Draft Ministerial Guidelines for Description of a Mineral Resource and the Preparation of a Mineralisation Report

under the Mineral Resources (Sustainable Development) Act 1990

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# Introduction

The Mineral Resources (Sustainable Development) Act 1990 (“the Act”) provides the legislative framework for the development and regulation of the mineral exploration and mining industry (including gold, coal, and mineral sands) as well as the extractive industry (quarries) for the extraction of stone resources. The Act seeks to encourage an economically viable mining industry which makes the best use of mineral resources in a way that is compatible with the economic, social and environmental objectives of the State. The Act is intended to be administered with regard to the principles of sustainable development set out in section 2A of the Act.

The Act therefore provides that all mines and quarries are operated, rehabilitated and closed (i.e. closure of the site) in such a way that:

* they do not pose unacceptable risks to public safety, public infrastructure, the environment, land or property; and
* development occurs in a manner that achieves community and stakeholder confidence which includes having in place an effective administrative structure for making decisions concerning the allocation of mineral resources for the benefit of the general public.

The Act establishes the Crown’s ownership of minerals and provides for the transfer of that ownership through a variety of licence types. Applications for licences must comply with the requirements set out in the Act. Applications must also comply with requirements set out in any relevant regulations made under section 124 of the Act which, at the time these guidelines are published, are the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (“the Regulations”).

The Minister for Resources is responsible for administering the Act and any regulations under that Act. Earth Resources Regulation (ERR) in the Department of Jobs, Precincts and Regions supports the Minister for Resources as Victoria’s resources and mining industry regulator. ERR regulates the minerals industry through the administration of the Act and Regulations. ERR’s regulatory role is principally the assessment of applications, issuing of licences, approval of works and inspection of operations. In addition, ERR provides advice to licence applicants and licence holders on how to meet their obligations under the Act.

## Purpose and scope

These Ministerial guidelines outline the information that should accompany applications for a mining licence or a retention licence when describing a Mineral Resource in accordance with section 15(1BB) of the Act and, when required by section 15(1BE), preparing a Mineralisation Report.

These guidelines apply to mining licence and retention licence applications. To avoid doubt, these guidelines do not apply to exploration licence or prospecting licence applications.

## Legal context

Applicants for a mining licence or a retention licence are required by section 15(1BB) of the Act to describe a Mineral Resource in accordance with guidelines issued by the Minister.

If the Mineral Resource described in the application is not already being mined, then section 15(1BE) requires that the application include a Mineralisation Report. The Mineralisation Report must be prepared by a Competent Person. A “Competent Person” is defined in section 15(1BG) of the Act and regulation 12 of the Regulations.

The Mineralisation Report must set out the exploration results relating to the described Mineral Resource and include an analysis of whether these results indicate that there is a reasonable prospect that the mining of the Mineral Resource will be economically viable or, in the case of a retention licence application, may become economically viable to mine: sections 15(1BE) and 14C(1). Section 15(1BG) of the Act provides further detail about what must be specified and included in the exploration results.

Where the Minister accepts an application for a mining or retention licence referred to in section 15(1BB), they must consider the Mineralisation Report that accompanies the application for the purpose of being satisfied whether to grant the licence: section 15(6C). The Minister may request additional information about the application (including about economic viability), which the applicant must provide within 14 days of the request: section 15(7).

Section 120A of the Act empowers the Minister to issue guidelines relating to any of the objectives or purposes of the Act or the regulations made under the Act.

## Legal status of these guidelines

These guidelines are issued under section 120A of the Act and are divided into two parts:

* The **mandatory** guidelines in Part I relate to the Description of a Mineral Resource under section 15(1BB) of the Act.
* The **advisory** guidelines in Part II relate to the preparation of a Mineralisation Report under sections 15(1BE) through 15(1BG) of the Act, and the Regulations.

The mandatory guidelines in Part I set out those matters which will be taken into account by the Minister when an application for a mining or retention licence is assessed to ascertain whether a Mineral Resource has been adequately described for the purpose of section 15(1BB).

The advisory guidelines in Part II indicate the approach that the Minister adopts, and the matters taken into account, when assessing whether a Mineralisation Report has been adequately prepared for the purpose of sections 15(1BE) through 15(1BG) and the Regulations.

Key terms and abbreviations used in the guidelines are defined in the Glossary (Appendix 1).

The guidelines should be read in conjunction with other licence application requirements in the Act and the Regulations.

## Commencement and availability

These Ministerial guidelines commence operation on the day they are published in the Government Gazette and, from that day, supersede the Ministerial Guidelines for Description of a Mineral Resource issued on 17 February 2012 and notified in the Government Gazette on 20 February 2012.

The guidelines may be updated from time to time and it is the responsibility of licence applicants to ensure that the latest version of the guidelines is used when preparing an application for a mining licence or a retention licence. Any new or revised guidelines made by the Minister will be notified in the Government Gazette and will come into effect on the date that notice is published.

The guidelines are made available for public inspection in electronic form on the Department’s website ([earthresources.vic.gov.au](https://earthresources.vic.gov.au/)).

# Part I: Description of a Mineral Resource

The Minister for Resources, or her/his delegate, assesses applications for mining and retention licences having regard to the Mineral Resource described in the application.

This Part of the Ministerial Guidelines details what must be included in the Description of a Mineral Resource for the purpose of a mining or retention licence application.

## Describing the Mineral Resource

Section 15(1BB) of the Act requires applications for a mining licence or a retention licence to describe a Mineral Resource in accordance with guidelines issued by the Minister.

Unless provided otherwise in these guidelines, all applications for a mining or retention licence must identify a Mineral Resource using the standards and terminology set out in the JORC Code. The NI 43-101 reporting code will be accepted as an equivalent to the JORC code.

These guidelines are not intended to reiterate or explain the JORC Code and its requirements (for that see [www.jorc.org](http://www.jorc.org)) but simply indicates the relevance of the JORC Code to mining and retention licence applications under the Act.

With the exception of gypsum resources, a Description of a Mineral Resource for the purpose of a mining or retention licence application must include:

* **Mineral Resource Inventory:**

Typically, a mineral resource inventory should take the format of an amount (tonnage) and quality (grade) for a contained quantity after some modifying factor (cut-off grade) has been applied. Different mineral resource classifications should be reported separately in the Description of a Mineral Resource. Some geological inputs into describing the mineral resource should date from within the last 10 years.

* **The Level of Geological Confidence:**

A mineral resource must be identified as coming within one of the following classifications of geological confidence provided for in clauses 21, 22 and 23 of the JORC Code:

• Inferred Mineral Resource;

• Indicated Mineral Resource;

• Measured Mineral Resource.

For a retention licence application, a minimum of an **inferred** resource as defined by the JORC Code must be established within the area covered by the application.

For a mining licence application, a minimum of an **indicated** resource as defined by the JORC Code must be established within the area covered by the application.

* **Table 1, Sections 1 through 3 of the JORC Code:**

Table 1 of the JORC Code contains assessment criteria which should be considered by the Competent Person when describing the Mineral Resource. Items in Sections 1 through 3 should be provided on an “if not, why not” basis and includes information on Sampling Techniques and Data; Reporting of Exploration Results; and Estimation and Reporting of Mineral Resources.

* **Competent Persons Compliance Statement:**

The Statement must be dated within 24 months prior to the date of submission of the licence application. Examples of appropriate forms of Compliance Statements are provided in Appendix 3 of the JORC Code.

## Competent Person

The information and supporting documentation included in the Description of a Mineral Resource and the Mineralisation Report must have been prepared by a Competent Person (as defined in the Act and the Regulations).

Section 15(1BG) provides that, for the purposes of section 15(1BE), a Competent Person means a person prescribed in the Regulations. Regulation 12 sets out that a person is a Competent Person to prepare a Mineralisation Report if:

1. The person has –
2. membership of an organisation approved by the Department Head that is of a class approved by the Department Head; and
3. a minimum of 5 years' experience which is relevant to the style of mineralisation or type of deposit and to the activity that is the subject of the report; or
4. in the case of a mineral deposit that is easily and readily assessed visually at the ground surface, the Minister has determined, on a case-by-case basis, that the person has the relevant experience in mining or mineral exploration to prepare the report.

For this regulation, the Department Head has published a list of approved organisations and classes of membership in the Government Gazette: (<http://www.gazette.vic.gov.au/gazette/Gazettes2019/GG2019G028.pdf#page=24>)

## Gypsum

Gypsum deposits typically occur at the surface and have limited vertical extent compared to other minerals. Applicants are not required to describe gypsum Mineral Resources in accordance with JORC or provide a Mineralisation Report but must supply sufficient information required by the Minister. This includes:

* details of the location, depth, quantity and extent of the minerals and accompanying maps;
* method by which the extent of the mineral or minerals have been determined;
* analytical results obtained from samples of the mineral or minerals; and
* intended purpose of the mined product.

The Minister has determined (under regulation 12(1)(b) of the Regulations) that, in the case of gypsum, a Competent Person is a member of the National Gypsum Miners Association with 5 years’ experience relevant to the mining or mineral exploration of gypsum.

# ****Part II: Mineralisation Report****

Where the Mineral Resource described in the Description of a Mineral Resource under section 15(1BB) of the Act is not being mined from the land covered by the mining or retention licence being applied for, then section 15(1BE) of the Act requires that the applicant submit a Mineralisation Report prepared by a Competent Person (as defined in the Act and Regulations).

A Mineralisation Report will only be required for mining licence application when the land is not currently being mined. A Mineralisation Report will always be required for retention licence applications, as mining cannot occur under this licence type.

## Reports by ASX listed mining companies

If the licence applicant is a company listed on the Australian Securities Exchange (ASX) and the company had already submitted a detailed resource report to the ASX in compliance with the ASX Listing Rules (see chapter 5, <https://www.asx.com.au/regulation/rules/asx-listing-rules.htm>) then that report can used in place of having to prepare a separate Mineralisation Report to accompany the mining or retention licence application. This is intended to avoid duplication and reduce regulatory burden. The reporting requirements for a detailed resource report to the ASX are regarded as equal or more stringent than the requirements to prepare a Mineralisation Report under the Act.

To be regarded as equivalent to a Mineralisation Report, the resource report is expected to be publicly available on the ASX Market Announcements platform and should accompany the mining or retention licence application. The resource report must have been published within 36 months of the date when the licence application is submitted.

## Content of a Mineralisation Report

Sections 15(1BE)(a) and 15(1BF) require that the Mineralisation Report set out the exploration results in relation to the described Mineral Resource (section 3.3). Section 15(1BE)(b) also requires the Mineralisation Report to include an analysis of whether the exploration results indicate that there is a reasonable prospect that the mining of the described Mineral Resource will be economically viable (section 3.4).

It is expected that the Mineralisation Report will include the following components:

* **The Description of a Mineral Resource**

As required by section 15(1BB) and prepared in accordance with Part I of these guidelines;

* **Report of Exploration Results**,

As required by sections 15(1BE)(a) and 15(1BF) of the Act, guidance for which follows below (Section 3.3); and

* **Economic Viability Assessment**,

As required by section 15(1BE)(b), guidance for which follows (Section 3.4) below.

A cover sheet template is provided at Appendix 2 of this document and lists the information to be submitted. This cover sheet should be submitted with the mineralisation report for each non-gypsum Mining and Retention Licence application.

If the report of exploration results and the economic viability assessment are not prepared by the same competent person (as defined in the Act and Regulations) who prepared the Description of a Mineral Resource, then an additional Competent Persons Compliance Statement should also be included as part of the Mineralisation Report (additional to the set accompanying the Description of a Mineral Resource). The Competent Persons Compliance Statement should be dated within the 12 months prior to submitting the licence application.

## Reporting of exploration results

The report of exploration results is expected to address the types of information set out below and be accompanied by additional technical details described in Table 1 of the JORC Code, with sections completed as appropriate for the licence type and stage of the project.

* the type of mineral or minerals;
* the location, depth, quantity and extent of the mineral or minerals;
* the method by which that extent has been determined; and
* analytical results obtained from samples of those minerals.

It is essential that the Mineralisation Report include recent geological sample information along with details about Mineral Resource estimation methods (as detailed in Table 1 of the JORC Code). It is expected that a report of exploration results be accompanied by suitable maps, cross-sections, long sections and representations of three-dimensional (geological or block) model/s that demonstrate the Mineral Resource.

## Assessing economic viability

All Mineral Resources, regardless of their classification (as inferred, indicated or measured), must satisfy the requirement that the mineral “is or may be economically viable to mine”.

In preparing a Mineralisation Report, section 15(1BE)(b) requires the inclusion of an analysis of whether the exploration results indicate that there is a reasonable prospect that the mining of the described Mineral Resource will be economically viable. Consistent with the JORC Code, “reasonable prospect” of eventual economically viable mining is taken to mean more likely than not. In all cases, the considered timeframe for when mining is considered economically viable should be disclosed and discussed by the Competent Person in the assessment component of the Mineralisation Report.

Economic viability is not a function of a firm’s financial capability. It is a function of the resource, commodity price and foreseeable cost of extraction. The economic viability will be applied as an objective test to a project, concept or plan and is distinguishable from a test of the licence applicant’s immediate financial capacity to progress a project.

Assessment of economic viability should be undertaken by a suitably qualified and experienced person on behalf of the applicant and will take into account normal industry approaches and standards applied by commodity and the general economic environment, including pricing and cost of capital. The assessment would normally be undertaken using Pre-Feasibility or other relevant studies.

### Economic viability assessment for a retention licence

A retention licence applicant must demonstrate that the Mineral Resource is not currently economically viable to mine but that there is potential that the resource may become economically viable to mine in the future: section 14C(1)(a)(i).

This can be done by providing an early stage conceptual potential economic assessment (equivalent to a Scoping Study or a Preliminary Economic Assessment) which should outline the further technical work that is needed to establish the future economic potential of the mineral resource. The economic assessment and further technical work must be prepared by a qualified person with relevant experience in Mineral Resource economic modelling. A summary of their relevant experience with respect to the economic assessment should be provided.

A Scoping or Pre-Feasibility study should have been completed to demonstrate a comprehensive understanding of the range of technical and economic factors or scenarios that need to be established to assess potential economic viability (see Clauses 38 and 39 of the JORC Code). A description and summary of the findings of the study should be provided with the application along with independent verification by a suitably qualified person that the study is reported in accordance with the JORC Code.

A fully costed and timed program of work should be attached that details activities that will be undertaken to establish economic viability during retention licence tenure. Additional matters for consideration may include the grade (quality), scale, depth, mining and mineral processing methods, and marketability of the mineral or product(s) derived from it.

### Economic viability assessment for a mining licence

A mining licence applicant must demonstrate that the mineral resource is currently economically viable to mine. This can be done by providing a comprehensive study of a range of options for the technical and economic viability of a Mineral Resource that advance to a stage where the preferred mining method and mineral processing routes have been determined or detailing the selected development option, equivalent to a Pre-Feasibility Study or Feasibility Study under clauses 39 and 40 respectively of the JORC Code.

A description and summary of the findings of the study should be provided with the application along with independent verification by a suitably qualified person that the study is reported in accordance with the JORC Code.

Where such a study has not been undertaken, the applicant will should demonstrate a commitment to mining by detailing the formal decision to proceed to mining made by the applicant (e.g. company board decision) and any financing, contractual arrangements and approvals already in place.

### Economic viability of coal mining

A coal mining or retention licence application is considered through a different assessment approach as there is no explicit commodity price. Applicants applying for a coal mining or retention licence are expected to demonstrate that there is a market for coal.

Information that demonstrates expected revenue, identification of likely markets or known demand for new uses of brown coal, factors likely to affect demand, a customer analysis, price and volume forecasts, any intended contract negotiations with potential customers, existing or in-principle purchase agreements, and information about any contracts already in place would inform the Minister’s view about the economic viability of coal mining.

Depending on the size of the operation and material relevance of information relative to costs and analysis of expected revenue, the Minister may request more information to properly assess economic viability.

## Further information

Inquiries about applications for mining or retention licences are handled by the Earth Resources Information Centre, whose contact details are:

**Street Address:**

Earth Resources Information Centre

Level 15, 1 Spring Street, Melbourne, 3000

**Telephone:**

1300 366 356

Opening hours: Monday to Friday 9:00am to 4:30pm (excluding public holidays)

**Postal address:**

Earth Resources Information Centre

GPO Box 4509

Melbourne VIC 3001

# Appendix 1: Glossary and abbreviations

Legislative references in the ‘Source’ column below relate to the Act and the Regulations.

| Term or Abbreviation | Meaning | Source |
| --- | --- | --- |
| Competent Person | Section 15(1BG) provides that, for the purposes of s 15(1BE), a **competent person** means a person prescribed in the Regulations. Regulation 12 sets out a person is a **competent person** to prepare a mineralisation report if(a) the person has -(i) membership of an organisation approved by the Department Head that is of a class approved by the Department Head; or(ii) a minimum of 5 years’ experience which is relevant to the style of mineralisation or type of deposit and to the activity that is the subject of the reports; or(b) in the case of a mineral deposit that is easily and readily assessed visually at the ground surface—the Minister has determined, on a case-by-case basis, that the person has the relevant experience in mining or mineral exploration appropriate to prepare the report.For this regulation, the Department Head has issued a list of approved organisations and membership classes in the Victorian Government Gazette. | s 15(1BG) and reg 12[www.jorc.org](http://www.jorc.org)[www.asx.com.au](http://www.asx.com.au)List of approved organisations and membership classes for the purpose of reg 12(1): <http://www.gazette.vic.gov.au/gazette/Gazettes2019/GG2019G028.pdf#page=24>  |
| Exploration | exploration for minerals and includes—(a) conducting geological, geophysical and geochemical surveys; and(b) drilling; and(c) taking samples for the purposes of chemical or other analysis; and(d) extracting minerals from land, other than for the purpose of producing them commercially; and(e) in relation to an exploration licence, anything else (except mining) that is specified in the licence | S 4(1) |
| Indicated Mineral Source | That part of a mineral resource for which quantity, grade (or quality), densities, shape and physical characteristics are estimated with sufficient confidence to allow the application of modifying factors in sufficient detail to support mine planning and evaluation of the economic viability of the deposit. | JORC Code, para 22 |
| Inferred Mineral Source | That part of a mineral resource for which quantity and grade (or quality) are estimated on the basis of limited geological evidence and sampling | JORC Code, para 21 |
| JORC | Australasian Joint Ore Reserves Committee. JORC is responsible for the development and ongoing update of the JORC Code. | [www.jorc.org](http://www.jorc.org) |
| JORC Code | The 2012 edition of the JORC Code. The JORC Code is a professional code of practice that sets minimum standards for public reporting of minerals exploration results, mineral resources and ore reserves. The 2012 edition of the Code is at www.jorc.org/docs/JORC\_code\_2012.pdf. | [www.jorc.org](http://www.jorc.org)[www.jorc.org/docs/JORC\_code\_2012.pdf](http://www.jorc.org/docs/JORC_code_2012.pdf) |
| Measured Mineral Resource | That part of a mineral resource for which quantity, grade (or quality), densities, shape, and physical characteristics are estimated with confidence sufficient to allow the application of modifying factors to support detailed mine planning and final evaluation of the economic viability of the deposit. | JORC Code, para 23 |
| Mineral | any substance which occurs naturally as part of the earth's crust(a) including (i) oil shale and coal; and(ii) hydrocarbons and mineral oils contained in oil shale or coal or extracted from oil shale or coal by chemical or industrial processes; and(iii) any substance specified in Schedule 4;(b) excluding water, **stone**, peat or **petroleum**. The substances specified in Schedule 4 are bentonite; fine clay; kaolin; lignite; minerals in alluvial form including those of titanium, zirconium, rare earth elements and platinoid group elements; quartz crystals and zeolite. **Stone** means sandstone, freestone or other building stone; basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing or construction purposes; quartz (other than quartz crystals); slate or gravel; clay (other than fine clay, bentonite or kaolin); (ea) peat; sand, earth or soil; or other similar materials. **Petroleum** has essentially the same meaning as set out in the Petroleum Act 1958. | S 4(1) |
| Mineral resource | a concentration of a mineral or minerals that is or may be economically viable to mine | S 4(1) |
| Mineralisation report | A report prepared by a competent person that—(a) sets out the exploration results in relation to the described mineral resource; and(b) includes an analysis of whether the exploration results indicate that there is a reasonable prospect that the mining of the described mineral resource will be economically viable. | S 15(1BE) |
| Mining | extracting minerals from land for the purpose of producing them commercially, and includes processing and treating ore | S 4(1) |
| NI 43-101 | National Instrument 43-101. Canadian national instrument for the Standards of Disclosure for Mineral Projects | <https://www.osc.gov.on.ca/en/15019.htm> |

# Appendix 2: Description of a Mineral Resource and Mineralisation Report – Cover Sheet

This cover sheet is for non-gypsum Mining and Retention Licence applications for submission with the Description of a Mineral Resource or Mineralisation Report. For further information refer to the following:

Ministerial Guidelines for Description of a Mineral Resource and Mineralisation Report

Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 –Regulation 12

Mineral Resources (Sustainable Development) Act 1990 – Sections 15(1BB) and 15(1BE – 1BG)

1. Licence application details:

|  |  |
| --- | --- |
| Applicant/company name: |       |
| Licence type: | **[ ]  Mining Licence****[ ]  Retention Licence** |
| Report type: | **[ ]  Description of a Mineral Resource (complete sections 1- 4)****[ ]  Mineralisation Report (complete ALL sections)** |
| Tenement details:*Please provide any relevant tenement details for area under application (e.g. current EL/RL/MIN number)* |  |

2. Competent Person Statement

|  |  |
| --- | --- |
| Competent Persons Statement *This statement should describe how the person is compliant with Regulation 12.**See Appendix 3 of the JORC Code for an acceptable format.* |       |

3. Competent Person Contact Details

|  |  |
| --- | --- |
| Name: |       |
| Address: |       |
| Email: |       |
| Phone: |       |
| Competent Person signature: |  |

4. Description of the Mineral Resource

|  |  |
| --- | --- |
| Mineral Resource Inventory*This should take the format of an amount (tonnage) and quality (grade) for a contained mineral**See Appendix 3 of the JORC Code for an acceptable format.* |       |
| Mineral Resource Classification | **[ ]  Inferred** (minimum required for Retention licence application)**[ ]  Indicated** (minimum required for Mining licence application)**[ ]  Measured** |
| Reasonable Prospects of Economic Extraction*See clause 20 of the JORC code for further information.* | **[ ]** As a Competent Person I acknowledge that by reporting a mineral resource I believe there is a reasonable prospect of eventual economic extraction of the mineral from the described resource and have discussed the basis for this assumption within the attached report. |
| Table 1, Sections 1 through 3 of the JORC Code | **[ ]** Supporting information regarding the mineral resource is provided inJORC table 1, sections 1 through 3 in the attached report and is addressed on an ‘if not, why not’ basis. |

5. Information and Supporting Documentation – Description of a Mineralisation Report

Indicate how the attached report addresses the following requirements

|  |  |  |
| --- | --- | --- |
| **Relevant legislation** | **Explanation** | **Indicate how the attached report addresses requirement*****e.g. Page 4, Table 1. Page 9, Second paragraph etc.*** |
| S 15 1BE (a) | Does the Report set out the exploration results in relation to the described mineral resource? |  |
| S 15 1BE (b) | Does the Report include an analysis of whether the exploration results indicate that there is a reasonable prospect that the mining of the described mineral resources will be economically viable? |  |
| S 15 1BF (a) | Does the Report specify the type of mineral or minerals? |  |
| S 15 1BF (b) | Does the Report specify the location, depth, quantity and extent of the mineral, or minerals, in sufficient detail? |  |
| S 15 1BF (c) | Does the Report specify to an appropriate level of detail the method by which the extent of these mineral(s) have been determined?Is this information provided to the required JORC Code standard, to enable an appropriate assessment by the Minister? |  |
| S 15 1BF (d) | Does the Report include analytical results obtained from samples of the mineral or minerals?Is this information provided in sufficient detail, and to the required JORC Code standard, to enable an appropriate assessment by the Minister? |  |

Authorised by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (example Hon. )
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