

Obligations under the Dja Dja Wurrung Land Use Activity Agreement

Information for Mineral Exploration and Retention Licensees



In 2013 the Dja Dja Wurrung Clans Aboriginal Corporation (Djaara) and the State of Victoria entered into a Recognition and Settlement Agreement (RSA) and Land Use Activity Agreement (LUAA) which outlines the roles and responsibilities for anyone working on Dja Dja Wurrung Country.

Introduction

Schedule 4 of the LUAA includes conditions for holders of minerals licences, including exploration, retention, prospecting and mining licences. The LUAA makes it simpler for licensees to undertake work without entering into potentially complicated negotiations, by agreeing to the terms of Schedule 4 of the LUAA. Complying with Schedule 4 of the LUAA becomes a licence condition for any licensee that consents to the conditions.

This fact sheet outlines what is required for mineral exploration companies who consent to Schedule 4 to explore on crown land (including unmade road reserves) on Dja Dja Wurrung Country within their exploration or retention licence areas.

Your obligations

Access to land for Traditional Owners

Licensees are required to minimise any interference with the entry or use of Agreement Land by Dja Dja Wurrung community members for purposes outlined in the Recognition and Settlement Agreement. This includes:

- to enjoy the culture and identity of the Dja Dja Wurrung;
- to maintain a distinctive spiritual, material and economic relationship with the land and the natural resources on or depending on the land;
- to access and remain on the land;
- to camp on the land;

- to use and enjoy the land;
- to take natural resources (such as flora, stone, fish and game) on or depending on the land;
- to conduct cultural and spiritual activities on the land; and
- to protect places and areas of importance on the land.

Keeping Djaara informed

Licensees have a duty to consult with Djaara throughout the period of the licence, and must keep Djaara informed on the progress of exploration work, including:

- notifying Djaara when the licence is granted
- notifying Djaara of any approvals, renewals, amalgamations or relinquishments of the licence
- notifying Djaara of any transfer of the licence or interest in the licence
- providing Djaara a copy of any work plan or work plan variation where it is required under the licence
- providing Djaara with a copy of the work schedule when a work plan is not required (for example, under low-impact exploration)
- providing Djaara with any information that they reasonably request with relation to exploration activities.

Work summaries in annual returns

Licensees are required to provide a summary to the Department of all work completed on Agreement Land as part of their annual returns. This allows for invoices to be issued for the correct amount. The summary must include:

- If Agreement Land has been accessed for survey work, including collecting surface rock or soil samples, geological geophysical, geochemical and/or other technical investigations
- The number and individual depth of drill holes with a diameter less than 300mm (including hand augering)
- Any large core bulk sample drilling (in cubic metres)
- Any excavating or clearing (including costeaning, trenching, channelling, access tracks, and clearing of vegetation, in square metres)

If Agreement Land has not been accessed in the reporting period, the licensee should state this clearly.

Notification Requirements

Licensees are required to inform Djaara and the Department at least seven days before commencing work on Agreement land, as well as providing Djaara with a copy of the work schedule at least 21 days prior to the commencement of works.

If Djaara request any further information or clarification regarding schedules or work plans, licensees are required to make reasonable attempts to consult.

Payment

Licensees must pay Djaara in line with the amounts outlined in Schedule 4 of the LUAA (indexed annually).

Licensees must include evidence of payment with their annual returns to the Department.

Penalties for non-compliance

Earth Resources Regulation is working with Djaara to address non-compliance among licensees who consent to Schedule 4 of the Dja Dja Wurrung LUAA.

Licensees are reminded that complying with the conditions of the LUAA is a condition of

their licence, and licensees risk enforcement action for non-compliance. This may include:

- Issuing notices under Section 110 of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA);
- Fines for non-compliance with the Section 110 notice;
- Reassessment of the licensees' status as a fit and proper person to hold a licence under Section 15 (6)(a) of the MRSDA;
- Cancellation of the licence.

For more information

For more information on operators' responsibilities under the Dja Dja Wurrung Land Use Activity Agreement, contact Earth Resources Regulation at nativetitle.err@ecodev.vic.gov.au