

Mining claim guide

There are two types of mining claims: prescribed or hand mining claims. Prescribed mining claims are granted for an area up to 20 hectares and allow the use of machinery for opal, gemstones, corundum and other precious stones. The size of the resource authority and machinery restrictions also applies if the resource authority application falls within a restricted area.

A resource authority that does not meet the 'prescribed mining claim' requirements may still be granted for hand mining only. The maximum size is one hectare but it may be smaller in some restricted areas. The maximum size includes the whole of the surface within the resource authority application boundaries.

A mining claim cannot be granted for coal or uranium. Mining claims are granted and administered under Chapter 3 of the *Mineral Resources Act 1989* ("the Act").

Key information

A mining claim:

- entitles the holder to mine specified minerals and other precious stones only
- is restricted to a maximum area determined according to the amount of identified reserves, restricted land and the projected life of the mine
- holder may only have direct or indirect interests in a maximum of two mining claims.

Applying for a claim is as easy as registering for the [MyMinesOnline](#) electronic lodgement system.

Resource authority holders

You need to correctly identify the full name of the applicants who will be the resource authority holders, including an ACN. If there are two or more holders one must be nominated as the authorised resource authority holder. If the applicant is a company, please provide an ARBN, ensuring the company details are exactly the same as the information held by the Australia Securities and Investments Commission at www.asic.gov.au

The following information provides an overview of holders, authorised holders and authorised holder representative. Current legislation allows co-ownership of mining resource authorities by two or more people or companies as either *tenants in common* or as *joint tenants*. **Unless otherwise specified, tenants in common is the default co-ownership structure.**

Tenants in common allows two or more companies and/or individuals to hold separate and distinct proportional resource authority shares. In the case of individuals, the right for a resource authority holder to leave resource authority interests to beneficiaries upon their death is in accordance with the directions in their will: that is, it does not pass automatically to the remaining tenant/s in common.

Joint tenancy is a structure commonly held by individuals where they must own equal shares in the resource authority. When one joint tenant dies, the share in the resource authority held by the deceased automatically passes in equal proportion to any surviving holder/s. Joint tenants must hold an equal share in the resource authority (for example 50 per cent each or 25 per cent each if four tenants). Unlike tenants in common, a will does not override joint tenancy.

Notice of Entry to owner for boundary marking purposes

You must give the owner of the land 10 business day's written notice before entering the land for boundary marking purposes. Evidence that a Notice of Entry was lodged with the landowner may be required when lodging your application.

You can only enter onto restricted land for boundary identification purpose with the **written consent** of the land owner. The written consent must be lodged with your application. Inability to obtain written consent will result in your application being refused.

The proposed claim area

The area of your mining claim should be rectangular, but its final area is determined by the extent of the resource.

Your mining claim boundary needs to be identified as set out in section 61 of the Act. Refer to the Practice Direction: Boundary identification for mining resource authorities for more details.

The department's preferred format for resource authority area descriptions is Shapefiles. If this is unavailable, please use the department's template to submit an Excel CSV (Comma Separated Value) file with latitude and longitude coordinates, using the supplied converter tool to create a shape file to attach to your application.

More information is available on our [Shape File Guide](#).

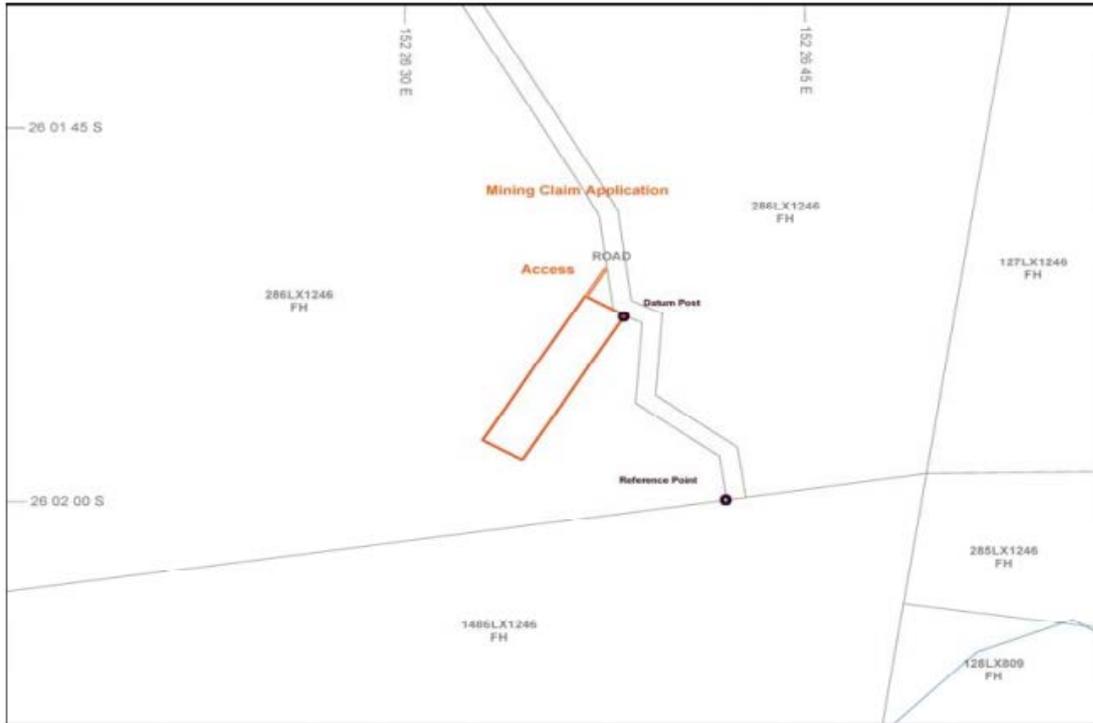
A **prescribed mining claim** may be applied for an area up to 20 hectares if the resource authority is for corundum, gemstones or other precious stones. To grant a prescribed mining claim the area must be mineralised, be an appropriate size and shape and appropriate activities will be carried out on the resource authority area. A prescribed mining claim allows the holder to carry out activities using machine mining methods. Prescribed mining claims applied for in areas with restrictions on size and mining methods may not be approved and the application may need to be amended to meet the criteria under the Act.

If pegging your mining claim application boundary you must remove all physical monuments if you have not applied for the mining claim within five business days of the last monument being installed or if you withdraw your application or it is refused.

Describing the claim area and its access

A proposed route to access the proposed mining claim must be provided with your application. If the proposed area abuts or intersects an existing dedicated road or public access, nominate it accordingly.

If not, describe your access in the same way as your mining claim boundary: using GPS co-ordinates, begin from a dedicated public road to a point on the boundary of the application area, with start and end points with the required width.



Landowner and other tenure holder consent

Restricted Land contains features such as bores, artesian wells, dams or other water storage structures connected to a water supply within a 50 metre radius from the proposed resource authority area. Restricted land may also contain a permanent structure used as a dwelling, for primary industries, business, accommodation, community, sporting or recreational purposes, or used as a place of worship or burial within a 200 metre radius of the proposed resource authority area. Inability to obtain landowner consent will result in your mining claim being refused.

Reserve Land is land that is a 'reserve' as defined in the Act. These may include, but is not limited to roads or road reserves, transport corridors (rail, for example), state forests, timber or resources reserves, local government reserves or Aboriginal or Torres Strait Island land.

You must obtain the reserve owner or trustee's consent before the mining claim application can be granted. If you are unable to obtain consent, you may apply to the Governor in Council to grant the claim over the area of the reserve.

Other tenures If your mining claim application is over land covered by another person's exploration resource authority or application for an exploration resource authority, you must provide the department with written consent from the resource authority holder or applicant by the close of objections. If this consent is not provided your application cannot be granted.

Compensation

You must compensate the landowner for the grant of your mining claim where:

- you do not own the land
- the land is allocated Crown Land
- the land cannot be occupied for the purposes of mining activities
- you use any of the land for access (unless via an existing, dedicated public road that abuts, but does not fall within, the area of the mining claim application)

The term cannot be longer than the period for which compensation has been agreed or determined. For example, agreeing to a five year compensation period means the term of your claim cannot exceed five years.

An example of the required land information:

Background description	Tenure	Land Parcel Name	Current Use	Proposed Use	Landowner name	Landowner address	Compensation Required?
Lot 23 RP23456	Freehold		Grazing	Access	J Smith	2 John St Roma	Yes
Lot 6 RP78521	Leasehold		Grazing	Mining	H Rogers	7 Farm Road Roma	Yes
Road Reserve		Smith Road	Access Road				No

Compensation to be settled before grant or renewal of a mining claim

If compensation remains unresolved prior to grant or renewal of a mining claim, either you or the landowner may apply in writing to the Land Court for a determination of the amount of compensation payable. If compensation has not been agreed or referred to the Land Court within three months after objections close or the Land Court recommendation, the Minister may refuse to grant or renew the mining claim.

Renewal

Within 5 business days of a renewal application having been made to renew a mining claim, the holder is required to notify each landowner with land in the area the mining claim or access to the mining claim that the renewal application has been made.

The notice must include:

- I. the renewal application and any documents or information prescribed by regulation; and
- II. the most recent compensation agreement or compensation determination the holder has with the landowner (if any).

This requirement ensures that landowners are aware that a renewal application has been made and gives them time to start considering compensation matters.

Other hints and advice for your application

- When assessing your application the department will consider whether to disqualify you from being granted the mining claim under chapter 7 of the *Mineral and Energy Resources (Common Provisions) Act 2014*.
- Appropriate **security deposit** is required to be held to ensure the mining claim holder complies with statutory obligations (e.g. removal of all structures, machinery, equipment and rubbish, payment of local authority rates and the costs of rectification of any non-compliance).

Refer to Operational Policy 1/2019 **Security for mining claims** and the **self-assessment security calculator** which can be found at www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/authorities-permits/forms

Structures must **not** be of a permanent nature and can include such structures as caravans, small equipment sheds and shade covers.

- Your application must **specify any overlapping tenure** including overlapping mining claims, mining leases, mineral development licenses and geothermal exploration resource authorities or leases.

A mining claim cannot be granted over land in the area of an existing mining claim, mining lease, mineral development licence, or earlier application for one of these tenures.

- You can **conditionally surrender** an existing mining claim or mining lease in favour of a new one over a new area of land or towards your resource authority application.
- If an **Environmental Authority** is required under the *Environmental Protection Act 1994*, the Department of Environment and Science will need to issue an environmental authority. You must also be a Registered Suitable Operator under the *Environmental Protection Act*.
- If an Environmental Authority **is not required**, it means you meet the Small Scale Mining Activity criteria. This criterion is defined under schedule D of the *Environmental Protection Act 1994*. The criteria is:

Small scale mining activity means a mining activity that is carried out under a mining claim, for corundum, gemstones or other precious stones, the area of which is not more than 20ha, and that—

(i) does not, or will not, at any time cause more than 5ha of land to be significantly disturbed; and

(ii) is not, or will not be, carried out in a designated precinct in a strategic environmental area; and

(iii) is not, or will not be, carried out in a watercourse or riverine area; and

(iv) is not, or will not be, carried out in or within 1km of an area that, under a regulation, is a category A environmentally sensitive area; and

(v) is not, or will not be, carried out in or within 500m of an area that, under a regulation, is a category B environmentally sensitive area; and

(vi) is not, or will not be, carried out in an area prescribed under a regulation as a designated environmental area for this definition; and

(vii) is not, or will not be, carried out as part of a petroleum activity or a prescribed ERA for which there is an aggregate environmental score prescribed under a regulation; and

(viii) is not, or will not be, carried out by more than 20 persons at any one time; and

(ix) does not, or will not, at any time cause more than 5000m² of land to be disturbed at a camp site.

- If **Native title** applies to your mining claim, the department will check whether an *Indigenous Land Use Agreement* (ILUA) can be used to ensure your compliance, or whether a similar, suitable agreement can be applied to your claim.

If no ILUA is in place or another arrangement exists, the department will check the agreement to determine if it's current and resource authorities your mining claim to be granted.

If neither applies, your application will be considered by the department's Native Title team.

Application steps for MyMinesOnline

What you need to do	Supporting information
<p>Log in to <i>MyMinesOnline</i>, select <i>Apply for a new permit or renew a permit</i> under the <i>I want to...</i> options at the right of the <i>My dashboard</i> tab and select <i>Enter a new permit application</i>. Information on <i>Mining Tenure</i> types and the relevant forms are also available to download</p> <ol style="list-style-type: none"> 1. If you agree with the <i>Terms and Conditions</i>, select Continue 2. On the <i>New Permit Application</i> page, use the drop down boxes to select the <i>Resource Type</i> either mineral or coal and the <i>Permit Type</i> you are applying for select Next <p>Note: At this stage the system creates the new application. This may take a few moments. You need to wait until the screen displays with the link <i>Continue to your application</i>.</p> <ol style="list-style-type: none"> 1. Select the <u><i>Continue to your application</i></u> link <p>Once created, the steps to follow for the new permit application display in the <i>Application status summary</i> table if completing the steps online. Complete each step as described in the summary. The status of each step displays once details are completed. Some steps will not be available until preceding step is completed.</p> <ol style="list-style-type: none"> 2. Select Step 1. 	
<p>Step 1: Permit details</p> <p>From the <i>Application status summary</i> table or form, select Step 1: <i>Permit details</i></p> <ol style="list-style-type: none"> 1. Enter the <i>Permit Name</i> - for your reference only as it will not be used by the department 2. Specify the term of the proposed permit 3. Briefly describe the general location of the application using a simple description (15km southeast of Mt. Isa, for example) for the native title advertising process, if required 4. For minerals and infrastructure permits only: enter mineral name and select Add 	<p><input type="checkbox"/> Outline the term you are applying for</p>

<p>mineral or enter infrastructure information, if required</p> <p>5. Select Save.</p> <p>Note: After each step, the system refreshes to display the status. If a step is complete, the Complete status displays, otherwise Incomplete displays. Each of the application steps can be revisited throughout the process.</p>	
<p>Step 2: Nominate permit holders</p> <p>From the Application status summary table or form, select Step 2: <i>Nominate permit holders</i></p> <ol style="list-style-type: none"> 1. Select either Add Company or Add Individual Holder 2. Search for your Company or Individual Holder with either name or ACN/ARBN or leave the field blank and select Search 3. Select the relevant company or holder or select Create new company/individual record and add/update contact details (including email address) and select Save 4. Specify the percent holding for each holder. The total holding must equal 100 per cent. If there is only one holder the percentage must equal 100 per cent for that holder. Use the check box to select the authorised holder, which will default to the principal contact 5. Select tenancy type – Joint, Sole Holder or Tenancy in Common 6. Attach proof of identity and select Next 7. Review and confirm contact details 8. Assign an Authorised Holder Representative to act on your behalf and attach a signed letter of authority and consent of all holders for the Authorised Holder Representative and select Save <p>Note: The Act requires all applicants to provide proof of identity when making applications. Each applicant must be an eligible person as defined under the relevant Act. To establish eligibility all applicants are required to provide proof of identity by submitting the following as an attachment with the application.</p> <p><u>For an individual</u></p> <p>A copy of the original of one of the following</p> <ul style="list-style-type: none"> ▪ the applicant's full birth certificate (not an extract) ▪ passport in the name of the applicant ▪ 18+ card in the name of the applicant ▪ driver's licence in the name of the applicant. <p><u>For a company</u></p> <p>The applicant must possess the certificate of registration issued by the Australian Securities and Investments Commission (ASIC) showing the Australian Company Number (ACN).</p> <p>When applying using the electronic form the department will confirm the validity of the ACN via a direct link with ASIC.</p> <p>If applying using the paper form, a certified copy of the certificate of registration issued by ASIC must be attached to the application form.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Full holder details <input type="checkbox"/> The Authorised Holder Representative Guide contains information about your <i>Letter of Authority</i> and consent requirements

<p>Step 3: Select permit area</p> <p>From the <i>Application status summary</i> table or form, select Step 3: <i>Select permit area</i></p> <ol style="list-style-type: none"> 1. Enter the approximate size of the Area of the mining claim you are applying for in hectares (to two decimal places) 2. If the permit area is not rectangular, provide a statement justifying its shape and size 3. Confirm the datum standard you have used: GDA2020 Datum in latitude and longitude 4. Enter the coordinates for the datum post according to the format you have selected 5. Enter the date the land was marked out 6. Add the relevant local authority by typing its name into the search box and selecting Add local authority 7. Attach permit area files (template available on website) www.business.qld.gov.au/industry/mining/applications-compliance/policies-guidelines <ol style="list-style-type: none"> a. Attach a CSV, Shapefile or sketch clearly showing the proposed claim's internal/external boundaries b. Attach a map or aerial photograph of the area which clearly shows the boundaries and access c. Attach other supporting documents or graphic representations of the area (photographs or maps, for example) and select Next 8. Enter access area details: so long as it does not traverse or abut an existing, dedicated public access, the 'access' means a point acceptable to the department to the boundary of the application area. <ol style="list-style-type: none"> a. If access to the claim area is by a designated road within or abutting the permit area, provide the name of the road b. If not, provide the width of the access including any relevant information about the proposed access including nearby roads, railways or stock routes c. Select Save. 	<ul style="list-style-type: none"> <input type="checkbox"/> Indicate the local government area for the proposed mining claim permit <input type="checkbox"/> Statement outlining the size of the mining claim <input type="checkbox"/> A Shapefile or Excel CSV, sketch or map clearly showing the external boundaries and total area of the proposed claim <input type="checkbox"/> Documentation or graphic representation of the area, including photos or maps <input type="checkbox"/> A Shape or Excel CSV file clearly showing the proposed access to the area
<p>Step 4: Land information details</p> <p>From the <i>Application status summary</i> table or form, select Step 4: <i>Land information Details</i></p> <ol style="list-style-type: none"> 1. Using the Land information template, upload land details including the ownership, usage and compensation status details for each parcel of land within the proposed permit area, noting that landholder compensation must be finalised before any application can be granted 2. Confirm the land is entirely unallocated state land, or that you have a permit to occupy it <ol style="list-style-type: none"> a. If No, compensation agreements must be lodged with the department before the application can be granted b. If Yes, confirm whether the land is Restricted or Reserve 3. If the application area falls over restricted land, you must provide information on 	<ul style="list-style-type: none"> <input type="checkbox"/> Land information template <input type="checkbox"/> Documents outlining landowners' written consent/actions to obtain landowner consent to enter the reserve, if applicable

<p>the restricted land, a detailed map and confirm you have the landowner(s) written consent to enter the reserve.</p> <p>4. If the mining claim is over reserve land as defined in the <i>Schedule - Dictionary of the Mineral Resources Act 1989</i>, attach and submit the consent of trustees before the close of objections.</p> <p style="padding-left: 40px;">a. Select Next</p> <p>5. Specify if any production or exploration permits that overlap with the proposed permit area. Select the permit type(s) from the drop down box and enter the permit number(s) select Add permit then Next</p> <p>6. If you are conditionally surrendering an existing permit in favour of this application over whole or part of the permit area, select Add permit and provide the permit type, number and expiry date of the permit and select Next</p> <p>7. Upload your conditional surrender statement explaining your reasons for surrendering this permit and select Save.</p>	<p><input type="checkbox"/> The permit type and number of any overlapping permits</p> <p><input type="checkbox"/> If conditionally surrendering a permit a statement advising why you want to conditionally surrender the identified permit if applicable</p>
<p>Step 5: Environmental authority</p> <p>From the <i>Application status summary</i> or form, select Step 5: <i>Environmental Authority (EA)</i></p> <p>Opals, gemstones, corundum and some other precious stones that meet the Small Scale Mining Criteria under the <i>Environmental Protection Act 1994</i>, will not require an EA.</p> <p>If the mining claim is for gold an EA is required but no fee is payable. EA applications must be lodged directly with the Department of Environment and Science (DES) using the Connect system or lodging a paper application.</p> <p>Your permit cannot be granted until the department receives confirmation that your EA has been issued or that your claim area meets the SSM criteria and will be managed under the Small Scale Code.</p>	<p>If the application does not meet the Small Scale Mining Criteria:</p> <p><input type="checkbox"/> You will be required to submit EA application directly to DES using Connect</p> <p><input type="checkbox"/> You must be registered suitable operator before the EA can be issued.</p>
<p>Step 6: Native title</p> <p>From the <i>Application status summary</i> table or form, select <i>Step 6: Native title</i></p> <p>Note As the available processes depend on the type of permit, the works to be undertaken and the area of land that is subject to native title, you need to confirm which native title process you intend to undertake by use of the radio buttons.</p> <ol style="list-style-type: none"> 1. If you select that you wish to undertake a native title process, use the drop down function to select the applicable process for your permit. You will need in all cases to provide a Right to negotiate submission 2. If you select Right to negotiate and ILUA you need to nominate the type of ILUA you will opt into. <p>Note: Any application which includes more than 10% non-exclusive land must undertake a native title process. An incorrect process selection could render your application invalid and liable to rejection</p> <p>Note: If you select to proceed without undertaking a native title process, you need to indicate (by use of the check box) that if after a full assessment is completed it is determined that native title does exist; you accept that a native title process is required and</p>	<p><input type="checkbox"/> Payment of advertising fees, if required</p>

<p>advertising fees will be requested by the department.</p> <p>3. Select Next</p> <p>4. Review the Native title process summary and select Save</p> <p>Please review our full Native Title Guide on land access and native title for mining activities.</p>	
<p>Step 7: Proposed program or plan</p> <p>From the <i>Application status summary</i> table or form, select Step 7: <i>Proposed program and plan</i></p> <p><i>Upload completed – Mining Claim Work Program and photos</i></p> <p>The scope of work programs may vary depending on the size and complexity of the proposed operations. If the proposed claim supports other permits or forms part of a broader project, the development plan must describe it and clearly show the relationship to the proposed claim</p> <ol style="list-style-type: none"> 1. You can download and complete the department's work program template, or provide your own supporting documentation 2. Upload the completed proposed work program and select Save 	<p><input type="checkbox"/> An outline of your proposed work program and photographs of posts</p>
<p>Step 8: Financial and technical capability</p> <p>Financial and technical capability statements are not required for mining claim applications, so from the <i>Application status summary</i> table or form, select Step 8: <i>Financial and technical capability</i> then select Close</p>	<p><input type="checkbox"/> N/A</p>
<p>Step 9: Understanding your obligations</p> <p>From the <i>Application status summary</i> table or form, select Step 9: <i>Understanding your obligations</i></p> <p>Note: As a result of the granting of a permit, permit holders must know their obligations noted on the register as 'permit conditions' or mandatory conditions as prescribed by <i>the Act or the Regulation</i>. These obligations are also attached to the EA, so you must confirm you understand your permit obligations.</p> <ol style="list-style-type: none"> 1. Select the check box to indicate your understanding and agreement of the obligations and select Save. 	<p><input type="checkbox"/> Confirm your understanding of your permit obligations</p>
<p>Step 10: Pay and submit application</p> <p>From the <i>Application status summary</i> table or form, select Step 10: <i>Pay and submit application</i></p> <p>Note: If submitting a paper copy, acknowledge you've read the declaration by signing and dating the form. The form must be signed by all permit holders or it will be delayed or may not be accepted.</p>	<p><input type="checkbox"/> Proof of payment to verify the successful lodgement of your application</p>

<ol style="list-style-type: none">1. Select your payment option: cash, credit card, cheque or EFT<ul style="list-style-type: none">• Submit your form in person or post it to a Mines Assessment Hub. You can pay by cash, via EFTPOS or by cheque if submitting your form in person.• If posting your application, only cheque payments are accepted• If you have registered for the MyMinesOnline portal and are submitting via the website, selecting the Pay and Submit task will offer payment options to complete your transaction2. Select OK to accept the fee payment method or Cancel to change payment method3. Once you have paid or provided proof of payment, select Next and an electronic email receipt will be sent. Your request will be submitted once payment is confirmed4. Select Close.	
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More information

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For technical support contact the **MyMinesOnline Helpdesk**
Telephone: +61 7 3199 8133
Email: mines_online@dnrme.qld.gov.au
8.30am – 4.30pm (AEST) Monday to Friday on Queensland business days.

This publication has been compiled by Regulatory Support and Performance of Georesources, Department of Natural Resources, Mines and Energy.

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