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| **QUESTION** | **ANSWER** |
| Below are responses to all questions submitted prior or during the community information session. Only those questions posed by the resources industry have been omitted. | |
| **Why were we not informed of how and when to object?** | Applicants for a minerals exploration licence are required to advertise details of the application in a local and state-wide newspaper. This provides the opportunity for the community to make a formal submission regarding an application. Each of the current applications in the area were advertised in accordance with requirements.  Community members have 21 days to make a submission to the licence application from the date of publication.  Since April 2020 Earth Resources Regulation has published details of all applications open for public comment on its [website.](https://earthresources.vic.gov.au/licensing-approvals/have-your-say)  Earth Resources Regulation has also updated its advertising guidelines in response to the closure of many regional papers, providing applicants with alternative ways to advertise applications, including the use of road signs and/or direct mail to affected local landholders.  Native Title requirements could mean that the decision to approve or reject an application for a minerals exploration licence can take several months, even years, from the time an application is advertised. This means there is a time lag between the initial opportunity to 'have your say’ and when you may notice a project starting. |
| **What powers does the mining warden have when it comes to resolving disputes about granting access to a property for exploration purposes? Do they determine consent, or does that get resolved by VCAT?** | If the parties to a dispute agree, the Mining Warden can arbitrate on matters of dispute.  The Mining Warden may hear disputes about access to land and compensation. In investigating and resolving disputes, the Mining Warden can, among other things:   * conduct hearings, conciliation conferences, mediations and arbitrations * make a recommendation to the Minister for Resources.   When the Mining Warden acts as a mediator or a conciliator, the Warden can give information and advice but will not impose a decision about how the dispute should be resolved.  Under the *Mineral Resources (Sustainable Development) Act 1990*, a licensee must first obtain consent of the owner / occupier of the affected land, or alternatively, enter into a compensation agreement.   However, as the Crown owns the minerals, a landowner does not have absolute power to control access to their land for minerals exploration activities.  If consent is not given to the licensee to access land, or a compensation agreement is not reached with the Licensee, the parties may seek intervention (mediation or arbitration) from the Mining Warden.  Alternatively, compensation can be determined by the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court.  In practice, VCAT or the Court will not determine access unless the applicant can provide evidence to satisfy the Tribunal or Court that the applicant has attempted to settle the matter by conciliation. The reasons can be that the other party has refused to negotiate a settlement or because both parties are unable to agree.    Once compensation has been determined by VCAT (or the Supreme Court) minerals exploration may be undertaken on the relevant land. |
| **What are the requirements to notify community about drilling?** | Licensees are expected to identify and consult with communities affected by proposed works.  The Code of Practice for Mineral Exploration currently recommends consultation with nearby residents within 100m of drilling.  Licensees must ensure that noise generated by exploration activities such as drilling do not exceed limits set by the Environment Protection Authority.  The *Code of Practice for Mineral Exploration* also sets out measures for mitigating noise. We expect industry to take community consultation seriously. Communities should contact explorers directly about any concerns and explorers should be transparent about their work operations. |
| * **What opportunities will this create for community?** * **What is the community benefit?** * **What data do you have to support this being a necessary venture for the local community?** | Whilst small, minerals exploration expenditure in local economies is important to the small operators who benefit from demand for, and spending on their goods and services.  For example, the service station selling the extra fuel, the local motel earning money spent on accommodation and the local restaurant and café selling food.  The overwhelming majority of minerals exploration projects do not convert to a viable resource and/or mining operation. As a result, the direct community benefits generated by minerals exploration is likely to remain small.  However, if a commercially viable gold or other mineral deposit is found, there is the potential for a mine. A mine brings jobs and investment, not only in the mine itself but also the flow on effects to industries that support a mine.  Minerals production in Victoria was valued at over $1 billion in 2018-19, with the strongest performance from the gold sector. |
| **Will there be any long-term impacts on the environment at the sites or surrounding areas?**  **What protections exist for native vegetation?** | There were several questions about impacts on the environment and native vegetation.  The *Code of Practice for Mineral Exploration* is based on the principle that exploration projects should have little or no lasting impact on the environment.  Reconnaissance and low impact exploration can be described as activities that do not involve the following:  - use of equipment other than non-mechanical hand tools  - explosives - ground disruption within 200 metres of a waterway - removal or damage to trees or shrubs listed under *sections 10 and 20 of the Flora and Fauna Guarantee Act 1988*.  Explorers also cannot use closed roads or create a road, structure or hardstand area without the consent of the owner or occupier of the land.  Any potentially higher impact activities require an approved work plan. The work plan outlines how the licensee will manage risks to the environment and how they will rehabilitate the site.  All work plans are referred to the Department of Environment, Land, Water and Planning (DELWP) and other agencies for advice before approval to ensure any potential risks to the environment, land and water are identified and mitigated.  Environmental laws are among many (more than 20) laws and regulations that govern where and how minerals explorers conduct exploration activity.  To protect habitats and threatened flora and fauna species, minerals exploration licence holders must comply with the *Flora and Fauna Guarantee Act (FFG Act)* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and associated environment laws. For example, explorers must not destroy, damage or disturb flora and fauna listed in the FFG Act on public land without a permit.  Native vegetation clearing must follow DELWP’s guidelines, which apply to all native vegetation clearing across Victoria for any purpose. This requires damage to be minimised and offsets to be agreed for areas cleared, with DELWP approval. |
| **Will any of the Wombat Forest be cleared to allow mining? If so, how much will be cleared? Is there a limit?** | The licences currently under application and those recently granted in the area are for minerals exploration, not mining.  Low impact exploration allows for the creation of tracks and removal of limited vegetation, which must be recorded.  All areas must be rehabilitated in accordance with the Code of Practice for Minerals Exploration. If a work plan is required, the area must be rehabilitated in accordance with the approved rehabilitation plan.  The potential for mining is not a certainty (in fact, the likelihood is small) and is a long way off because a commercially viable deposit must first be identified., which may or may not happen. If a commercial deposit is found, the footprint of any proposed mine and the environmental impact would be part of the rigorous mining and planning approvals process. Existing mining licences in the Wombat State forest have a very small footprint as per the map on this web page.  The environmental impact of any proposed mine, if a commercially viable deposit were to be found, would likely be the subject of an Environmental Effects Statement (EES) process, which may be required by the Minister for the Planning as part of the approvals process to obtain permission to build and operate a mine.  The EES process is a rigorous process which typically takes several years and considers in detail the potential environmental impacts of a proposed mine and how these could be managed. This process includes the opportunity for members of the public to make submissions and have their say. |
| **In recent years, two exploration licences were withdrawn in the Macedon Ranges (Macedon Resources 2018 and Syndicate Minerals 2020). Both had significant public petitions against them.**  **Is this why mining was halted in these instances and, if so, why haven’t exploratory licences been revoked in the Wombat State Forest after the recent No Wombat Gold petition of over 5,400 signatures?** | The withdrawal of applications is not a decision made by the Earth Resources Regulation unit (the Regulator). A withdrawal of an application is at the discretion of an applicant.  Minerals exploration is currently permitted on Crown land in the Wombat State Forest.  Earth Resources Regulation assesses and approves applications in line with current requirements of the [*Minerals Resources (Sustainable Development) Act 1990*](https://www.legislation.vic.gov.au/in-force/acts/mineral-resources-sustainable-development-act-1990/122)*.*  The public has 21 days to submit comments and objections following the advertising of a minerals exploration licence application.  Depending upon the nature of those submissions, the Regulator may impose additional licence conditions to help mitigate the concerns raised by the community. |
| **What are the criteria for mineral exploration? What is the process to apply for commercial mining licence?** | The criteria to obtain a minerals exploration licence include:   * Fit and proper person to hold a licence * Intends to comply with the Act * Genuinely intends to do work * Appropriate minerals exploration work program * Likely to be able to finance the work and rehabilitation.   The process for being granted approval to build and operate a mine in Victoria is much more complex and typically takes several years to complete.  A mining licence application requires evidence that there is a mineral deposit that it is economically viable to mine. Communities can comment on and object to mining licence applications as these are separate to an exploration licence application.  Mine planning involves detailed environmental, heritage, land planning, water and other approval processes and assessments, and detailed studies to assess potential environmental, social and economic impacts.  It is possible that an Environment Effects Assessment could be required under the *Environment Effects Act 1978*, often described as the EES process. This is a decision for the Minister for Planning. Assessment may also be required if the triggers are met under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).*  Extensive consultation with communities is required – either through an EES process or a planning permit process – and members of the public have the opportunity make submissions about the proposed mining activities and footprint.  Experience shows it typically takes around 10 to 15 years for a mine to become operational from the time that an economically viable deposit is identified. This includes meeting all the regulatory requirements and attracting required investment.  In Victoria, less than one per cent of exploration projects typically progress to establishing a mine. |
| **Please explain the various bodies that exploration licence holders need to work with in order to get work plan approvals.** | The Earth Resources Regulation process includes an initial site meeting where the explorer will outline proposed work to agencies and regulators, who provide guidance on requirements.  These agencies and regulators include councils, catchment management authorities, the Environmental Protection Authority, the Department of Environment, Land, Water and Planning (DELWP) and other government departments.  Explorers must consult with these agencies and regulators as they prepare the work plan application. Earth Resources Regulation will consult with agencies and regulators before approving a work plan to confirm that their requirements have been met. |
| **Why are exploration licences issued in water catchments?** | Exploration licences typically cover large areas that include water catchments. Everywhere in Victoria lies within a ‘water catchment’.  Many exploration activities do not take place on ground at all. Advances in technology mean that activities such as airborne surveying are increasingly being used by minerals explorers to help them understand broad geological systems over large areas, which helps them to identify smaller areas to focus on.  There are strict regulatory controls under the W*ater Act* and the *Mineral Resources (Sustainable Development) Act 1990* regarding drilling and the safeguarding of groundwater.  Under a minerals exploration licence, a licensee must ensure all reasonable measures are taken to minimise the impacts of drilling. The licensee must prevent contamination of aquifers and not drill within 200 metres of a named waterway or within 100 metres of an irrigation channel.  Licensees must obtain a Work Plan approval when their activities are likely to exceed threshold limits which define low impact exploration, which includes any potential risks to groundwater. If there are risks, their Work Plan might also be referred to the Department of Environment, Land, Water and Planning (DELWP) and rural water authorities. Conditions can be imposed on a licence to protect groundwater. |
| **When mines close to Melbourne are regularly stopped, is it not time to designate mining free zones?** | The Victorian Government recognises that all land is subject to competing interests from time to time, and that in such instances, not all parties will be able to get exactly what they want.  Land planning and management is about achieving the fairest outcome possible, considering the competing interests involved and the potential in some cases for multiple uses of the same land over time. This is the reason why the State has robust laws to govern land management and planning.  Minerals explorers confine their activities to areas which are prospective for minerals. That is, in areas where the geology suggests that there may be the presence of valuable minerals (such as gold, copper or other metals).  The growth of Melbourne and many regional towns arose from the discovery of gold in the 1850s. Its economic and cultural impact shaped the future of Victoria.  All Victorians continue to benefit from mining in some way (including mining in Victoria), with items that we commonly use every day such as computers, mobile phones and other electronics being made from raw materials that derive from mining. Raw materials from mining are vital for all aspects of modern living, and mining in Victoria additionally provides royalties, jobs and income for Victorian communities, particularly in regional areas. |
| **How will minerals exploration in this area affect the Dja Dja Wurrung?**  **What opportunities will this create for community?** | Prior to a licence being granted, Earth Resources Regulation must resolve future acts under the *Commonwealth Native Title Act*.  The Dja Dja Wurrung Clans have entered into a Recognition and Settlement Agreement with the State of Victoria under the *Traditional Owner Settlement Act 2010.* The Land Use Activity Agreement (LUAA) under that Act provides the framework for resolving future acts on Dja Dja Wurrung traditional lands.  If a minerals licence applicant includes Crown Land within the licence area, the applicant must either accept standard conditions under the Dja Dja Wurrung’s LUAA or negotiate an agreement with the Dja Dja Wurrung Clans Aboriginal Corporation.  The Land Use Activity Agreement (LUAA) standard conditions provide that the minerals exploration licensee makes payments to the Corporation for exploration activity – payments are listed in Schedule 4 of the LUAA.  The licensee must also provide notice prior to work commencing and a copy of their work program to the Corporation. The licensee is also required to adhere to the *Aboriginal Heritage Act* *2006* which safeguards Aboriginal cultural heritage. Cultural Heritage Management Plans may be required in some areas.  Dja Dja Wurrung Clans are a part of the community and the community will benefit from the expenditure that companies make to the Corporation and in the local towns. If a commercially viable deposit is found and a mine is proposed, Dja Dja Wurrung will seek to negotiate outcomes which include economic opportunities such as jobs and procurement arrangements, cultural heritage protection, and arrangements on closure of the operation. |
| **What is the process and timelines for the Government's decision on whether minerals exploration and mining will be banned in the Wombat State Forest area?** | The Central West Investigation Final Report (VEAC’s report) was released on 21 June 2019. It recommended the inclusion of the Wombat State Forest into the Lerderderg National Park.  A government response has been delayed due to other Government priorities in what has been a challenging year with the emergence of the coronavirus pandemic. A whole of Government response is being coordinated by the Minister for Environment (and DELWP).  If the new Wombat-Lerderderg National Park was to be created, minerals exploration licences that exist before the creation or extension of the national park can be renewed or converted into a mining licence application., but only with the consent of the Minister for Environment,. This Minister may take advice from the National Parks Advisory Council; the licence can be subject to conditions, and this consent (if granted) must be tabled in Parliament. |
| **Is it possible to have the Carbon Emissions of the mining offset as a condition of its approval?** | The government is committed to addressing climate change and reducing emissions to net zero by 2050. The *Climate Change Act 2017 (Vic)* enshrines this target into law.  Climate change is considered when making decisions under [*Section 2A of the Mineral Resources (Sustainable Development) Act 1990 (Vic)* (MRSD Act)](http://classic.austlii.edu.au/au/legis/vic/consol_act/mrda1990432/s2a.html) and other relevant legislation.  Section 2A of the MRSD Act provides the principles of sustainable development.  All decisions under this Act must have regard for these principles, including:   * Enhancing community wellbeing and equity for present and future generations * Protecting the ecology and biodiversity of the ‘natural’ environment * Providing for economic growth that enhances the capacity for environment protection * Developments should make a positive contribution to regional development and respect the aspirations of the community and of Traditional Owners. |
| **Have you seen the size of Fosterville? It would significantly impact the Wombat Forest.** | Each individual mineral deposit has unique characteristics and a unique history.  Low-grade and dispersed parts of the gold deposit were discovered at Fosterville at surface in 1894, exposed along an alignment of several kilometres – these parts of the deposit were mined from surface by open-cut until 1903, leaving a legacy of open-cut workings of several kilometres.    Modern open-cut mining recommenced on the low-grade at-surface parts of the resource in the late 1980s.  This history is the reason for the current Fosterville operations’ footprint. The current Fosterville operations are underground, accessing deeply buried high-grade gold resources, with at-surface impacts relating to water and management of materials extracted from the ground as part of mining which are left behind at the site (tailings), which will be progressively rehabilitated.    No large at-surface dispersed low-grade gold resources have been discovered in the Wombat Forest, either historically or in more modern times.  Had such gold resources existed at-surface, they would surely have been discovered and mined historically. Therefore, it is anticipated that the opportunities for modern exploration success hinge on the discovery of buried high-grade gold resources of the type currently being mined by underground methods at Fosterville. |
| **Can anyone search for gold? And how?** | Yes, you can search for gold in Victoria. If you want to fossick in this state, you need a current fossicking permit known as a Miner's Right. A Miner's Right allows you to remove and keep minerals discovered on Crown Land, your own land or private land (where the landowner has given permission).  A 10-year Miner's Right costs $25.20 and is for individuals only. You can purchase a Miner’s Right online  or through an [agent](https://earthresources.vic.gov.au/licensing-approvals/recreational-fossicking/miners-right-agents). A current Miner's Right must be held at all times while gold prospecting.  A minerals exploration licence gives the holder exclusive rights to explore for specific minerals within a specified licence area. No mining activities can be undertaken on an exploration licence. Detailed information on what is required for an minerals exploration application is available on the [Earth Resources website](https://earthresources.vic.gov.au/licensing-approvals/mineral-licences/apply-for-an-exploration-licence). |
| **Do resource developers pay for the legacy data?** | No. Minerals exploration companies, as a requirement of their licence, must provide the technical data they generate to the Department of Jobs Precincts and Regions in an annual technical report.  This report presents the technical results and geological interpretation of exploration during the reporting period. It includes all geophysical, geochemical and drilling data captured by the exploration company.  All technical reports are published online and made freely available to the general public, including researchers, geologists, landholders and minerals development companies. All licensees must also lodge an Annual Report that provides information on expenditure, production, rehabilitation and, if relevant, details of extraction. This assists government in ensuring that licensees meet their obligations under the law. |
| **Please explain the lesser minerals.** | The type of geology at any given location dictates the mineral potential.  The geology of central Victoria has proven prospective for gold, but gold is not the only metal that is known to occur in this geology.  In many places the gold naturally occurs in association with other metals, including the metal antimony. In some places there is a sufficient concentration of antimony to be an economic resource in its own right. An example of economic antimony occurs nearby at Costerfield.  Igneous rocks also occur in places across central Victoria, and these types of rocks can be associated with metals such as molybdenum, copper, tungsten, tin, and rare earth elements, etc – but no economic deposits of these types are currently known in this part of Victoria.  There are many other different types of rocks in the region, with potential for other minerals. Please visit the Geological Survey of Victoria website where detailed information is given on the types of minerals that exist in Victorian geology. |
| **How about rehab? Are we caring for our land and wildlife to expectations?** | Licensees must ensure that disturbed areas are rehabilitated as soon as possible after the completion of minerals exploration works.  All disturbed areas should be revegetated and reinstated back to the natural surface, or to a stable landform like that of the surrounding undisturbed areas.  They must use Indigenous species that are sourced from the local area for any revegetation required. Exploration drill holes must also be appropriately capped and sealed.  Earth Resources Regulation inspectors assess the site after the rehabilitation is completed to ensure it is conducted to an appropriate standard.  Licensees are required to pay a rehabilitation bond before they start any ground disturbing works. The bond is only returned when the rehabilitation work has been completed and assessed to be satisfactory. |
| **Will you explain the difference between native title processes and the RSA process which applies in the area we are discussing?**  **Please elaborate on Native Title.** | Recognition and Settlement Agreements (RSA) provide an out-of-court settlement of native title. In return for entering an RSA, Traditional Owners must agree to withdraw any native title claim, pursuant to the *Native Title Act* 1993 (Cth) and not to make any future native title claims.  The State of Victoria has an RSA with both the Dja Dja Wurrung and the Taungurung peoples. Under the RSA, Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) and the Taungurung Land and Waters Council (TLaWC) each have a Land Use Activity Agreement (LUAA) which allows Traditional Owners to comment on or consent to certain activities on public land.  Under these LUAAs, the DDWCAC and TLaWC have agreed to minerals exploration as routine activities with standard conditions for payment of community benefits and notification requirements. Minerals explorers seeking access to Crown Land may accept the existing LUAA with the relevant party or negotiate another.  There are no RSAs with the Wurundjeri or the Wadawurrung. In this case, a minerals explorer seeking to access Crown Land would need to go through a process of negotiation with the relevant parties, following the “future acts” assessment process under the *Native Title Act 1993 (Cth).*  More information about Native Title can be found [here](https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/mineral-tenements-and-the-native-title-act-1993) |
| **How much information does an exploration company need to give about their exploration program?** | Applicants must publish details of their work program on their website in accordance with the Advertising Guidelines, to allow community the find out more about the program and have an opportunity to comment or object.  *The Community Engagement Guidelines for Mining and Mineral Exploration in Victoria* outlines for the minerals sector the requirements for community engagement under *the Mineral Resources (Sustainable Development) Act 1990*and the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*, which apply after a licence is granted.  The guidelines provide practical advice on the duty to consult, community engagement plans and models of community engagement. These guidelines can be found on the Earth Resources [website](https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/community-engagement-guidelines-for-mining-and-mineral-exploration). |
| **Do I have to let an explorer on my property? What if I say no? Do I have to go to VCAT or court to prevent this?** | The *Mineral Resources (Sustainable Development) Act 1990* allows access to land for minerals exploration with the consent of the landholder and/or occupier, including compensation, if applicable.  The parties are encouraged to negotiate land access and any compensation between yourselves, and/or your independent advisers. The Agreement aims to establish a fair and reasonable agreement to facilitate land access and mineral exploration, and any applicable compensation.  Community engagement is an important element in the planning and decision-making processes of the industry. Establishing engagement opportunities with the community is vital to achieve and maintain a social licence to operate.  As the Crown owns the minerals, a landowner does not have absolute power to control access to their land for the minerals exploration activities.  Either party can apply to the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court. However, VCAT and the Supreme Court can only determine the compensation the landholder and/or occupier will receive.  If VCAT determines an amount of compensation, the explorer gains access to the land. |
| **I doubt anyone listening is worried about exploration.**  **We are worried about actual mining. Please stop it in this precious place before it begins. We will keep fighting.** | Community sentiments about mining are heard and understood.  Victorian Governments since the 1850s have taken the view that the economic benefits that mining can bring to Victorian communities and regions means that mining, with the right protections in place for the environment, cultural heritage, water and other factors, has a place in Victoria’s future.  Less than one per cent of exploration projects in Victoria typically progress to establishing a mine. It also takes about 10 to 15 years from the point of identifying a commercially viable deposit before a mine is established.  Extensive community consultation and public discussion forms part of the process at the relevant point in time; that is, when there is an application for a mining licence and applications for planning approvals. |
| **Is it possible to have the Carbon Emissions of the mining offset as a condition of its approval?** | The government is committed to addressing climate change and reducing emissions to net zero by 2050. The *Climate Change Act 2017 (Vic)* enshrines this target into law.  Although the government currently does not have a policy regarding carbon emissions for the minerals industry, climate change and other considerations of sustainable development are a consideration for decisions made under [*Section 2A of the Mineral Resources (Sustainable Development) Act 1990 (Vic)* (MRSD Act)](http://classic.austlii.edu.au/au/legis/vic/consol_act/mrda1990432/s2a.html). |