



NOTIFICATIONS TO LANDOWNERS



NOTIFICATION REQUIREMENTS UNDER THE CURRENT MINING ACT

Under the current Act, explorers and operators must serve notices on landowners about any proposed access to land (a 'notice of entry'); their intention to start negotiations to seek 'waivers of exemption' over exempt land; and any proposed use of 'declared equipment' such as drill rigs, excavators, loaders, graders and dozers.

Sending a notice of entry is the first legislated time that an explorer or operator has to contact a landowner if they want to enter the land (unless they have some other right of access, like an existing agreement with the landowner). Landowners (not including pastoral lessees, or holders of a petroleum or geothermal energy tenement) have the right to formally object to any proposed activities after a 'notice of entry' is served.

The Department is of the view that, for practical reasons, this is the earliest time that an explorer or operator should be required (under legislation) to contact an owner of land. However, the Department continues to encourage explorers and operators to meet with landowners prior to sending the notice of entry, or as soon as possible when they wish to commence negotiations for any waiver of exemption. For further information on 'exempt land' see *Policy Direction 9: Restricted Access Land*.

Landowners who have rights over 'exempt land' can choose to not agree to access, and can oppose any application made to the Environment, Resources and Development Court in relation to exempt land. Owners of land can also object to the use of 'declared equipment' as set out in the notice of declared equipment using the procedures outlined in the Act and Regulations. Department records indicate that no objections to the use of declared equipment have ever progressed to Warden's Court proceedings.

The *Discussion Paper* proposed that there might be an opportunity to make the above processes clearer and create more connection between each of the above processes so that an operator could inform a landowner of all of the relevant details in, say, one form wherever possible.

WHAT YOU SAID

Your submissions discussed the importance of agricultural communities working with exploration companies to improve notices of entry and combining them with the notice of declared equipment. You also provided recommendations for improving access issues (e.g. better engagement and communication, improved legislation, and improvements to notices of entry so that they are clearer).

FUTURE DIRECTIONS BEING CONSIDERED

The Review Team is considering recommending improvements to the notices, and the notification process, including the release of clearer forms for notices related to activity type (eg. low impact operations, advanced exploration, mining operations and ancillary operations) instead of tenure type. Further, when there are clear signed agreements in relation to land access that do not require the service of notices, those statutory requirements should not be mandatory.

For further information on advice and support to landowners, see *Policy Directions 3: Landowner advice and assistance*.

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