

ADVISORY NOTE

AUTHORISATION OF A MINING INTEREST

Before any mining activity can occur on a granted mining title the Operator of the mining title must apply for and be granted an Authorisation under the Mining Management Act. This advisory note outlines the method for “Nomination of Operator” and making an “Application for Authorisation”

INTRODUCTION

The essential pre-requisites prior to the commencement of any mining activity are:

- Valid title (mining interest) has been granted under the Mining Act.
- The owner(s) of a mining interest is required to complete a “**Nomination of Operator**” if the owner is not to be the operator.
- The operator is to:
 - a. Submit an “**Application for Authorisation**” under the *Mining Management Act* (MMA)
 - b. Submit a **Mining Management Plan** (MMP)
 - c. Lodge a security

On commencement of mining activities, the operator must;

- Update the MMP at the agreed review periods;
- Notify the Department of environmental accidents and incidents, and production statistics;
- Notify the Department of the cessation of mining activities.

OWNER REQUIREMENTS

If the owner of a mining site is not also the operator of the site, the owner must appoint an operator for the site, before mining activities can be approved.

This appointment must be by a written contract and include a condition that the operator establish and implement an environmental management system for the site. This appointment shall be required from each owner of a title.

The owner must notify the Chief Executive Officer of the Department of Resources (“the Department”) as soon as practicable of the appointment of the operator, but not later than 14 days after the appointment (Section 10 MMA).

The owner of a mining site who has appointed an operator for the site must take all reasonable and practicable measures to ensure the operator complies with and does not contravene this Act (Section 10 MMA).

The owner must provide the operator with all relevant information available to the owner that may assist the operator to establish and implement an appropriate environment protection management system for the mining site (Section 15 MMA).

The owner must ensure that the operator is competent, and has adequate resources to implement the management system (Section 15 MMA).

OPERATOR REQUIREMENTS

The operator for a mining site is responsible for the control and management of the site and the mining activities carried out on the site (section 9 MMA).

As a requirement for Authorisation the operator is to:

- 1. Submit an “Application for Authorisation” and “Nomination of Operator”** (if they are not the title owner) – section 10, 35 MMA
- 2. Submit a Mining Management Plan (MMP)**

A MMP is to be provided with an application for an Authorisation (section 40 MMA) and must include:

- description of the mining activities to be carried out;
- particulars of the implementation of the management system to address environmental issues;
- particulars of the organisational structure;
- plan and costing of closure activities;
- plans of current and proposed mine workings and infrastructure.

3. Lodge a security

A security will be required to be lodged prior to the issue of an Authorisation and is subject to periodic review.

The purpose of a security is for:

- securing an operator’s obligation to comply with the Act or an Authorisation;
- payment of costs and expenses in relation to an action taken by the Minister to;
 - a. complete rehabilitation of a mining site or
 - b. prevent, minimise or rectify environmental harm on a mining site.

After commencement of mining activities:

4. Review and update the MMP

At intervals specified in the Authorisation the operator must review and, if necessary, amend the MMP and submit it to the Minister for acceptance. Amendments to the MMP must be clearly identified (Section 41 MMA).

5. Notify the Department of production statistics

The Operator must submit quarterly information on production statistics for the operation as per Mining Management Regulation 4.

6. Notify the Department of environmental incidents or accidents

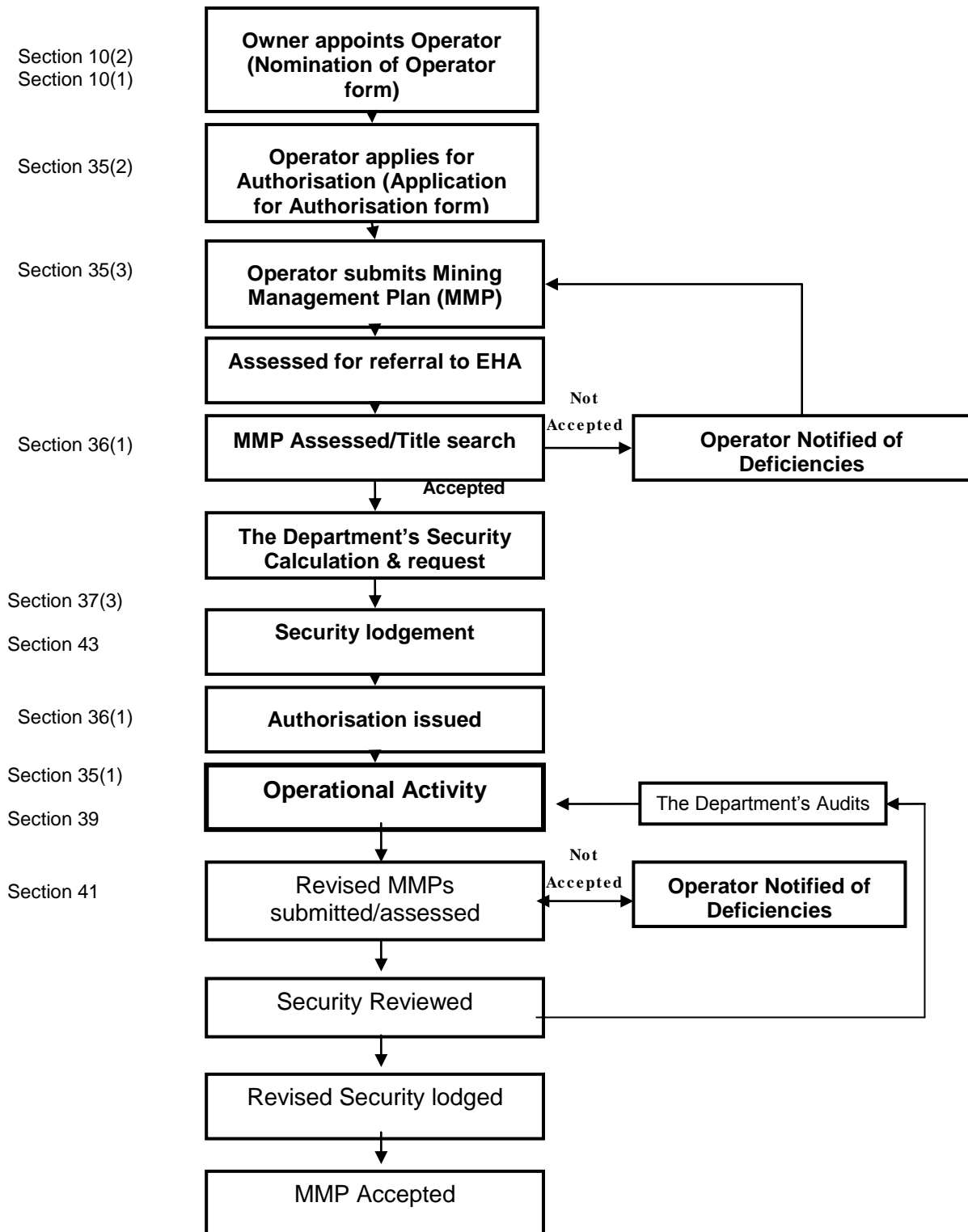
The operator of a mining site must notify the Chief Executive Officer as soon as practicable after the occurrence of a serious accident or critical incident on the site (Section 29 MMA).

7. Notify the Department of the cessation of mining activities

The operator of a mining site is to notify the Minister, in writing of the proposed cessation of mining activities if it does not form part of the MMP proposal (Section 42 MMA).

NOTE:

“Nomination of Operator” and “Application for Authorisation” forms and MMP advisory information is available from the Department’s Minerals and Energy website.



For further information or advice on this subject please contact

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