



Department of Energy, Mines,
Industry Regulation and Safety

GUIDELINES

Aboriginal Heritage Survey Assistance Program

Support for prospectors and explorers

Version 2.0

January 2024

Version History

Version	Date	Changes
1.0	2023	Initial Publication
2.0	2024	Amended

Purpose

The purpose of this guideline is to outline the State Government's Aboriginal Heritage Survey Assistance Program including eligibility, how to apply and frequently asked questions.

About the heritage assistance program

The Heritage Assistance Program provides support to the mining industry to help offset the reported increasing costs of conducting Aboriginal Heritage Surveys (AHS) throughout Western Australia.

The program will run for a period of five years (from the 2023–24 to 2027–28 financial years), and is targeted at those individuals and companies who are actively undertaking exploration and prospecting and incurring AHS costs.

Who can apply for the heritage assistance?

The holder (or the authorised designated tenement consultant) of a prospecting licence or exploration licence may apply for the assistance.

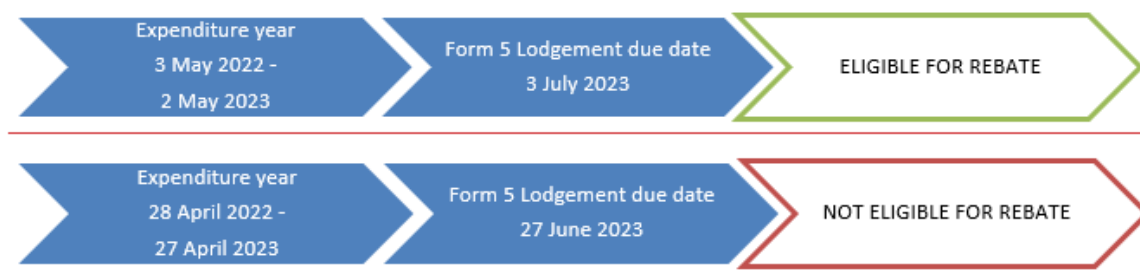
Major producers, i.e., those producers with an annual gross production value of greater than \$600 million, are ineligible for the assistance.

What are applicants eligible for?

The assistance program covers those exploration and prospecting licence holders that report on their Form 5 an AHS being conducted during a relevant expenditure year.

The affected Form 5 must have been lodged after 1 July 2023 and have been lodged within the prescribed 60 day period. An example is a Form 5 affecting the expenditure period 3 May 2022 to 2 May 2023, on which an aboriginal heritage survey is reported. This report was lodged on Monday 3 July 2023 and is eligible for the rebate.

Example:



Prospectors

The holder of a prospecting licence can apply for a rebate of AHS costs incurred, up to a maximum of the total of the annual rent payable on the affected tenement for the relevant expenditure period. For example, if you hold a prospecting licence and pay \$500 in annual tenement rent, you may apply for a rebate of up to \$500 on incurred AHS costs for that year.

For prospecting licence holders, this will apply for the duration of the Heritage Assistance Program.

Explorers

For the first three years of the program, the holder of an exploration licence can apply for a rebate of AHS costs incurred, up to a maximum of 50 per cent of the annual rent payable on the affected tenement for the relevant expenditure period. For example, if you hold an exploration licence and pay \$10,000 in annual tenement rent, you may apply for a rebate of up to \$5,000 on incurred AHS costs for that year.

For the last two years of the program, the holder of an exploration licence can apply for a rebate of AHS costs incurred, up to a maximum of 25 per cent of the annual rent payable on the affected tenement for the relevant expenditure period. If you hold an exploration licence and pay \$10,000 in annual tenement rent, you may apply for a rebate of up to \$2,500 on incurred AHS costs for that year.

The heritage assistance application process

How do I apply?

Applicants will need to complete and lodge their regular Form 5 – Operations Report (Form 5), together with the Heritage Assistance Rebate Form available on the department's website and provided as an attachment to this guideline. The application may be lodged in the same manner as the Form 5 (preferably online) and is required to be lodged within 60 days of the anniversary date.

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When lodging your application online, upload the application form as an attachment to the Form 5.

For those Form 5s that were lodged after the commencement date of this rebate program on 1 July 2023, rebate applications can be lodged by emailing it to regulationandcompliance@dmirs.wa.gov.au

What information will I need to apply?

Applicants will need to provide:

1. Form 5 Operations report.
2. Application Form.
3. Evidence of the completion of the survey and invoices showing costs have been incurred.
4. A map indicative of the surveyed area.

How will the department determine my application?

An application for assistance will be considered together with the relevant Form 5. The assessing officer will:

- Verify and assess the Form 5.
- Verify the application and supporting documents.
- Consider if an audit is required in accordance with section 115B(2) of the *Mining Act 1978*.
- Approve or refuse the application.
- If approved, proceed with processing the rebate to the applicant.

When will my application be refused?

If an applicant is unable to provide evidence that the survey has been carried out or is unable to demonstrate that the costs have been incurred, then an application will be refused.

Similarly, if a Form 5 audit reveals any discrepancies between the application and what has actually occurred on the tenement then the application will be refused.

For any tenement subject to third party forfeiture, or held by a party that enters administration, the processing of any request for rebate would be deferred until the matter is determined/resolved.

Frequently asked questions

Can I carry over any unclaimed portion of the rebate?

No, the rebate is available for AHS expenditure incurred in the relevant reporting year. If you expend the maximum allowed in any one reporting period, the unclaimed portion is forgone.

What happens if my survey is carried out across more than one of my tenements?

If one survey is conducted across multiple tenements, expenditure should be apportioned across the affected tenements in the same way that you would normally apportion your costs on your Form 5. Any rebate sought would also need to be apportioned against those same affected tenements.

The department will consider these applications closely to protect against potential “gaming” or “double dipping”.

What if I arrange for multiple surveys to be done over the year?

The rebate is not affected by the number of surveys carried out. You may do as many as you need to for your circumstances/project. You will be able to make one application at the conclusion of the reporting period, with your rebate capped according to the type of tenure or the stage of the rebate program.

What happens if I transfer my tenement part way through the year?

The transfer of a title will not affect your ability to claim a rebate, provided the appropriate evidence is given.

What if I surrender my tenement part way through the year?

If the tenement is surrendered part way through the year, the applicant will still need to follow the application process to claim any costs that may have been incurred by lodging a final Form 5, application form and supporting documents.

If I receive assistance, can I still claim AHS costs as part of my minimum expenditure commitments?

Yes, the heritage assistance program is independent of any regulatory requirements outlined in the *Mining Act 1978* or *Mining Regulations 1981*.

What evidence is required to support the application?

The types of invoices/evidence required to support the application are:

- Invoice of the actual cost of the survey (must be provided).
- Invoices of costs associated with the survey such as transport, food accommodation provided to the native title surveyors.
- Invoices of charges by lawyers in conjunction with the survey.
- Evidence of time spent by our staff in preparation for a heritage survey.
- Evidence of time spent by our staff on the actual survey with the native title surveyors.

Application for heritage survey assistance

(To be completed and lodged in conjunction with the relevant Form 5 – Operations Report)

Tenement Details
Tenement type:
Tenement number:
Tenement holder:
Reporting period:

Assistance sought for the relevant reporting period only	
Annual tenement rent paid	\$
Amount spent on Aboriginal Heritage Surveys	\$
Calculation of assistance sought: <ul style="list-style-type: none"> Prospecting Licence – up to 100 per cent of rent payable Exploration Licence – up to 50 per cent of rent payable for the first three years of the program, followed by 25 per cent of the rent payable for the last two years of the program. 	\$
Calculation of apportionment (if more than one tenement was affected by the survey)	

Payment details	
Payee:	
Address for service:	

Declaration	
• The relevant Form 5 – Operations Report lodged prior or together with this application.	<input type="checkbox"/>
• The Aboriginal Heritage Survey(s) to which the application relates has been carried on the specified tenement(s) and evidence to this effect is provided.	<input type="checkbox"/>
• The invoice for the relevant Aboriginal Heritage Survey(s) for the specified tenement(s) is provided.	<input type="checkbox"/>
• I certify that the information contained in this form constitutes a true statement of monies expended on Aboriginal Heritage Survey(s) on the mining tenement(s) during the reporting period specified.	<input type="checkbox"/>

Signature of holder or agent

Date:

Full name and address of the signatory must be stated	
Name:	
Address:	
Email:	

Government of Western Australia

**Department of Energy, Mines, Industry
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8.30am – 4.30pm

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