



Government of **Western Australia**  
Department of **Mines and Petroleum**  
Mineral Titles

# **Guideline: Excess Tonnage**

**DRAFT FOR COMMENT**

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## Foreword

In August 2015, the Department of Mines and Petroleum (DMP) undertook an internal review to evaluate the purpose, appropriate timeframes and value of the excess tonnage provisions within the *Mining Act 1978*, the Mining Regulations 1981, and its relationship to the Programme of Work process.

DMP considers that the original intent of assessing excess tonnage applications is still valid, to ensure a proposed activity is reasonable and for genuine exploration or prospecting, rather than mining.

DMP has prepared this draft guideline, which reinforces to an applicant for excess tonnage, that an application must demonstrate that:

- the excess tonnage is for the purposes of prospecting or exploration only, and is not for mining purposes.
- it does not interfere with the rights of others with an interest in the land.

The draft guideline clarifies the assessment process and requirements for excess tonnage applications.

I encourage you to read this draft guideline and submit any comments you have to DMP, by 2 June 2017.

Dr Ivor Roberts  
**Executive Director**  
**Mineral Titles**

## Legislative Background

Sections 48(c), 56A(6)(d), 66(c), 70(6)(d), 70J(c), and 85B(3)(d) of the *Mining Act 1978* provide that material in excess of the statutory limit in respect of prospecting licences, special prospecting licences, exploration licences and retention licences may be excavated, extracted or removed only with the Minister's prior written approval.

Prescribed tonnage for each type of mining tenement is:

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

## Excess Tonnage

Holders of prospecting, special prospecting, exploration and retention licences can apply for excess tonnage where it is needed to support activities associated with either prospecting or exploration, not mining.

Prospecting and exploration is the process of searching for and testing to establish the presence of mineralisation in economic concentrations. Mining is the extraction of minerals for the purpose of sale.

Approval for extraction of excess tonnage is restricted to the need to continue prospecting or exploring under the licence where further sampling is required to test the existence of a mineable orebody, or where a bulk sample is required for testing or analysis. The following are examples:

- Costeaming for all types of minerals to take samples for analysis.
- Bulk sampling alluvial material for treatment e.g. diamonds, heavy mineral sands.
- Iron ore - bulk sampling for testing the best method for mining, crushing, screening concentration.
- Gold - treatment of alluvial material to establish whether grades would support gold mining.
- The construction of access tracks and drill pads to ensure they are fit for purpose and safe.

There is no limit on the amount of excess tonnes that can be applied for and each application is assessed on its merits.

## Assessment Process

Excess tonnage applications are assessed by the Mineral Titles Division of the Department. Each application is assessed individually on its merits and licence holders are required to demonstrate that:

- the excess tonnage is for the purposes of prospecting or exploration and is not for mining purposes.
- it does not interfere with the rights of others with an interest in the land.

If the application for excess tonnage is for over 10,000 tonnes cumulative on the licence, the applicant must have the agreement to the disturbance of any affected native title party. A copy of this agreement must be lodged with the application.

An approved excess tonnage is for the “life of the tenement”.

## Programme of Work

Approval of an application for excess tonnage, does not give the licensee the right to disturb the ground.

Prior to disturbing the ground, the licence holder must also have an approved environmental Programme of Work (PoW). The assessment of the environmental impact of prospecting and or exploration activities which includes the size (tonnage) of the activity is undertaken during the PoW approval process.

The approval process for an excess tonnage application is separate to the approval process for a PoW. The PoW process is the responsibility of the Environment Division of the Department.

An approved PoW lasts for four years. If the approved excess tonnage is not fully extracted within the relevant PoW, if appropriate, it can be used on a subsequent approved PoW. The tenement holder is responsible for tracking the volume of tonnage used during exploration and prospecting activities. Applicants need to inform DMP in their PoW application if they are carrying forward approved tonnage into a new programme.

## Lodgement

Excess tonnage applications are lodged through Mineral Titles Online, <http://www.dmp.wa.gov.au/Mineral-Titles-online-MTO-1464.aspx>, by submitting an Application for Excess Tonnage form located at <http://www.dmp.wa.gov.au/Minerals-Mining-16304.aspx>.

An application for excess tonnage must be lodged by the tenement licence holder.

## Timeframes

Applications for excess tonnage less than 50,000 tonnes which are non-contentious and capable of determination under delegation will be processed within 20 business days. Applications for excess tonnage greater than 50,000 tonnes, as well as contentious applications, require Ministerial determination.

These timeframes can be drastically reduced if the application is supported by other necessary land user consents, and a spatial file of the locality.

## Guideline development process

DMP invites submissions on this draft guideline. Please send your submissions to [excess.tonnage@dmp.wa.gov.au](mailto:excess.tonnage@dmp.wa.gov.au).

All submissions will be made publicly available on the DMP website at [www.dmp.wa.gov.au](http://www.dmp.wa.gov.au). If you wish to make a submission in confidence, please clearly indicate the parts of the submission for which confidentiality is claimed, and specify the basis for your claim so that DMP may consider your claim.

DMP will publish the final version of the Guidelines once all submissions have been considered.

### Points to keep in mind:

- Clearly state your point of view and articulate the part/s of the guideline you are commenting on.
- If referencing other material, please indicate the source of your information.
- Suggest alternative options or direction where appropriate.

### Submissions must be received by 2 June 2017.

If you have any queries about the draft guideline, please send an email to [excess.tonnage@dmp.wa.gov.au](mailto:excess.tonnage@dmp.wa.gov.au).