

Warden Hearing Requirement Notice

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- Before schedule of Warden Hearing date(s); specific information from the applicant or holder is required to determine a hearing schedule. This information assist in determining a hearing date, venue and time. It will also be used to determine the number of days needed to conduct the hearing according to schedule. Mining Warden to conduct the hearing is also assigned to deliver the conduct of the hearing.
- Information provided by the applicant considers movement of people to a very central and most accessible venue. The news of the confirmed hearing schedule would have been informed to the people impact within the license area; according to the coordinated of the tenement boundaries. So that opportunity is available to people directed and impacted to attend hearing, according to the hearing schedule.
- It also provides an understanding of possible hindrances, mode of transportation to and fro, accommodations, hires of transportations required and coordination of travel from main urban centre to the hearing venue(s).
- With this information, a Warden's Hearing Schedule is sure to be delivered as all preparations and mitigation of obstacles that hinder effective delivery of Warden's Hearing would have been covered in planning.
- Every applicant applying for a new tenement is required to provide the information. Also every holder of a license, in renewal is require to provide this information.

Set Warden Hearing Date & Advertise

- After the information required in Warden Hearing Requirement Notice is provided, a hearing schedule is subsequently determined.
- With the information, the Chief Mining Warden in consultation with the Registrar of Tenement, can confidently schedule a Warden's Hearing Schedule.
- When the hearing schedule is determined, a formal hearing schedule notice is sent to the applicant or holder of the tenement.
- The hearing schedule is then published in the Newspaper and gazetted in the National Gazette.
- Formal Notice of the Warden's Hearing schedule is posted by postal mail and or emailed to the Provincial Government and District Government within which the tenement is contained and applied for the applicant or holder in application or renewal of the tenement. Copies of the advertised schedule and gazette are also mailed and or emailed together with a formal notice to the applicant or holder of the tenement.

Warden's Hearing

- This is when the Warden's Hearing according to the Hearing Schedule published and gazetted will be delivered.
- According to the days determined to travel, a day before the schedule Warden's Hearing Date to the main urban centre of the province that host the tenement. For remote locations, the urban centre suitable is another that is closer to access the area and people impacted by the tenement.

- Then as would have been coordinated in the information provided in Warden Hearing Requirement Notice, the applicant or holder with the Mining Warden travels to the venue of hearing. Travelling to the venue is implementing before the time schedule to conduct the Warden's Hearing.
- The conducts the Warden Hearing pursuant to Section 108 of Mining Act 1992. Upon successful conduct of the Warden's Hearing, the Mining Warden then returns to compile a Warden's Hearing Report pursuant to Section 109 of Mining Ct 1992. The Mining Warden then submitted the report to the Executive Officer (EO) of Mining Advisory Council (MAC).
- The MAC deliberates on the report with other required reports of the tenement and a recommendation in made to the Mining Minister to act upon it.
- If, however, the Warden's Hearing is not conducted, due to reasons hindering its conduct, the Mining Warden has the power to make a decision to adjourn the hearing to other dates, as he judges appropriate. There are various causes of adjournment of Warden's Hearings to a tenement.
- Adjournments of Warden's Hearing can be caused by the Applicant or Holder of the Tenement for whatever reason and unexpected reasons
- If the cause of adjournment is the Applicant or Holder of the tenement; then a Cost Order is issued to the applicant or holder to meet the cost incurred by the Mining Warden to deliver the Warden Hearing. If otherwise, no cost orders are issued for the cost incurred by the Mining Warden.