement, refer the matter to the land holder’s rural organisation for advice and confirmation that the conditions of the agreement apply.
6. If the organisation confirms that, in its opinion, the agreement applies, request that organisation to pursue the matter on the land holder’s behalf.

RURAL ORGANISATION

On being advised by the land holder that a dispute exists -

1. Check that the terms of the agreement apply.
2. Advise the land holder as to whether the Agreement applies or not.

If it is considered that the Agreement applies -

3. Confirm that the land holder has unsuccessfully made a genuine attempt to sell the land at fair market value.

4. Advise the Chairman of the “At Risk” Committee that a dispute exists.
5. Advise the Executive Officer of the Queensland Mining Council that a dispute exists and request action be taken to endeavour to resolve the matter.
6. Documentation relevant to the case to be provided to the Committee through the rural organisation’s representative.

MINING TENEMENT HOLDER

Having been approached by the land holder with a request to buy the property under the terms of the Agreement and having refused on the basis that the terms of the Agreement do not apply -

1. Advise the Executive Officer of the Queensland Mining Council that a dispute exists.
2. Establish the earliest recorded date when an announcement was made or public notice issued informing the public of the discovery of a viable mineral deposit or orebody and the intention to mine and/or the date on which land holders were advised of the discovery and intention to mine by representatives of the tenement holder(s).

MINING ORGANISATIONS

On receipt of information from the rural organisation or the tenement holder -

1. Advise the Chairman of the “At Risk” Committee that a dispute exists.
2. Obtain information and views of the tenement holder.
3. Check whether the terms of the agreement apply.
4. Advise the tenement holder as to whether it is believed the agreement applies or not.
5. Documentation relevant to the case to be provided to the Committee through the mining organisation’s representative.

END OF GUIDELINES