



Excess Tonnage Guideline

Mining Act 1978

Version 2.0, May 2021

Purpose

To outline the Department of Mines, Industry Regulation and Safety's (DMIRS) requirements for information to be provided in applications for excess tonnage.

Objectives

The objectives of this guideline are to:

- ensure DMIRS has the necessary information to assess applications in a timely manner and ensure decisions are clear, well founded, reasonable, fair and based on relevant information; and
- provide transparency of the assessment requirements of excess tonnage applications to industry, stakeholders and the community.

Scope

This guideline applies to applications for excess tonnage under the *Mining Act 1978*.

Legislative Context

The *Mining Act 1978* (Mining Act) confers the holders of prospecting licences, special prospecting licences, exploration licences and retention licences the rights to excavate and extract or remove from the land, earth, soil, rock, stone, fluid or mineral bearing substances within identified tonnage limits.

The Mining Act identifies the tonnage limits for Special Prospecting Licences as 500 tonnes¹. The Mining Regulations 1981 prescribe the tonnage limit for other licence types² as identified below:

Tenement	Tonnage
Prospecting Licence	500 tonnes
Special Prospecting Licence	500 tonnes
Exploration Licence	1000 tonnes
Retention Licence	1000 tonnes

Material in excess of these limits in respect of prospecting licences, special prospecting licences, exploration licences and retention licences may be excavated, extracted or removed only with prior written approval from the Minister for Mines and Petroleum (the Minister), or their delegate, in accordance with sections 48(c), 56A(6)(d), 66(c), 70(6)(d), 70J(c), and 85B(3)(d) of the Mining Act.

¹ sections 56A(6)(d); 70(6)(d); 85B(3)(d)

² regulations 14; 20; 23G

GUIDELINE

1. Demonstrating relevant activities for excess tonnage applications

An application for excess tonnage must include sufficient information to demonstrate that the excess tonnage is for the purposes of approved prospecting or exploration activities. The purposes of prospecting and exploration for minerals to establish the presence of mineralisation in commercial concentrations include ground disturbing activities such as (but not limited to):

- conducting geological, geophysical and geochemical surveys;
- drilling, scraping and detecting and excavation of costeans and sample pits;
- construction of infrastructure to support exploration or prospecting activities;
- taking or extracting samples for the purposes of chemical or other analysis; and
- in relation to an exploration licence, anything else that is specified as a right of the licence.

There is no limit on the amount of excess tonnage that can be applied for.

1.1 Determination

Each application is assessed on its merits demonstrating it is for the purposes of exploring or prospecting for minerals. This determination is based upon the application as a whole, i.e. the location of the activities, the activities proposed, the volume of excess tonnage requested and the justification that the proposed activities and tonnage is for exploration or prospecting purposes.

1.2 Timeframes

DMIRS endeavours to determine the outcome of applications for excess tonnage under assessment in a timely manner. Timely assessments are supported by applications containing all required information and is supported by necessary land user consents, a spatial file of the locality, reference made to any relevant PoW application and documentation deemed relevant to inform decision making.

1.3 Compliance

The tenement holder is responsible for tracking the tonnage of material excavated, extracted or removed during exploration and prospecting activities. Compliance with excess tonnage authorisations will be undertaken as part of the DMIRS compliance program. Exceedance of tonnage limits may lead to forfeiture action, or other compliance action under the *Mining Act 1978*.

2. Information required in excess tonnage applications

Excess tonnage applications can be lodged through [Mineral Titles Online](#). Prospectors may submit their completed excess tonnage application form with the Programme of Works-Prospecting (PoW-P) application over the counter at a DMIRS office or via email to PoWP@dmirs.wa.gov.au.

Applications are required to provide the following information, applications that are deficient may be refused for assessment.

1. The tenement number(s)

2. Tenement holder name and address

3. Applicants name and contact details (if not the tenement holder)

4. Excess tonnage amount required per tenement

Tonnage amounts cumulatively accrue on the specific tenement over the life of the tenement, and do not reset to zero when rehabilitation or backfilling works are completed. The amount of earth, soil, rock, stone, fluid or mineral bearing substances to be excavated, extracted or removed as part of prospecting or exploration activities beyond the prescribed limits needs to be calculated.

DMIRS provides an online calculator to assist with the calculation of tonnage for cut-and-fill drill pads that are required for hillside drilling. The PoW-Spatial application system assists with calculation of tonnage during the lodgement process, however accurate calculation of excess tonnage remains the responsibility of the applicant.

5. Details of the ground disturbing activities/work to be carried out

Sufficient detail on the activities needs to be provided to inform an assessment as to whether the activity constitutes prospecting or exploration.

6. The PoW Registration ID (Reg ID) associated with the application (where possible)

Where an excess tonnage application is lodged at the same time as the relevant PoW-P form (over the counter or emailed), the Reg ID does not need to be provided and the Reg ID will be assigned following lodgement.

7. Letter of authorisation by the tenement holder (where required)

An application for excess tonnage should be lodged by the tenement holder. Where the application is lodged by a third party, the application must include a letter of authorisation from the tenement holder.

8. Agreement from affected Registered Native Title Party (where required)

Where the application for excess tonnage is seeking a cumulative total of more than 10,000 tonnes per tenement and the tenement(s) was granted following the expedited procedure, the application must be accompanied by:

- a letter of consent from the relevant Registered Native Title Party(s); or
- a statutory declaration from the applicant stating that they have agreement from the affected Registered Native Title Party(s) to future approvals or consent to excess tonnage.

The letter of consent or Statutory Declaration are not required for tenements granted following the right to negotiate process under the *Native Title Act 1993*.

3. Interaction with Programme of Work (PoW) applications

Approval of an application for excess tonnage does not grant approval to use ground disturbing equipment on the tenement. Prior to using ground disturbing equipment, the licence holder must have an approved PoW. The assessment of the environmental impact of prospecting and/or exploration activities, which includes the scale and nature of the activity, is undertaken during the PoW approval process.

The department currently approves a PoW for a period of four years; however excess tonnage is granted for the life of the tenement. Therefore, if the approved excess tonnage is not fully excavated, extracted or removed under the relevant PoW, if appropriate, it can be used on a subsequent approved PoW. Applicants need to inform DMIRS in their PoW application if they are carrying forward approved tonnage into a new PoW.

More information on PoW applications is available on the [Departmental website](#).

Document Hierarchy

Legislation	<i>Mining Act 1978</i> Mining Regulations 1981
Guidelines	This document

Version History

Version	Date	Changes
1.0	2018	Initial Publication as Excess Tonnage Procedure
2.0	2021	Updated Excess Tonnage Guideline more clearly identifying information required in applications

Government of Western Australia

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8.30am – 4.30pm

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