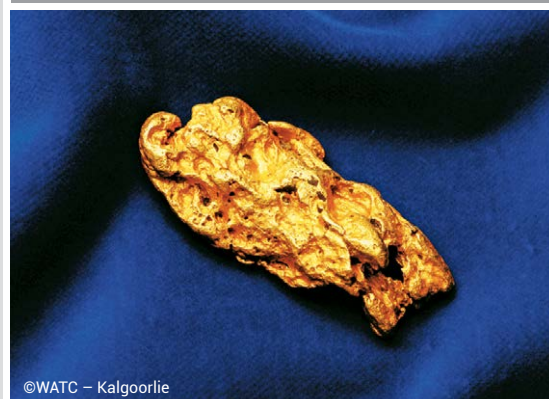




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# SPECIAL PROSPECTING LICENCE (FOR GOLD)



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- Section 56A – Special Prospecting Licence on a Prospecting Licence**
- Section 70 – Special Prospecting Licence on an Exploration Licence**
- Section 85B – Special Prospecting Licence on a Mining Lease**

## Applying for and maintaining a licence

### Purpose of a Special Prospecting Licence

A special prospecting licence is for gold only and has a maximum size of **10 hectares** and may be applied for within existing Prospecting Licences, Exploration Licences or Mining Leases (referred to as 'primary tenements').

It is to enable the small prospector to access gold deposits, provided the activities don't interfere with the co-existing 'primary tenement'.

Although the licence is granted to an unrestricted depth, the depth to which activities can be carried out will be:

- 50 metres if not specified; or
- negotiated between a holder of a special prospecting licence and the underlying primary tenement holder to a depth which is less than 50 metres below the surface; or
- the Minister may agree to a depth that is greater than 50 metres.

Up to 10 special Prospecting Licences for gold may be held by an individual (not companies). There are certain rights and obligations conferred on applicants and holders of Special Prospecting Licences and it is important to be aware of these to safeguard your title.

In general terms, the provisions of the *Mining Act 1978* which apply to Prospecting Licences also apply to Special Prospecting Licences. This includes rent, annual expenditure, reporting, exemption, etc.

## How to apply for a Special Prospecting Licence

To apply for a Special Prospecting Licence the same procedure and use of forms as for normal Prospecting Licences is followed, except for some important differences:

### SPL on Prospecting or Exploration Licence

- the **primary tenement holder must be served** with a copy of the application (Form 21);
- only **one SPL** can be applied for within a prospecting licence, unless the holder of the prospecting licence consents in writing;
- only **one SPL for every 200 hectares** aggregate can be applied for within an exploration licence, unless the holder of the exploration licence consents in writing; and
- the primary tenement must have been granted for 12 months.

### SPL on Mining Lease

- before applying, the consent of the primary tenement holder must be obtained; and
- there is no need to wait 12 months before applying as is the case on a Prospecting or Exploration Licence.

*Note – An SPL can not straddle two or more primary tenements. See Decision Number (2002) WAMW31 Delivered 23 December 2002 by Warden Wilson on Meekatharra.*

## If primary tenement holder objects

If the primary tenement holder objects to the application, the Mining Warden must determine whether prospecting can be carried out without *undue detriment* to activities being carried out by the primary tenement holder.\* Before determining the application the Warden must obtain **a report from the Executive Director Geological Survey** which is based solely on information contained in reports lodged by or on behalf of the primary tenement holder.\*

*(\* NB : This aspect is not applicable to SPL applications over mining leases as the prior written consent of the primary tenement holder to the granting of the licence is required to be lodged with the application.)*

If the Warden refuses an SPL application after hearing an objection the applicant may, within 14 days of refusal, appeal in writing to the Minister against that refusal.

The Minister may dismiss the appeal or uphold the appeal and grant the SPL application.

## Term

The term of an SPL can be for a period of three months or for any period which is a multiple of three months up to a maximum of four years. The term granted *cannot* be extended or renewed.

## Death of primary tenement

Where a Special Prospecting Licence or Mining Lease for gold expires, the ground reverts to the primary tenement.

Where the primary tenement is forfeited, expires or is surrendered before the Special Prospecting Licence, that Special Prospecting Licence becomes a normal Prospecting Licence with no depth restriction on activities. A Mining Lease for gold remains restricted to the depth to which it was granted.

This provision does not apply where the primary tenement is amalgamated or converted to another title.

## Converting to Mining Lease for gold

Only Special Prospecting Licences granted for a term of four years may be converted to a Mining Lease for gold, provided all requirements have been complied with, including expenditure and reporting and the conditions of approval of the licence.

Application may be made at any time during the term of such licences to convert the tenement to a mining lease for gold.

It should be remembered, however, that a Mining Lease provides for a larger scale mining operation and carries with it greater obligations (eg. minimum annual expenditure of \$10,000 for a Mining Lease over five hectares in area).

Provided the primary tenement holder doesn't object, or the Minister is satisfied that gold exists in payable quantities, a Mining Lease for gold may be granted.

The Special Prospecting Licence remains in force until the lease application is determined.

The **depth** of a Mining Lease for gold is restricted to **50 metres** or such greater depth as agreed to by the primary tenement holder and Minister (the lease is excised from the primary tenement to that depth).

## Transfer

No transfer or assignment of interest in a Special Prospecting Licence or Mining Lease for gold is capable of being created without the **consent of the primary tenement holder**.

A holder may have an interest in no more than 10 Special Prospecting Licences and only one (special) Mining Lease for gold at the same time.

## Environmental obligations

The onus is on every holder of an SPL or Mining Lease for gold to:

- a. comply with all conditions imposed upon the grant of the tenement;
- b. obtain written approval from an environmental officer of the department (located at Perth, Kalgoorlie) prior to the use of any bulldozers, graders, etc; and
- c. fill in or otherwise make safe all holes, pits, trenches and other disturbances to the surface of the land made while mining and which are, in the opinion of an environmental officer, likely to endanger the safety of any person or animal.

## Pastoralist to be notified

There is an obligation on all applicants on pastoral land to notify the pastoralist, and in some cases permission to conduct activities is required – refer to information pamphlet titled '**Prospecting Exploring Mining on Pastoral Leases**'.

This pamphlet is issued by the  
Department of Mines, Industry Regulation and Safety  
1st Floor Mineral House  
100 Plain Street (Cnr Adelaide Terrace),  
East Perth, Western Australia 6004  
Telephone: (08) 9222 3333  
Facsimile: (08) 9222 3444  
Internet: [www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)

N.B. The information contained in this pamphlet is designed to assist in gaining a general awareness of the requirements of the *Mining Act 1978* and is not intended to be a substitute for understanding the statutory requirements of the Act and Regulations there under.