



Resource Tenure Division

Position Paper

SECTION 40E MINING ACT 1978 - PERMITS TO PROSPECT ON EXPLORATION LICENCE LAND: LIFTING OF SUSPENSION IN RESPONSE TO COVID-19 ROADMAP TO RECOVERY

The State Government announced on 10 May 2020 the implementation of phase 2 of its Roadmap to Recovery from the COVID-19 Pandemic, which includes the relaxing of regional travel restrictions effective from 18 May 2020.

The State Government has also indicated that, subject to advice from the Chief Health Officer, further easing of restrictions on regional travel is expected to be implemented about 4 weeks from the start of Phase 2.

In light of this advice the Department of Mines, Industry Regulation and Safety is lifting the suspension on making applications for section 40E Permits to prospect on Crown land that is the subject of an exploration licence.

As from 19 May 2020 individuals will be able to make applications for section 40E permits through the Department's online lodgement system, Mineral Titles Online.

Details on the Section 40E Permit system can be found on the Department's website –

<http://www.dmp.wa.gov.au/Minerals/Permit-Section-40E-over-granted-2421.aspx>

Before proceeding with an application, individuals should be aware that the application fee of \$90.00 is a non-refundable fee that goes to covering some of the costs of assessing and processing the permit application. Individuals need to consider the existing State and regional travel restrictions that remain in force and be aware that travel exemptions will be required to travel between regions so long as the regional travel restrictions are in place. The State borders remain closed to non-essential travel.

Section 40E Permits are assessed and granted by the mining registrar responsible for the administration of the relevant mineral field. It can take between one to five days for a permit to be granted, subject to the registry workload. The permits are chronologically processed from the time of lodgement. It is not possible to defer the processing of an application for the section 40E Permit once it is lodged.

Applications for section 40E Permits made immediately before the suspension was implemented but not yet granted will be progressed to grant unless the relevant Mining Registrar is notified by the permit applicant that he/she no longer wishes to proceed with the application.

Mining Registrars are also issuing miner's rights effective from 19 May 2020.

Mining Registrar contact details are available on the Department's website –

<http://www.dmp.wa.gov.au/Utilities/Minerals-contacts-8328.aspx>