



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

Department of
Mines and Petroleum

Mineral House
100 Plain Street (Cnr Adelaide Tce)
EAST PERTH WA 6004

DEPARTMENT OF MINES AND PETROLEUM

ADMINISTRATION AND OPERATION
OF
EXPLORATION LICENCES,
PROSPECTING LICENCES,
MINING LEASES,
GENERAL PURPOSE LEASES, AND
MISCELLANEOUS LICENCES
IN
WESTERN AUSTRALIA

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Mineral House 100 Plain Street East Perth Western Australia 6004
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862
www.dmp.wa.gov.au

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WESTERN AUSTRALIA MINING ACT AND REGULATIONS - ADMINISTRATION

1. INTRODUCTION

This chapter outlines the legislative provisions relating to mineral exploration and development in Western Australia and the relevant administrative processes involved.

1.1 Background

Management of mineral exploration and development in Western Australia is primarily the responsibility of the Department of Industry and Resources. Other government organisations also play an active role in various aspects of the industry. In particular, the Office of Major Projects of this department is responsible for promoting and facilitating the development of major projects and the administration of projects falling under State Agreement Acts.

Ownership of most minerals in Western Australia is vested in the Crown. However, the discovery and development of these resources is carried out by the private sector. A system of allocating the rights to these resources has been developed which both assists the developers and provides long term benefits to the community. The title system provides the framework for this allocation. The title issued defines the rights and the obligations of the government and the developer and provides the security of access to resources essential for the large capital investments required for development to occur. The rules for access to land and security of tenure are embodied in the State's mining legislation and, in the case of some offshore areas, in Commonwealth legislation.

1.2 The Nature of Mining Titles

Exploration involves searching a large area with minimal ground disturbance. Exploration titles are therefore generally granted over large areas which are reduced in size over time as the exploration process progresses and the more prospective ground has been identified.

Mineral exploration titles are awarded for an area to the first person who applies (first in time). In all cases, the holders of exploration and development titles are required to meet expenditure or work commitments and comply with the conditions of approval to retain the rights to explore.

The holder of an exploration licence can apply for a mining lease when a commercial discovery is made. The application for the mining lease must be accompanied by a mining proposal or a mineralization report that has been prepared by a qualified person.

Titles issued for the actual extraction of minerals are much smaller in area than exploration licences and are issued subject to stringent environmental and rehabilitation conditions.

Upon grant of the lease the holder is required to submit a notice outlining the nature of the proposed development, the method of mining, its environmental impact, rehabilitation proposals and all building plans prior to commencement of mining operations.

1.3 Land Tenure Considerations

The conditions upon which mineral exploration or mining may occur vary depending upon the nature of land tenure.

In general, mineral exploration and development titles may be granted on vacant Crown land, pastoral land and private land, although in respect of certain categories of private land the written consent of the land owner is required prior to the grant of the surface of the tenement. Standard conditions have been developed to cover mineral exploration in a range of Conservation Reserves, Nature Reserves, proposed Conservation Reserves, State Forests and other environmentally sensitive areas.

On reserved land, varying degrees of access are available. The concurrence of the Minister for the Environment is required for exploration in Class-A Nature Reserves, National Parks, Class A Conservation Parks and State Forests. Mining in National Parks and Class-A Nature Reserves requires the consent of both Houses of State Parliament. For other reserved lands, including Conservation Reserves, the recommendation of the relevant Minister is required before the grant of mining approvals.

2. ADMINISTRATION OF MINING (s.155)

For the purposes of the Mining Act 1978 the State is divided into various mineral fields, some are further divided into districts. These mineral fields, which are allocated to regional mining registrars, are shown on Appendix 1 and the locality of the various mining registrar's offices are shown on Appendix 1 (s.16).

Wardens are appointed to hear applications and disputes and regular Warden's Court hearings are held at each centre (s.13). The operation of these courts is dealt with in greater detail in Section 5 of this chapter.

3. LEGISLATION

3.1 Legislative Framework

Mineral exploration and development in Western Australia (other than that governed by State Agreement Acts) is regulated and administered under the Mining Act 1978 for onshore areas and for offshore areas to a limit of three nautical miles seaward of the base line.

3.2 Crown Ownership in Minerals

Generally speaking all minerals are the property of the Crown (s.9).

There are a number of materials which are defined as minerals only when they occur on Crown land or reserved land. These materials which are not minerals when occurring on private land are limestone, rock, gravel, shale (other than oil shale), sand (other than mineral sands, silica sand or garnet sand) and clay (other than kaolin, bentonite, attapulgite or montmorillonite) (s.8).

Where the minerals are the property of the Crown a mining title must be obtained under the Mining Act 1978 before any mining operation may be undertaken. It is an offence to carry on mining operations on any land without authorisation.

3.3 Miner's Rights

The basic authority under the Act that allows fossicking and prospecting on Crown land (as defined) is a Miner's Right. (s.20)

4. MINING TENEMENTS

The mining tenements available under the Mining Act 1978 are:

- Prospecting Licence (s.40-56 and 56B)
- Special Gold Prospecting Licence (s. 56A, 70 and 85B)
- Exploration Licence (s.56C-69)
- Retention Licence (s.70A-70N)
- Mining Lease (s.70O-85A)
- General Purpose Lease (s.86-90)
- Miscellaneous Licence (s.91-94B)

Some of the basic features of these tenements are outlined in the following paragraphs.

4.1 Prospecting Licence

- A prospecting licence has a four year term and may be extended for a further term of 4 years.
- The maximum area for a prospecting licence is 200 hectares.

- Prospecting licences must be marked out. (with the exception of prescribed land applications)
- There is no limit to the number of licences that may be held, but a Security is required in respect of each licence. The Security is in the amount of \$5000 however there is no money deposited.
- The holder of a granted prospecting licence may, in accordance with the licence conditions, excavate, extract or remove up to 500 tonnes of material from the ground. The Minister may approve excavation or extraction of a larger tonnage.

4.2 Special Gold Prospecting Licence

- A special prospecting licence for gold may be granted for a period of 3 months or for any period which is a multiple of three months but which does not exceed 4 years. A special P is not subject to extension.
- A special prospecting licence for gold is limited in area to a maximum of 10 hectares.
- A person may hold up to 10 special prospecting licences.
- A special prospecting licence for gold may be marked out in respect of land within an existing prospecting licence, exploration licence and with the written consent of the holder a mining lease (viz "the primary tenement") providing that the primary tenement has been in force for one year.
- A special prospecting licence for gold may be granted if it is considered that prospecting could be carried out without affecting the prospecting/exploration/mining activities of the "primary tenement" holder.
- The following restrictions apply in respect of a special prospecting licence:
 - Mining may not be carried out 50 metres or more below the lowest part of the natural surface of the land.
 - It cannot be transferred without the prior written consent of the holder of the primary tenement.

4.3 Exploration Licence

- The term of an exploration licence is five years. The Minister may extend the term for a further period of five years and by a further period or periods of two years.
- The minimum size of an exploration licence is one block (ie. one minute of latitude by one minute of longitude), and

the maximum size is 70 blocks in mineralized zones. If the application is made in the designated non mineralized zones the maximum size is 200 blocks.

- An exploration licence is not marked out.
- There is no limit to the number of licences that may be held but a Security is required in respect of each licence. The Security is in the amount of \$5000 however there is no money deposited.
- The holder of a granted exploration licence may in accordance with the licence conditions, excavate, extract or removed up to 1,000 tonnes of material from the ground. On application the Minister may approve excavation or extraction of larger tonnages.

4.4 Retention Licence

- A retention licence is used to retain ground containing a mineral resource which has been identified as a result of exploration activity and for economic reasons it may not be possible to exploit the deposit.
- A retention licence may be granted in respect of the whole or any part of the land within the boundaries of a primary tenement (ie. a prospecting licence, exploration licence or mining lease).
- A retention licence remains in force for five years and is renewable for further periods of five years.
- A retention licence will be granted for an area sufficient to cover an identified mineral resource and future mining operations.
- A retention licence is not marked out.
- The holder of a retention licence may apply to convert all or part of the licence to a mining or general purpose lease.
- A Security is required to be lodged on a retention licence. The Security is in the amount of \$5000 however there is no money deposited.

4.5 Mining Lease

- A mining lease has a term of 21 years and may be renewed for further terms of 21 years.
- There is no maximum area for a mining lease.
- Mining leases must be marked out.
- There is no limit to the number of mining leases that may be held.

- The lessee of a granted mining lease may work and mine the land, take and remove minerals and do all things necessary to effectually carry out mining operations in, on or under the land.
- A Security is required to be lodged on a mining lease. The Security is in the amount of \$5000 however there is no money deposited.

4.6 General Purpose Lease

- A general purpose lease has a term of 21 years and may be renewed for further terms of 21 years.
- The maximum area is 10 hectares or such greater area the Minister approves.
- A General purpose lease must be marked out and are limited to a depth of 15 metres or such other depth that may be specified.
- A general purpose lease is for purposes such as operating machinery, depositing or treating tailings etc.
- There is no limit to the number of general purposes leases that may be held.
- A Security is required to be lodged on a general purpose lease. The Security is in the amount of \$5000 however there is no money deposited.

4.7 Miscellaneous Licence

- A miscellaneous licence has a term 21 years and it may be renewed for further terms.
- There is no maximum area for a miscellaneous licence.
- Miscellaneous licences must be marked out.
- A miscellaneous licence is for purposes such as a road, pipeline, powerline, to extract water, as set out in the Act and Regulations.
- Miscellaneous licences may be granted over all other mining tenements (underlying holders may object if proposed purpose is likely to interfere with their mining activities).
- There is no limit to the number of licences that may be held.
- A Security is required to be lodged on a miscellaneous licence. The Security is in the amount of \$5000 however there is no money deposited.

5. APPLICATION AND GRANT PROCESSES

5.1 Requirement to Mark Out

Before an application for a mining tenement (other than an exploration, retention licence or a prescribed land prospecting licence) is made, the ground must be marked out or "pegged" (s.105).

The standard marking out requirement is to:

- (a) fix as close as practicable to each corner or angle of the land a post projecting at least one metre above the ground; (see (d) for miscellaneous licences)
- (b) cut two clearly identifiable trenches at least one metre long from each post in the general direction of the boundary lines; and
- (c) attach to one of the posts, nominated as the datum post, a notice of marking out (Form No. 20 in the First Schedule) (r.59).
- (d) a miscellaneous licence is marked out by placing one post at a corner or angle of the boundary and affixing the notice of marking out (r.37).

If the ground applied for is identical to any surveyed land it is necessary only to place a datum post in one of the corners of the surveyed land and attach the notice of marking out to that post (r.61).

For tenements other than miscellaneous licences the tenement shall where practicable be rectangular in shape (r.92). Miscellaneous licences may be of any shape but the boundaries must, where practicable, be straight lines (r.38).

5.2 Application Lodgement Procedure

An application for a mining tenement must be made on the prescribed form (Form No. 21 - Application for Mining Tenement) and be lodged at the office of the Mining Registrar of the mineral field in which all or most of the land is situated, within ten days of marking out. The application must be accompanied by a map which clearly shows the boundaries of the land applied for (r.64).

Other specific application requirements are:

- A Security (Form No.32) in the amount of \$5000 must be lodged within 28 days of application for all applications.
- For exploration licences: A statement to be lodged with the application which specifies: (s.58)
 - (a) the proposed method of exploration;

- (b) details of the proposed work program;
 - (c) estimate of proposed expenditure on the licence; and
 - (d) applicant's technical and financial resources.
- For miscellaneous licences: Information to be lodged on the details of any works to be constructed, the manner of construction and any operations to be carried out on the licence prior to the hearing of the application. (r.37(3)).
 - For general purpose leases: The application must show the purpose for which the lease is being sought (s.87).

5.3 Applicant Action

When the application has been processed by the Mining Registrar, the applicant is required to take the following action:

- (a) Attach a copy of the application (Form 21) to the datum post of the mining tenement for those tenement applications requiring marking out (r.64(4)).
- (b) If the application relates to land held under a pastoral lease, a copy of the application must be sent to the pastoral lessee by registered post or certified mail together with a copy of the map (s.118).
- (c) If the application relates to private land, copies of the application must be served on the;
 - (i) clerk of council of the municipality;
 And additionally for surface rights, also;
 - (ii) the owner and occupier of the land; and
 - (iii) each registered mortgagee.
- (d) If the application relates to a miscellaneous licence, a copy of the application to be sent to:
 - (i) each applicant for or holder of any mining tenement affected (r.37(2)); and
 - (ii) the clerk of council of the municipality (r.91(9)).

In addition to the above requirements, the applicant must, within 14 days, advertise a copy of the application in a newspaper specified by the

Director General of Mines. This period may be extended by the Warden (r.64(5)).

5.4 Objections may be Lodged

Any person may lodge an objection to the granting of an application for a mining tenement by lodging the Form No. 16 within 35 days of the application, or such further period as the Warden may allow. The objector is required to serve a copy of the objection on the applicant.

5.5 Grant of Tenement Applications

A Warden's Court operates to determine objections lodged against tenement applications, adjudicates over disputes between competing applicants and hears other actions such as applications to forfeit a mining tenement.

The Mining Registrar or Warden determines applications for prospecting licences and miscellaneous licences and makes a recommendation to the Minister for State Development in respect of other applications.

Applications for exploration licences, retention licences, mining leases and general purpose leases are determined by the Minister for State Development (s.57(1), s.70B(1), s.71, s.86(1)).

The Mining Registrar is authorised to grant applications for prospecting licences and miscellaneous licences on Crown land where no objection has been lodged, and the applicant has complied with the act (s.40(1), s.91(1)).

Where an application for a prospecting licence or miscellaneous licence is refused or granted with conditions deemed by the applicant to be unreasonable, the applicant may appeal to the Minister for State Development. The Minister may uphold the appeal and grant the licence or amend the conditions (s.56, s.94(3)).

5.6 Warden's Court Hearings

The Mining Act confers both judicial and administrative functions on the Warden.

The grant or recommendation of mining tenements and the determination of disputes has always been regarded as the primary administrative function of the Warden.

Most objections against tenement applications are raised by existing holders or other applicants for competing mining tenements applications or by land holders or occupiers. Objections are heard by the Warden in open court.

5.7 Summary of Grant Process

A flow chart summarising the procedure for granting mining tenements is shown in Appendix 2.

5.8 Conversion/Renewal/Extension of Title

Whilst the Mining Act 1978 sets terms for each of the mining tenements it also provides a number of mechanisms whereby a title holder can maintain an interest in the title or in the land contained in that title.

The holder of a prospecting or exploration licence is able to "convert" all or part of that licence to mining or general purpose leases. In the case of prospecting licences, section 49 applies and section 67 in relation to exploration licences. The purpose of "conversion" is to allow the holder of an exploration title to easily obtain a secure long term mining title. To "convert" a prospecting or exploration licence the holder must mark out and apply prior to the expiry of the licence.

The Mining Act 1978 provides that where such an application is made in respect to all or any of the land contained in that licence, the licence or that portion of the licence covered by the lease will continue in force until the lease application is determined.

If a licensee exercises these rights and converts all or part of the licence, the Minister for State Development is bound to grant the leases (s.75(7)) providing that the application complies with the act and regulations. The "right" to be granted does not apply when certain types of reserved land are involved (s.75(9)).

The Mining Act 1978 also provides for the renewal of mining leases and requires the application to be made in the final year of the term of the lease. Lodgement of the application continues the lease in force until the renewal is determined (s.78).

The holder of a miscellaneous licence can, prior to the expiry of the licence, apply for the licence to be renewed for a further twenty one year period. As with mining leases, the renewal application will ensure that the licence will be kept in force pending determination of the renewal (s.91B(4)).

The holder of an exploration licence can apply to have the licence extended. Prior to the expiry of the licence, the licensee may apply for a further period of 5 years and a further period or periods of two years. An application for extension must be supported by a summary of work already carried out and a detailed work program of proposed work.

The holder of a prospecting licence can apply to have the licence extended for a further period of 4 years.

6. MINING ACTIVITIES ON CROWN LAND, RESERVED LAND, PRIVATE LAND AND PASTORAL LEASE

6.1 Land Open for Mining

All land is open for mining. However different approval mechanisms operate for the three categories of land:

- Crown land (s.18 & 19)
- Public reserves, etc. (s.23-26A)
- Private land (s.27-39)

6.2 Crown land

As defined in the Act, Crown land includes reserves for commons and public utility, leases for grazing purposes only, leases of Crown land for the use and benefit of the Aboriginal inhabitants and leases for timber or pastoral purposes. It does not include private land or other reserved land (s.8).

In respect of Crown land,

- the holder of a Miner's Right may prospect and mark out a mining tenement, and
- the holder of a mining tenement may carry out exploration or mining activities.

The Minister for State development may exempt Crown land from mining or from any specific mining purpose. These exempted areas are shown on the Department's public plans (s.19).

If a mining tenement is granted, the holder must obtain the approval of an environmental officer of DoIR before mechanical equipment is used for purposes of surface disturbance.

An application for an approval to use equipment should include the proposed methods of rehabilitation, and any approval given may be subject to specific conditions, including the lodgement of a bond by the tenement holder.

6.3 Public Reserves

Mining (which by definition includes prospecting and exploration) may not be carried out on reserved land without the written consent of the Minister for State Development (s.23).

Restrictions also apply in respect to entry onto some categories of reserved land, and specific permission may be needed to enter and/or mark out land (s.26).

Specific restrictions include:

- *National Parks, Class "A" Nature Reserves and any Class "A " Reserves within the South West Land Division, Esperance and Ravensthorpe Municipal Districts.*

The Act provides that Ministerial consent is required prior to prospecting or marking out in these reserves (s.24(3)).

In instances where part of a mining tenement involves reserved land, title may be granted with a "no mining condition" in respect of the Reserve. This restrictive condition applies to all exploration, ore development and mining activities. Where such activities are required to be undertaken within the reserved land the prior written consent of the Minister for State Development is necessary.

6.4 Private Land

6.4.1 Definition of Private Land

Private land is defined as any land that has been or may be alienated from the Crown for any estate of freehold, or any conditional purchase lease.

6.4.2 Permit to Enter System

No person (except the owner in occupation of the land) may search for minerals on private land (s.28) without a permit to enter which is issued by a Warden (s.30). Permits are issued for 30 days and authorise the holder (or his agent) to enter on private land, search for minerals, take samples and mark out a mining tenement.

6.4.3 Consent of Owner and Occupier to Surface Grant (s.29)

A mining tenement in respect of the natural surface and to a depth of 30 metres thereof shall not be granted in respect of private land which is:

- in regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation;
- under cultivation (ie. used for agricultural purposes including cropping or pasturing; whether cleared or uncleared, used for grazing stock in the ordinary course of management of the land);
- the site of a cemetery, burial ground or reservoir (ie. a dam, bore, well or spring);
- except with the written consent of the owner and occupier of that land.

Where the owner and occupier of the private land do not consent; a mining tenement may only be granted in respect to land that is below a depth of 30 metres from the natural surface (s.29).

For a mining tenement granted in respect to private land below a depth of 30 metres from natural surface, the holder may, should the owner and occupier of the land subsequently consent, apply to have the remaining portion of the land (from the surface to a depth of 30 metres) included in the mining tenement. Whilst the right to so apply exists, the land from the surface to a depth of 30 metres is not open for mining to any other person (s.29(5)).

6.4.4 Compensation for Private Landholder (s.35)

Mining may not be commenced on the surface (or to a depth of 30 metres) unless the compensation required under the Act has been paid or tendered, or an agreement as to the amount, times and mode of compensation has been made (s.35).

The compensation shall include compensation for being deprived of the possession of the surface of the private land, and for damage to the surface, and to any improvements, and for the severance of the land from other land of the owner and occupier, and for rights of way and for consequential damages.

Compensation is not payable in respect to the value of any mineral on the land (s.123, 124).

Compensation is determined by agreement between the holder of the mining tenement and the owner and occupier, or in default of agreement, by the Warden's Court. The parties may consent to informal determination by the Warden (s.123(3)).

Compensation is also payable in respect to adjoining or nearby land injured or depreciated in value by mining operations on a mining tenement (s.123).

6.5 Pastoral Leases

6.5.1 Activities Authorised

Pastoral leases are defined in the Mining Act 1978 as Crown land upon which an authorized person may:

- undertake activities authorised under a Miner's Right (s.20); and
- undertake exploration or mining activities on a granted mining tenement.

The tenement applicant/holder is required to notify the pastoral lessee prior to accessing the pastoral lease and compensation is payable for damage caused to any improvements on the pastoral lease (s.123).

When a mining tenement is applied for, the applicant must send to the pastoralist by registered post or certified mail a copy of the application and a plan within the prescribed period (s.118).

If the mining tenement is granted, the holder must obtain the approval of an environmental officer of DoIR before mechanical equipment may be used for the purpose of surface disturbance.

An application for an approval to use equipment should include the proposed methods of rehabilitation, and any approval given may be subject to specific conditions (standard condition of grant).

6.5.2 Obligations of Tenement Holder

On a pastoral lease the tenement holder is required to:

- cause as little inconvenience as possible to the occupier
- minimise damage to property and livestock
- comply with conditions imposed on the mining tenement when carrying out mining activities
- avoid obstructing roads and access routes

6.6 Compensation for Pastoralist

The Mining Act provides for a pastoralist to be compensated for any:

- damage to improvements on the land.
- substantial loss of earnings resulting or arising from any exploration or mining activities, including the passing and repassing over any land referred to in paragraphs (s.123).

Depending on the circumstances, a pastoralist may also be entitled to be compensated for:

- social disruption.
- any reasonable expense properly arising from the need to reduce or control damage resulting or arising from mining activities (s. 123).

The compensation includes compensation for being deprived of the possession of the surface of the land, and for damage to any improvements, and for the severance of land from other land of the owner and occupier, and for rights of way and for consequential damages.

7. MINING OPERATIONS

7.1 Exploration Activities

The activities carried out on an exploration title (ie. an exploration or prospecting licence) usually involve only minor ground disturbance. An applicant for an exploration licence must provide the Department of Industry and Resources with a proposed exploration program outlining proposed method of exploration and a work program. This program must

be supported by a statement setting out the applicant's technical expertise and financial resources.

Typical activities carried out by exploration licensees are as follows:

- literature searches;
- aeromagnetic surveying and mapping;
- regional geological mapping;
- electrical geophysical programs;
- rock chip sampling and assaying;
- drilling of specific targets if warranted.

These activities are set out in the applicant's work program.

7.2 Mining Activities

Developmental or productive mining activity can only occur on a mining lease and is subject to strict environmental controls by the Department of Mines and Petroleum and/or other government agencies such as the Department of Environment and Conservation. Prior to the commencement of a mining operation, the lessee must submit a "Notice of Intent" which outlines the nature and scale of the proposed operations. The Notice must also contain strategies for minimising the impact of the operations on the environment and a proposed rehabilitation program. This requirement is imposed as a condition on the grant of the mining lease.

As part of the approval of the mining operation, a bond is requested from the lessee which is only discharged once the ground has been rehabilitated in accordance with the agreed program.

The proposed operation can also be referred to the Department of Environment and Conservation who can set a level of assessment where a period of time is provided in which any party or member of the public can make submissions to the department regarding the project.

7.3 Conditions Imposed on Mining Titles

Standard conditions and endorsements are placed on mining tenements following grant to regulate the activities that may be carried out by the holders. The conditions give direction to the holder to adequately rehabilitate the land after mining and assists the holder to complete the activities in a safe manner.

The main conditions/endorsements placed on all tenements include:

- An endorsement drawing the lessee's attention to the provisions of the Aboriginal Heritage Act, 1972.
- A requirement that all surface holes drilled for the purpose of exploration are to be capped, filled, or otherwise made safe after completion.
- A condition that all costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, be backfilled and rehabilitated to the satisfaction of an Environmental Officer of DMP. Backfilling and rehabilitation is required no later than six months after excavation unless otherwise approved in writing.
- A condition that all waste materials, rubbish, plastic sample bags, abandoned equipment and temporary buildings be removed from the mining tenement prior to or at the termination of the exploration program.
- A condition prohibiting the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costeans unless the written approval of the Environmental Officer, DMP is first obtained. Following approval, all topsoil must be removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.

The following is one specific condition that is imposed on mining leases:

- The lessee submitting a plan of proposed operations and measures to safeguard the environment to the Director, Environment, DMP for their assessment and written approval prior to commencing any developmental or productive mining or construction activity.

7.4 Work and Reporting Requirements

Prospecting licences, exploration licences and mining leases are subject to a prescribed minimum annual expenditure commitment. This requirement applies to granted tenements only and the labour cost of the tenement holder's own work on the tenement (as if he/she was working for wages) may be treated as expenditure (s.50, s.62, s.82(1)(C)).

There is no prescribed annual expenditure for a retention licence, the Minister determines the level of expenditure on grant.

If a licensee/lessee cannot fulfil the expenditure obligations, they may apply for exemption from all or part of the commitment.

The holder of prospecting licences, exploration licences, retention licences and mining leases must lodge a Form 5 (Report on Operations on Mining Tenement) Report each year with the Department of Mines and Petroleum, Perth.

When any minerals are produced or obtained from a mining tenement, a monthly production report must be lodged and a royalty is payable on minerals other than gold. Regulation 86 sets out the rates of royalty payable.

8. OTHER STATE LEGISLATION

In administering the minerals legislation, there is a need to comply with various other State legislations.

The main statutes involved are listed hereunder:

- Environmental Protection Act;
- Conservation and Land Management Act;
- Fisheries Act;
- Aboriginal Heritage Act;
- Aboriginal Affairs Planning Authority Act;
- Land Administration Act;
- Public Works Act;
- Commonwealth Native Title Act.

PROCESS FOR DETERMINING MINING TENEMENT APPLICATIONS

