



POSITION PAPER 6

EXPLORATION LICENCES – CONSENT TO TRANSFER IN THE FIRST YEAR

ISSUE

Under what circumstances will consent be given to transfer an Exploration Licence in the first year?

BACKGROUND

Section 64 of the *Mining Act 1978* provides, inter alia, that an Exploration Licence in its first year of term shall not be transferred without the consent of the Minister or an authorised officer of the Department.

In 2013, industry sought clarification on the Department's assessment of applications for consent to transfer pursuant to section 64 and highlighted concerns that the Department's assessment was within a confined scope, leading to negative implications on exploration activity in Western Australia.

POSITION

The Department's position is that consent to transfer under section 64 (under delegation or authorisation) will only be given when:

1. there is no outstanding rent on the licence;
2. evidence is provided that the transferee has the necessary financial and technical ability to work the ground as outlined in section 58(1) and (1aa); and
3. a statement is provided confirming the transferee will continue with the proposed exploration programme; or
4. a revised exploration programme is submitted with the transfer document.

If it becomes apparent that "trading" or "real estate" is occurring during the first year, the Minister or delegate may consider rejecting the transfer.

REFERENCE

Section 64 of the *Mining Act 1978*