

# [Policy and norms of australia for mining industry law international essay](https://assignbuster.com/policy-and-norms-of-australia-for-mining-industry-law-international-essay/)

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The norms and policy of the country increases the prosperity of the nation’s citizens. Mostly the objective of the policies and acts are job creation, value adding and are the best indicators of the prosperity while the worst if misguide and damages the prosperity.

## Norms and Policies of Australia for Mining Industry

## Waiver of exemption

To waive the benefit of an exemption there is the agreement under section 9AA of the act: Full name and addresses of the parties to be set in agreement; The exemption details should be set under the agreement; The condition if any in which the exemption is subject must be set out; The terms of the agreement must be set out; The statement that includes the cooling off rights of the person must be included in agreement. The holder of the mining tenement must ensure that the copy or the order or agreement is deposited with the Mining Registrar. This copy of the order should be deposited to the Mining Registrar within 14 days after being requested to do so. A person clamming for the cost for legal assistance must provide a copy of and account or some reasonable evidence for the approval.

## Licences

There are two type of licence that is being taken in to consideration in the act:

## Exploration licence

## Terms and Conditions

If the minister decides to issue the exploration licence to the applicant, than he should inform him about the terms and conditions, by the notice. If the applicant is ready to accept terms and condition he should inform the minister with in 21 days of notice with subregulation 2, otherwise inform by subregulation 1 for not accepting.

## Conditions of exploration licence

An exploration licence is subject to the following conditions: As soon as the licence must be reasonably practicable; The licence must be given in the written notice with an approval and a proposal to investigateAfter making the request the licensee must submit the technical report to minister within 60 days.

## Miscellaneous purpose licence

## Terms and Conditions

If the minister decides to issue the exploration licence to the applicant, than he should inform him about the terms and conditions, by the notice. If the applicant is ready to accept terms and condition he should inform the minister with in 21 days of notice with subregulation 2, otherwise inform by subregulation 1 for not accepting.

## Size

The maximum area permissible for the miscellaneous purpose licence to any applicant is: 250 Hectares, orThe greater amount than 250 hectares is being decided by the minister in some particular cases.

## Mode of taking possessions

An application for this type of licence must identify the area of the licence either by pegging or by some other method approved by the mining registrar. The post must be placed at the each corner of the area. The person who has pegged out must deposit an application within 14 days of pegging.

## Display of licence number

The applicant of the miscellaneous licence should ensure licence number within the 14 days of the application.

## Annual Rent

The rentals to be paid for the area should be paid annually in advance to the director of the head office of the Mineral Resource Group of the Department of the Minister.

## Maintenance of licence

The licensee under the miscellaneous purpose licence must maintain all posts, boundary indicator markers and notices, during the term of the licence and any extension or renewal of the licence.

## Renewal of licence

An application for the renewal of the miscellaneous purpose licence must be in form determined by the minister.

## Common provisions of licence

## Transfer of licence

Following is the procedure for the transfer of the exploration and miscellaneous licence: The application must be done in the prescribed form of the minister for the transfer of the licenceThe minister may approve of reject the application or may go for the further informationThe minister may make the applicant pay the due fee or accept the issues under the bondAfter that the application must be deposited to the mining registrar with the proper stamping and proper feeIf the application is deposited after the 30 days of the transfer request then fee has to be paidAfter the receipt of the application the registrar must take out the record from the mining register and give the extract fro the transfer to the applicantA transfer does not take place until and unless a memorial takes place in the mining register.

## Policy or Norms of India for Import Export to Australia

To make the trade easy for both the countries various policy and norms are being prepared. India has some policies to make an easy trade with Australia. India and Australia are enjoying a healthy economic relationship and there is scope to further strengthen trade links. India and Australia has taken steps to reduce these trade barriers in it.

## General provisions regarding export import of India

Export and import shall be free unless and until regulated by Foreign Trade Policy or any other law in force. If the item wise import and export takes place it should be as specifies by the ITC notification of the Director General of the Foreign Trade, and as amended from time to time. Import of rough diamond is being prohibited under Security Council Resolution. Import and export of the armed product or related material shall be prohibitedDirect or indirect export or import of the following products are prohibited : such as all the material, equipments or any other weapons or the related material of the missiles or any other destructive materials are all prohibitedDirect or Indirect export or import of the material which may contribute helpful to the enemy nations if India are prohibited such as heavy water related activities or development of the nuclear weapons

## Compliance with laws

All rules and regulation or order are to be followed by the every export and importer of the country.

## Principles of restriction

Protection for public moralsProtection to animals, humans, plants life and healthPatent, trademark and copyright protectionProtection of national treasureProtection to trade fissionable material

## Licence Procedure

Licence for export import is called the IEC code in India. It is a 10 digit code issued on pan card of the exporter. Each pan card may get the single IEC code. Application for the licence should be made by the owner of the businessThe application should be submitted to the nearest office of DGFT as soon as possibleThe other documents required while the submission of the form should be provided to the officeThe application when preceded forward to the main DGFT office than the licence or the IEC code is issued to the owner.

## Promotional Measures for the trade

To make the trade more smooth and easy there are various steps taken to promote the trade of the country, such as: There are various assistance given to the individual state for the export import promotionVarious market assess initiative are carried out for the expansion of the export processMarket development assistance were given to the various exporter and imported for proper useThe idea of town of export excellence was carried out for the motivation for export importThe government stressed on the brand promotion and the quality of the product and goodThe concept of the test house was being promoted for the better image of the product in the international marketVarious redressal were formed in order to make the feedback system for the productsThus various promotional; measures were taken for the smooth running of the export import with Australia

## Present trade barriers for Import Export of the country

There are various trade barriers for the Indian exporters which are faced by them during trading with Australia in various sectors, they are:

## Information and Communication Technology sector

This is the main sector which works for the major contribution of the national income for both the countries, Australia as well as India. The major barriers faced by the traders of this sector are: One of the challenges for the Indian ITC companies are to find the appropriate partners in the AustraliaLack of government and industry role in improved business match ups for greater support in itThe unclear Australian Government policies for ICT company is also a challenge for the Indian ExporterAnother issue is the Government procurement process for both Australian and Indian company

## Energy and Resources

This is another major contributor of the national income for both the country. Major ambitious plans and programmes are prepared by the government for the obstruction of the trade barriers in it. The trade barriers faced by traders in this sector are: Unclear and lack of transparency in the process of investment is making the problemLess investment in the supporting infrastructure also creates the challenges for the sectorVarious streamline approves for the significant investment makes the challenges in itDevelopment and support for the new joint venture process are the barriers for it

## Mining sector

This sector is the major strength for the Australia. Mining is the sector in which Australia is making the highest growth. The barriers in this sector for both the countries are as follows: Lack of significant investment in the power, ports and railways are resulting in the barriers fot the tradeLack of the Indian mineral buyers and the other buyers creates the obstacles for itSupport at the state level government is legging which make the trade to backup from speedLack of knowledge about each others market also make the trade to slow downThe less movement of the skilled labours is also a problem to the trader

## Food Processing and Agriculture – Business

The Agriculture sector is the biggest sector for the Indian trader and the opportunities are also the best for it. But still there are the various trade barriers that obstruct the strong growth for it, they are: Import duties levied by India government is the key factor or the key barrier for the trader of this sectorMore demand for the Indian food products are creating a pressure which reduces the quality and is going on to as a barrier to itThe Australian trader still faces the challenges for the supply chain in the Indian processThe delay in the customs in India result in the product spoiling which creates a barrier to itThe issues of the corruption within custom in india is again a major barrier to the tradeThe FDI rules for the food sector are more restrictive which hinders the trade

## Education Sector

This is the sector in which Australia attract the Indian Students for the more prosperous career and so for the migration from India. But still being qualitative it retain some barriers for it, such as: The Australian changing policy for the student visa and other visa is constantly creating confusion and creating the trade barriersThe education outcomes and the skilled migration opportunities of the candidates are creating the barriersThe coordination between both the country government for the particular sectorThe demand for the education in increasing day by day and creating 1000s of collages and university to fulfil the demand is also a barrier to the processThe various driver force acting on it also are the barriers for the sector of it