

## Contact Information

## Related Links

[Mining Act Information Pamphlets](#)

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## Documents

- [Application for Mining Tenement Checklist\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title Services 14/01/2009
- [Approval Flowchart - Mining Lease Application\(<%=ext%> <%=sFileSize%> kb\)](#) Minerals Minerals and Petroleum 21/03/2008
- [Approval Flowchart - Exploration Licence Application \(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Services 25/02/2008
- [Administrative Agreement - DMP & Dept of Water \(March 2012\)\(<%=ext%> <%=sFileSize%> kb\)](#) Neil Spencer Mineral Titles 8/03/2012

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# Mineral Title Approval Process

Exploration and mining titles in Western Australia are granted in accordance with the Mining Act 1978 (WA). The Department of Mines and Petroleum (DMP) administers this Act.

Mineral exploration and mining activities are administered under the Act for onshore areas, and for offshore areas to a limit of (nominally) three nautical miles from the coast. There are a number of types of tenement, including prospecting licences, exploration, retention and miscellaneous licences, and mining and general purpose leases.

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## Mining Tenement Application Checklist

A checklist is available which sets out the requirements for the completion and lodgement of Mining Act - Form 21 application forms, including applications for prospecting and special gold prospecting licences, exploration licences, mining leases, general purpose leases, miscellaneous licences and retention licences.

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## Relationship to Exploration Tenements

*Section 67(1) of the Mining Act* gives the holder of an exploration tenement an automatic right to apply for, and have granted, a mining lease, or mining leases, within the area of that exploration tenement.

Exploration involves searching a large area, generally with minimal or limited ground disturbance. Exploration titles are therefore generally granted over large areas that are reduced in size over time as the exploration process progresses and the more prospective ground has been identified. It is intended that the holder of an exploration title applies for a mining lease when the exploration stage has reached a level of maturity; the ground remains prospective; and, ideally, a resource has been discovered and is able to be developed commercially.

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## Mining Title

Mineral exploration and development in Western Australia (other than that amended by certain 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 State's baseline. The Mining Act makes provision for a number of different tenements, including

prospecting and special gold prospecting licences, exploration, retention and miscellaneous licences and mining and general purpose leases.

As application for a mining lease is considered to be a primary approval for major mineral development projects, the information provided below focuses on processes relevant to grant of, and development on, a mining lease.

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## Mining Title Grant

An application for a mining lease and accompanying mining proposal under Section 74(1)(ca)(i), or statement and mineralisation report under Section 74(1)(ca)(ii), must be lodged at an office of the Mining Registrar and application details advertised, in accordance with the Mining Act. Any person may lodge an objection to the granting of an application for a mining tenement within 35 days of the application, or a period specified by the Mining Warden.

A Warden's Court operates to determine objections lodged against tenement applications, to deal with disputes between competing applicants, and to hear other actions. The Mining Act confers both judicial and administrative functions on the Warden.

If an objection is lodged against a mining lease application, the Warden will hear the objection in open court and will then make a recommendation regarding the application to the Minister for Mines (currently the Minister for State Development), who will determine the application.

Before a mining lease can be granted, however, the application must be advertised under the Section 29 provisions of the *Native Title Act 1993*, unless native title has been extinguished over all land affected by the lease application.

Under *Sections 24 and 25 of the Mining Act*, mining cannot be carried out on various types of reserved land without the prior written consent of the Minister for Mines. This consent can only be given after consultation with the responsible Minister and the vested authority. In the case of National Parks and Class "A" conservation reserves and State forests in the South West, the responsible Minister must give concurrence with the grant of title.

In practice, in cases where more than 50% of the mineral tenement applied for encroaches onto reserved lands, the Department of Mines and Petroleum (DMP) will automatically refer the application under Sections 24 and 25 to the relevant Minister before the application can be determined. In all instances where an application encroaches onto an Aboriginal reserve, an entry permit must be issued under the *Aboriginal Affairs Planning Authority Act 1972* before consent can be given.

For mining lease applications where 50% or less of the land applied for is affected by reserved lands, DMP will impose a "no mining" condition on the tenement, which means that the reserved lands cannot be accessed by the tenement holder until the Minister for Mines gives consent. Consent to mine on reserved lands can be requested by the tenement holder subsequent to the grant of title, following which, the request will be referred to the responsible Ministers.

A mining tenement on private land will not be granted unless the written consent is given by the owner and occupier of that land. Where consent has not been given, the mining tenement can only be granted with rights restricted to below 30 meters from the natural surface.

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## Conditions Imposed on Mining Leases

After grant of title, standard conditions and endorsements are placed on mining tenements to regulate the activities that may be carried out by the holders of those tenements. They help ensure that the holder adequately rehabilitates the land after mining and carries out mining activities in a safe manner.

One of the standard conditions placed on all tenements includes an endorsement drawing the lessee's attention to the provisions of the *Aboriginal Heritage Act 1972*. The purpose of this endorsement is to remind tenement holders that, if activities are like to impact on sites and/or objects of significance to persons of Aboriginal descent, the consent of the Minister for Indigenous Affairs to disturb the site is required under Section 18 of that Act.

In addition to the standard conditions placed on all mineral tenements, a condition is imposed on mining leases which prevents developmental or productive mining or construction activity being commenced until the tenement holder has submitted a plan of the proposed operation and measures to safeguard the environment to the Director, Environment DMP for assessment; and until his written approval has been obtained.

As a result of this condition, a lessee is required to submit a Mining Proposal to DMP, prior to the commencement of a mining operation, outlining the nature of the proposed development, the method of mining, its environmental impact, rehabilitation proposals and all building plans.

The Mining Act also specifies the ability to apply environmental performance bonds on mining tenements to ensure provision is made for rehabilitation of the ground at the conclusion of mining. These are routinely applied when an Mining Proposal is considered for a mining lease, and are calculated through a specified formula.

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## Mining Proposal

The Mining Proposal is required to detail all matters relating to the environmental management of the proposed project as set out in the Department's [environmental approval guidelines](#). The Mining Proposal must provide a detailed description of both the proposed project and the existing environment in which it will take place. Besides the natural environment, the description should include relevant aspects of the social environment like Aboriginal sites, heritage issues, community values and other existing land uses. Using this information, the Mining Proposal must then assess the environmental impacts arising from the project, determine which are likely to be significant, and then present the environmental management commitments the company will undertake to manage and ameliorate all these significant effects.

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## Relationship of the Mining Proposal to other Environmental Approvals

In addition to the Director, Environment's written approval to commence mining under the Mining Act, statutory environmental approvals or licences may be required by other Government agencies before mining should begin. A list of possible environmental approvals required is identified in DMPs' Environmental Approval Guidelines.

A memorandum of understanding currently exists between the Office of Environmental Protection Authority (OEPA) and DMP, which requires DMP to forward proposals that are located in specific environmentally sensitive locations for assessment under Part IV of the Environmental Protection Act. Some of the sensitive areas include proposals within two kilometres of the coast, wholly or partly within or within two kilometres of the boundary of a National Park or other 'Reserve' land, wholly or partly within or within two kilometres of the boundary of an occupied townsite, or if more than two million tonnes of ore per annum is being extracted from an underground or an open pit. Under these circumstances, DMP is unable to give approval for developmental mining to begin until any further requirements of the EP Act have been met.

Significant environmental issues likely to affect the Department of Environment and Conservation (DEC) estate are usually be identified early in the exploration process and are consequently addressed at the time of initial mineral tenement application. A standard set of mining title conditions have been agreed under a memorandum of understanding between DMP and Department of Environment and Conservation (DEC) for various types of "conservation" land. DEC, however, may still need to be involved in preparation of a Mining Proposal for a mining project to take place on an approved mining lease on or adjacent to DEC managed land.

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## Affidavits of Compliance

Affidavits of Compliance with application provisions of the Mining Act and Regulations.

- [Affidavit - Exploration Licence\(<%=ext%> <%=sFileSize%> kb\)](#) C Sharpe Mineral Titles 1/02/2010
- [Affidavit - Exploration Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - General Purpose Lease\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - General Purpose Lease\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - General Purpose Lease \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - General Purpose Lease \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Miscellaneous Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Miscellaneous Licence\(<%=ext%> <%=sFileSize%> kb\)](#) C Sharpe Mineral Titles 1/02/2010
- [Affidavit - Miscellaneous Licence \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) C Sharpe Mineral Titles 1/02/2010
- [Affidavit - Miscellaneous Licence \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) C Sharpe Mineral Titles 1/02/2010
- [Affidavit - Mining Lease\(<%=ext%> <%=sFileSize%> kb\)](#) C Sharpe Mineral Titles 1/02/2010
- [Affidavit - Mining Lease\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Mining Lease \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Mining Lease \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Prospecting Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Prospecting Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010

- [Affidavit - Prospecting Licence \(Late Service Shire\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Prospecting Licence \(Late Service Shire\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Prospecting Licence \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Prospecting Licence \(Private Land\)\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Retention Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Retention Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Special Prospecting Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Special Prospecting Licence\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Standard\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010
- [Affidavit - Standard\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Titles 1/02/2010

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## Overview of the Assessment Process

- [Approval Flowchart - State approvals processes for mining projects\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title 18/02/2008
- [Approval Flowchart - Exploration Licence Application\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title 27/02/2008
- [Approval Flowchart - Mining Lease Application\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title 13/11/2008
- [Approval Flowchart - Environmental Clearance for Productive/Developmental Mining Activities\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title 27/02/2010
- [Guidelines for Mining Proposals in Western Australia\(<%=ext%> <%=sFileSize%> kb\)](#) Department of Mines and Petroleum Mineral Title 8/11/2011

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