



Hon Stephen Robertson MP
Member for Stretton



**Minister for Natural Resources
and Mines**

Ref M/05/00283
CTS 02528/05

24 MAY 2005

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 21 April 2005 enclosing a copy of Petition No. 460-05 lodged in the Queensland Legislative Assembly.

The Petition draws to the attention of the House the restrictions imposed by the Emerald Mining Registrar on hand miners of the Anakie Mining Field.

The restrictions the petitioners refer to are those that are imposed in respect to the use of prohibited machinery on the Anakie Mining Field. These restrictions are imposed by the *Mineral Resources Act 1989* (the Act) and the *Mineral Resources Regulation 2003* (the Regulation), not by the Mining Registrar.

The holder of a mining claim is entitled to hand mine any mineral to which the mining claim applies, in accordance with the provisions of the Act, the Regulation and the conditions of the mining claim.

The holder of a mining claim is entitled to use machinery to transport mineral bearing ore or wash; transport equipment, materials, or water, used for mining operations; build storage facilities for water used for mining operations; or rehabilitate the surface area of the land. The holder may also use prohibited machinery for another purpose, other than prospecting, exploring or mining, with the prior written authority of the Mining Registrar.

The Designated Fossicking Lands within the Anakie Mining Field are designated to allow for fossicking and hand mining. Mechanised mining by the holder of a mining lease may only be permitted within the Scrub Lead Designated Fossicking Land.

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The entitlements and restrictions that apply to mining claims reflect the intent that these mining tenures are to be mined only by hand. The exemptions in relation to use of machinery relate to only the bona fide use of machinery for the specific purposes prescribed. Substantial penalties, ranging from a maximum of 200 penalty units (\$15,000) for a first offence to a maximum of 1,000 penalty units (\$75,000) for a third or subsequent offence can be imposed in regard to a breach of these provisions.

Mining in an excavation constructed by machinery, even for an authorised purpose, such as building a storage facility for water, constitutes an offence. Treating or processing any material excavated by machinery also constitutes an offence.

The maximum area of 900 m² allowed for mining claims on the Designated Fossicking Lands within the Anakie Mining Field, provides sufficient room for the construction and storage of infrastructure and equipment legitimately connected with a hand mining operation. If the holder of the mining claim elects to use machinery to construct a water storage facility they are still able to hand mine over the remainder of the mining claim.

Neither the Act nor the Regulation provide for either the Minister or the Mining Registrar to authorise the use of prohibited machinery on a mining claim for the purpose of mining.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Robertson', with a long horizontal flourish extending to the right.

STEPHEN ROBERTSON MP