

'AT RISK' AGREEMENT

(ENDORSED BY CABINET ON 5 APRIL 1988)

GUIDELINES FOR LANDHOLDERS

The State Government is working with the rural and mining industries to reduce concerns by any landholders worried by potential mining operations.

A major aim of the committee comprising these three interest groups is the monitoring of guidelines endorsed by the Government.

In certain circumstances, the holders of mining titles may be required to give an option to purchase the properties of landholders defined as being "at risk" under guidelines endorsed by the Queensland Government.

Regulation of the guidelines is the responsibility of a tripartite committee comprising a Department of Mines and Energy chairman, two representatives of the mining industry and two representatives of the rural industries.

The committee meets as required for the purpose of monitoring the scheme and where necessary acts as a mediator to bring about mutually satisfactory resolution of hardship claims.

Representatives of the rural and mining industries have agreed to abide by the guidelines.

If any party to the agreement believes the guidelines to be non-effective through non-compliance, that party is encouraged in the first instance to seek resolution through its appropriate industry organisation.

DEFINITIONS

- . The "*at risk*" landholder is defined as one whose property overlays a mineral deposit or ore body announced as intended to be mined, but where development is not proposed to proceed in the near future and where compensation for the acquisition of the land is not being negotiated under the terms of the Mineral Resources Act.
- . "*Hardship*" is incurred when, because of the existence of the mineral deposit or ore body (as described above) under the landholder's property, he is unable to sell his property on the open market at fair market value and the lease or licence holder is unwilling to purchase the property because a project starting date is not known or mining development is scheduled for the distant future.
- . "*Mining titles*" are deemed to cover a Mining Lease or Mineral Development Licence where the announcement of the discovery of a viable mineral deposit or ore body and of the intention to mine has been made by the holder.
- . A "*property*" is deemed to be a single unit and may include a number of separate titles if the aggregate of those titles is necessary to ensure the viability of the operation.

It does not include an aggregate of titles which themselves could separately be considered viable operations.

OFFER TO PURCHASE

Holders of mining titles, as defined, whose titles include deposits clearly and publicly designated for future mining, are obliged to offer relief of the hardship by giving an option to purchase, at fair market value, the properties which wholly or partially overlay the deposit or ore body announced as intended to be mined.

The liability of the mining company for the offer of relief is limited to the duration of that company's interest in the mining tenure or authority over that land.

Landholders who claim hardship must demonstrate an inability to sell on fair market value terms as a result of the existence of the mining title.

This recourse for relief is restricted to landholders who acquired their property before the announcement of:

- . the discovery of viable ore bodies; and
- . the intention to mine.

Provision is made for either party to refer the matter to the Land Court for determination of:-

- whether hardship exists; and
- fair market value.

END OF AGREEMENT
