

Contact Information

50

Related Links

[Miner's Rights - Information Pamphlet](#)

[Prospecting, Exploration, Mining on Pastoral Leases - Information Pamphlet](#)

[Private Land Provisions - Information Pamphlet](#)

[Prospecting on Crown Land within Exploration Licence](#)

[Mining Act Information Pamphlets](#)

[Mining Act Fees and Charges](#)

Documents

- [Prospecting in Western Australia \(<%=ext%> <%=sFileSize%> kb\)](#) CS MTSD 1/03/2009
- [Prospecting - The Right Way \(<%=ext%> <%=sFileSize%> kb\)](#) CS MTSD 1/02/2008

<% iRightPanel = "" leave empty, if there is a right panel %>

Prospecting in Western Australia

Prospecting in Western Australia can be a rewarding experience if done the right way. This reference guide produced by the Department of Mines and Petroleum (DMP), is designed to provide visiting prospectors with a summary of their rights and obligations under the Mining Act 1978 (the Act) and Mining Regulations 1981.

Page Index

[Powers of authorised DMP officers](#)

[Rights and Obligations on Occupied Crown land](#)

[Obligations](#)

Powers of authorised DMP officers

You should be aware that authorised DMP officers (or a police officer) may:

- Enter any mining tenement or land where mining activities are being carried out;
- Require a person to produce documentation or evidence of their name, address and authority of that person to mine on the land;
- Direct a person to cease mining (which includes prospecting) on the land;
- Use necessary force to remove a person and any machinery being used for the purpose of mining from the land if a direction to cease mining is not complied with;
- Arrest a person who does not comply with their request or direction, or who obstructs them in making such a request or direction.

Penalties for breaches of the Act can be substantial, for example:

- The penalty for committing the offence of mining (this includes prospecting) without authority is up to \$100,000 and if it is a continuing one, a further fine of up to \$10,000 for every day during which the offence has continued.
- The penalty for removing any mineral or other mining product from the mining tenement of any other person, without that tenement holder's authority is up to \$10,000.
- The penalty for assaulting, obstructing, hindering or insulting any DMP officer or member of the police service in the performance of their duties is up to \$10,000.
- The penalty for refusing or failing to comply with a lawful request or direction made by an authorised DMP officer or member of the police service is up to \$10,000.
- The penalty for re-entering a mining tenement that a person has been lawfully evicted from is up to \$10,000.

Rights and Obligations on Occupied Crown land

As a holder of a Miner's Right you should make contact with pastoralists and other occupiers of Crown land and notify them of your intention to:

- Enter or prospect on that land; or
- Pass and repass over that land in order to gain access to other land for the purpose of prospecting, provided the prospector complies with the additional requirements set out under the Act.

While permission to prospect on Crown land is not generally required you should take all reasonable and practical steps to give the pastoralist prior notification in order to ascertain whether your presence will interfere with the pastoralist's activities.

Exception occurs should you wish to prospect close to specified areas that are listed under the Act, including watering holes, dwellings and cultivated lands. In these cases, consent is required and for your own protection this should be in writing.

Further information on prospecting on pastoral leases and other occupied Crown land can be obtained from Information Pamphlet No 5, Prospecting, exploration, mining on pastoral leases. If in doubt you should make enquiries with the nearest Mining Registrar's Office. These offices can also provide you with the contact details of pastoralists, upon request.

[Back to top](#)

Obligations

As a prospector you are required to:

Minimise damage to the surface of the land;

Fill in any holes or any other disturbances that have been caused to the surface of the land in the course of prospecting;

- Not undertake surface scraping activities or strip mining;
- Take all necessary steps to prevent fire and damage to trees, property or livestock;
- Pay compensation to the owner or occupier of the land for any loss or damage they have suffered as a result of the prospecting.

[Back to top](#)

Rights

To be able to prospect in WA you are required to possess a Miner's Right. This enables you to prospect on:

- Vacant Crown land that is not covered by a granted mining tenement;
- A pastoral lease or any other Crown land that is under lawful occupation and not covered by a granted mining tenement (see "Rights and obligations on occupied Crown land" below);
- A mining tenement, provided that the prior written consent of the tenement holder has been obtained;
- An exploration licence for a period of three months provided the person possesses a Section 20A Permit (in addition to the Miner's Rights).

The possession of a Miner's Right does not authorise you to prospect on private land or generally on Reserve land.

While prospecting you have the right to carry out the following activities:

- Prospect and conduct tests for any minerals including gold;
- On each occasion, extract up to 20 kilograms of samples of rock, ore or minerals, using only hand held equipment (including metal detectors); Fossick for rocks and gemstones;
- Mark out mining tenements;
- Take water subject to the Rights in Water and Irrigation Act 1914;
- Camp on Crown land for the purpose of prospecting.

A Miner's Right can be obtained from any Mining Registrar's Office.

[Back to top](#)



Page last modified: 14-Dec-2011

[PDF](#) | [Print](#) | [Share](#)