

## Checklist for Mineral Exploration Managers in Fiji

1. Have you got the most recent tenement maps? If so, have these been confirmed by MRD? If not, then don't even start looking until you know which areas in Fiji are under exploration and by whom. MRD's Quarterly Mineral Digest provides a list of tenements that are being explored, that are under application or that have been surrendered or relinquished, and including the companies and their contacts who are involved in these tenements. These can be obtained from the MRD Library, and the most recent status of these tenements or other areas, confirmed by both the Mining Division Tenement staff and the Drawing Office. The Mineral Digest also provides areas that are closed to any prospecting.
2. If you represent a foreign company (meaning a company that is not registered under Part XII of the Companies Act Cap. 247, in Fiji), then you will need to register such a company under the said Act as stipulated in Section 13 of the Mining Act Cap. 146. This can be done easily with one of the legal firms in Fiji that are familiar with corporate law, and who may act also as your Power of Attorney under Section 14 of the Mining Act Cap. 146. Under such registration of the said company, an accredited agent is also required as stated in Section 15, and this is to assist in cases where the company does not have a local office, and who may choose to reside offshore, but to have such an agent acting on their behalf here in Fiji.
3. Do you have a Prospectors Right? This is a statutory requirement under Section 23 of the Mining Act Cap. 146, and is granted by MRD after an application in Form 5 of the said Act. The Prospectors Right, under Section 24 of the said Act, allows such a person so registered, to enter all land open to mineral prospecting in Fiji, and to conduct prospecting activities.
4. Since approximately 84% of all land in Fiji is under Native Title, clear procedures for entering and conducting work on Native Land need to be understood from the outset. Since certain key protocols still have to be formalised, it is suggested that, prior to and when entering Native Land, that prospectors:
  - i. Obtain confirmation and other information about such land from the particular Provincial Office, which is part of the Fijian Affairs Ministry. Such information will:
    - (a) Identify the proper landowners and landowning units (*mataqali*) under the *Vola Ni Kawa Bula* (VKB); a register of all native landowners/landowning units in Fiji that is kept under statutory authority at the Native Land Commission (NLC); and
    - (b) If need be, involve the Native Land Trust Board (NLTB) with regards to any commercial land development on native land that requires that Board to act on behalf of the native landowners.
  - ii. With the assistance of the Provincial Office concerned and local persons that are familiar with prospecting activities on native lands, meet with the landowners concerned, and to develop a rapport and information exchange forum that will allow such work to continue with the approval of the said landowners. This allows sensitive issues or concerns, to be aired, and finally, to be resolved.
5. If, upon entering such native land, you decide that there is an area that you would like marked out or pegged, then, there are some key steps that need to be adhered to here:

- i. Is the area open to prospecting? If so, then a datum post or beacon needs to be identified that allows the boundaries of such a tenement to be identified in the Fiji Map Grid (FMG) system. Mining Regulation 10-22, 73-78 outline the various procedures for marking out, and especially for areas that have not been marked out before.
  - ii. An application for a Mining Tenement in Form 1 of Mining Regulation 16 is thus submitted, and including the relevant plans (Mining Regulation 17) to support such application.
  - iii. With regards to pegging out areas that have been previously pegged or marked out, and/or where it is approved by the Director as in Mining Regulation 10(3) after formal application by the applicant, a waiver of pegging requirements can be obtained, and which grants the waiver of the conditions in Mining Regulation 10(2). This needs to be obtained prior to the submission of Form 1.
  - iv. Only after such application for a license in Form 1 has been granted, can a prospector begin on a work program as endorsed in the said license document, and which would have been approved by the Minister.
  - v. It is also advised, that in the presence of Provincial and/or District Office and MRD, that a compensation agreement be drawn up (prior to the Cabinet approval of a Compensation Policy that is being formulated) as in Section 40 of the Mining Act, and which outlines the compensation payable should damages occur that are defined under the said agreement.
6. That in case of rock and soil samples that are required to be analysed overseas, that an Export Certificate is obtained from MRD as stipulated in Mining Regulation 80.
  7. In submitting an application for an Exploration License in Form 1 of the Mining Regulation 16, that such application includes a work program for the license period, outlining the work to be done, and an exploration budget that will be endorsed in the license document. Formal approval and registration of this and the granting of the said license document means the application of Contract Law principles, and especially in the default procedures. Failure to comply with license conditions could mean an enforced reduction in area based on the degree of compliance of the prospector on such conditions.
  8. With regards to dealing in tenements, this must be disclosed to the Director for approval, and as outlined in Section 46 of the Mining Act.
  9. It is also a requirement that exploration companies and individuals submit proof that they have sufficient financial resources and expertise to carry out exploration work, as outlined in Section 17 of the Mining Act, and this normally includes the most current Annual Report for a said company, or other similar financial reports for both companies and individuals, and any other strategic information to support it.

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