



# LandTrack Systems

Improve mining compliance performance, profit and productivity with our specialised training, tools and support

## Practical Tenement Management WA Participant Notes

### WiFi and Wiki logon

Slide 2

- WIFI Log on and Password .....
- Go to [wiki.landtrack.com.au](http://wiki.landtrack.com.au)
- Select "Training Resources";
- Then "Practical Tenement Management Training Course"
- Drag this into your favourites bar
- then open or download "Practical Tenement Management Student Handouts (PDF)"
- In 'Excel Training' section download file "Excel Files for download"

### Course Outcomes

Slide 3 & 4

- Understanding the procedural process
- Describe the restrictions and requirements of exploring and mining on various underlying land categories
- Define the tenement types in WA and the conditions under which to apply for and remain compliant with their features and demonstrate the ability to research other unusual tenure and conditions
- Apply for an exploration licence in WA using the MTO portal, provide the accompanying documents and notations needed on an application and define the actions required to complete an application
- Describe the framework of environmental compliance in the context of tenement management in WA
- Describe the Native Title process as it applies to tenement applications in WA
- Outline the Aboriginal Cultural Heritage Act and its effect on tenure management
- Success strategies for tenement compliance
- Demonstrate frequently used techniques in tenement management data sets in Excel
- Describe several time management and stress reduction techniques, which can apply to your own workplace



**Sessions – Day 1**

- [Session 1] Introduction and Procedures
- Morning Tea
- [Session 2] Land Areas and Tenements
- Lunch
- [Session 3] Tenement Application
- Afternoon Tea
- [Session 4] Environment

**Slide 5**

	Session Times	
1	9.00	10.30
2	10.40	12.10
3	12.50	2.50
4	3.00	4.30

**Sessions – Day 2**

- [Session 5] Aboriginal Heritage and Native Title
- Morning Tea
- [Session 6] Success Strategies for Tenement Compliance
- Lunch
- [Session 7] Excel for Tenement Managers
- Afternoon Tea
- [Session 8] Time Management

**Slide 6**

	Session Times	
5	9.00	10.30
6	10.40	12.10
7	12.50	2.50
8	3.00	4.30

**Johari Window**

**Slide 7**



## Resources

Slide 8

- Hunt on Mining Law of Western Australia Fifth Edition
- *Mining Acts* 1978
- *Mining Regulations* 1984
- Proposed Amendments to the *Mining Act*
- Warden's Court Rulings
- Tenement Management Wiki, LandTracker Maps, Tenement Safety Net
- Tengraph Web, Mineral Titles Online, Gazette
- WAMEX and GeoVIEW
- Google Earth

## Procedures

### Procedure Outcomes

Slide 9 & 10

1. Describe the importance of procedural processes
2. Have an understanding of the legislation to be considered for creating procedures
3. The ability to produce procedural requirements to be used after this training

### Business Procedures Failure

Slide 11

#### Shovelanna

- Rio failed to lodge their Extension of Term on time
- "The junior pegged the Shovelanna Deposit in 2005 after Rio Tinto's licence of the tenement expired after a courier failed to deliver the renewal document"
- "Cazaly now faces a multi – million legal bill after three Supreme court judges reject an appeal to overturn a State decision to terminate the junior's claim to the lucrative iron ore tenements in the Pilbara region of WA" (Business News WA)

### Newmont Loses JV Exploration Licence

Slide 12

- In 2002 a Tenement Administrator failed to lodge an exploration licence renewal because his partner left him and he was distracted
- Newmont compensated the joint venture party a substantial sum



### Procedure Manual Advantages

Slide 13

- Retained Corporate knowledge with staff turnover
- It assists the change of personnel by allowing smooth transition
- Improved the housekeeping of the data
- Assisted in the succession planning
- Allowed the data to be recovered by anyone because it was consistent

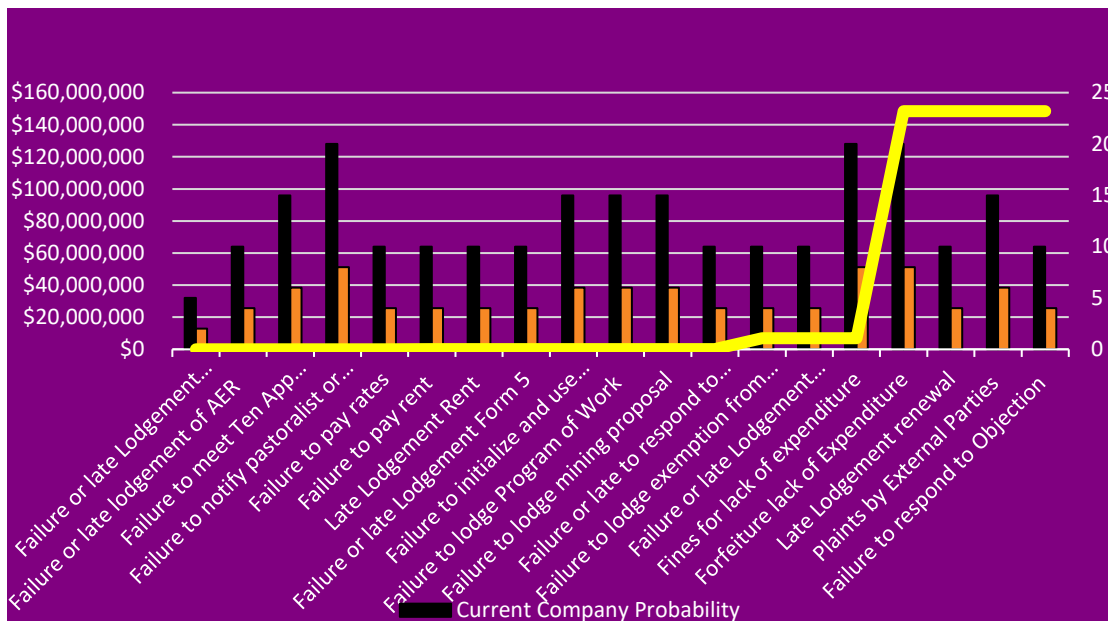
### Tenement Forfeiture

Slide 14

- Three Mining leases were forfeited March 2016 by a very experienced tenement manager
- For a 3 day late payment of \$90 fine for late lodgement of Form 5
- “details of Notice of Intention to Forfeit were entered in the database [Lease Control] for a reminder notification to be issued at a later date. An error was made in the selection of the alert date, when April rather than March was entered as the due month” ([2016] WAMW 16)
- \$ cost of seeking a restoration of the leases?

### Risk Management

Slide 15



### Designing Procedures

Slide 16

What to consider designing procedures

- The Mining Law and Regulations beside the obvious there is also Auditing requirements;
- *Corporations Law* (Auditing, executing documents, related parties);
- *Acts Interpretation Act*; for knowing when dates become critical and interpreting the *Mining Act*.
- Internal procedures;
- Psychology of Co-Workers;
- Technology

## Designing Procedures

Slide 17

- Form 5 Procedure
  - A Form 5 is a declaration of allowable expenditure on a tenement, due 60 days after the tenement's anniversary.

<b>Trigger</b>
<b>Steps</b>
1.
2.
3.
<b>Outcome</b>

## Procedure and Mining Law

Slide 18

- 115B Mining Act
  - (2)...verifying the expenditure shown in an operations report, the Minister may, ... require the holder of a mining tenement to file an audit statement, ...
- the audit amount may then be considered the expenditure amount



## Documentation Requirements

Slide 19

- Tenement Application
- 41(3), 58(3), 70C(3) and 74(2) all these sections state

*"An applicant for a [tenement] shall at the request of the mining registrar or warden furnish such further information in relation to his application, or such evidence in support thereof..."*



*Seven Year Document Retention*

- documents are required to be retained for 5 years under tax laws requiring businesses to hold documents relevant to income and expenditure
- the six year limitation period running from the date on which the cause of action first accrues, during which claims for breach of contract or negligence (as well as other torts) may be commenced against a person or company
- the three year limitation period running from the date on which the cause of action first accrues, during which claims for injury may be commenced against a person or company
- 7 year period of time a business is obliged hold onto its records of employees after termination
- 6 years for Environmental Law

<http://www.mondaq.com/australia/x/423780/Corporate+Commercial+Law/How+long+does+your+business+need+to+retain+documents>

**Executing Documents s127 Corps Act****Slide 21**

*(1) A company may execute a document without using a common seal if the document is signed by:*

- (a) 2 directors of the company; or*
- (b) a director and a company secretary of the company; or*
- (c) for a proprietary company that has a sole director who is also the sole company secretary—that director.*

*(2) A company with a common seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by [see a to c above]*

- The Electronic Transactions Act 1999 (ETA) says that electronic signatures (often called e-signatures) are just as valid as traditional paper or 'wet ink' signatures for most Commonwealth processes.

**Extension of Time Period****Slide 22***162B. Mining Act**Extension of prescribed period or time*

*(1) If this Act provides for something to be done within a prescribed period or a prescribed time, the Minister or a warden may, in a particular case, extend the period or the time for doing the thing.*

*(2) The power in subsection (1) may be exercised whether or not the prescribed period has ended or the prescribed time has passed.*

## Interpretation Act 1984

Slide 23

Question: What date is the Form 5 due if the anniversary is on 3 Feb 2018

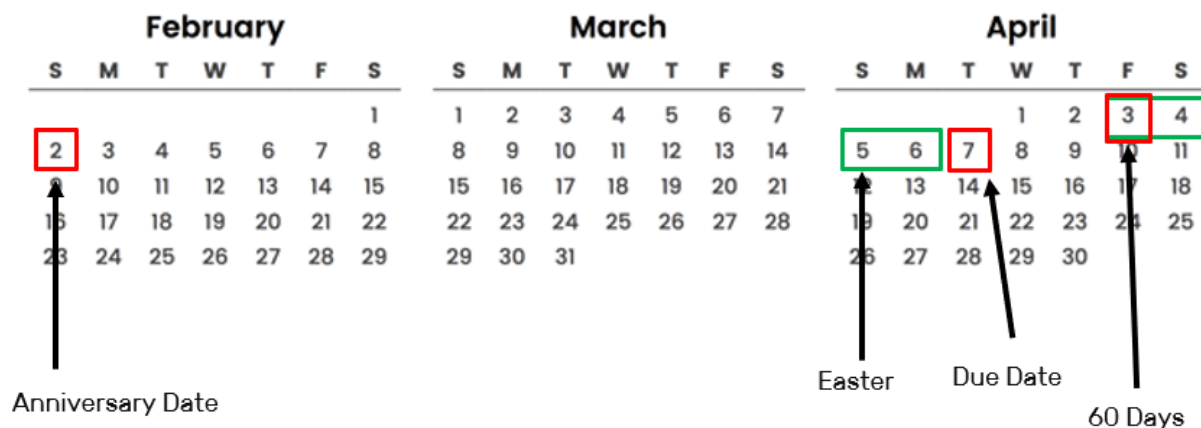
- Read s61 of the Act (in the WIKI)
- s68 of the Mining Act and Regs. 22 state that the Form 5 is due within 60 days after each anniversary date.
- *s61(c) Interpretation Act states where anything is done within in a specified time shall not include that date*
- *s61(e) where a time limited for the doing of a thing expires or fall on excluded day the thing may be done on the next day*
- *s61(2) ...excluded day means Saturday, Sunday or public holiday*
- See the decision of *FMG Pilbara Pty Ltd -v- The Honourable William Joseph Johnston, MLA, Minister for Mines and Petroleum [2020] WASC 8*
  - Note that DEMIRS does not accept this.
- The 2024 Mining Amendment Act as tabled but not passed, is removing this possibility

[Interpretation Act](#)

[FMG PILBARA PTY LTD -v- THE HONOURABLE WILLIAM JOSEPH JOHNSTON, MLA, MINISTER FOR MINES AND PETROLEUM \[2020\] WASC 8](#)

## Interpretation Act 1984

Slide 24



## Electronic Lodgement

Slide 25

- Regulation 59B Electronic lodgement
- A person may lodge a mining tenement document electronically by lodging an electronic version of it by means of the Department's website.
- A mining tenement document that is lodged electronically after 4.30 p.m. on a working day and before 8.30 a.m. on the next working day is taken to have been lodged at 8.30 a.m. on that next working day.
- A mining registrar may at any time, require a person who has lodged a mining tenement document electronically to lodge the paper version of the document.

## Electronic Lodgement

## Slide 26

- Electronic signatures are legally recognized in Australia and are provided for by the Electronic Transactions Act of 1999 (Cth) (“ETA”) and its implementing regulations, the Electronic Transactions Regulations 2000 (Cth) (“ETR”), at the federal level.
- three requirements, which also apply under each Local ETA:
  - A method (e.g., the type of electronic signature) is used to identify the signer and to indicate the signer’s intention to sign the document;
  - The method used is as reliable as appropriate for the purposes of the communication or is proven to identify the person and indicate their intention; and
  - The signer consents to the method used, with such consent allowed to be express or inferred from the circumstances.

## File Structure and Templates

## Slide 27

- Example directory Structure
  - Project (Great Gold Mine)
    - Applications
    - Expenditure Exemption
    - Rents
    - Renewal
    - Reporting
    - Objections
    - Native Title
    - JV Documents
- File naming conventions
  - <Doc Type> <YYYYMMDD> <Tenement Number> <Purpose> <Party>
  - Eg. Letter 20180502 E77-1051 Notification John Doe
  - Eg. Exemption 20180502 E77-2015
  - Template: Exemption PROFORMA Tenement
  - Templates for commonly used documents

## Summary Procedure

## Slide 28

### Question

- What else needs to be considered?
  - 1
  - 2
  - 3
  - 4
  - 5



## Summary Procedure - Risk Mitigation

Slide 29

- Prevent errors and mistakes by:
  - Having procedures that are documented, followed and auditable
  - Multiple safeguards against failure
  - Multiple checking through separate and independent entities
- The whole purpose is to reduce risk

## Procedures Outcomes

Slide 30

- Describe the importance of procedural processes
- Have an understanding of the legislation to be considered for creating procedures
- The ability to produce procedural requirements to be used this after training

## State Land Areas

### Outcomes: State Land Areas WA

Slide 2.

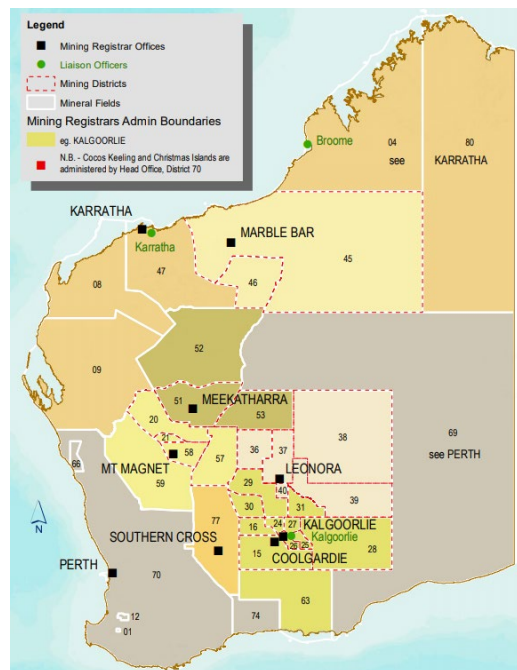
Participants will be able to identify and describe the requirements of exploring and mining on various underlying land categories.

1. Mineral Fields
2. National Parks and Class A Reserves
3. Reserve Land other than Class A
4. Freehold Land pre 1 Jan 1899
5. Freehold Land
6. Pastoral Lease
7. ANCA Wetlands
8. Section 57(4) areas
9. Section 57(2aa) areas
10. Aboriginal Land
11. Native Title

[Description of Land Type Categories Tengraph](#)

## Mineral Fields

Slide 3.



### [Description of Land Type Categories Tengraph](#)

## National Parks and Nature Reserves

Slide 4.

Department of Biodiversity Conservation and Attractions (DoBCA)

National Parks

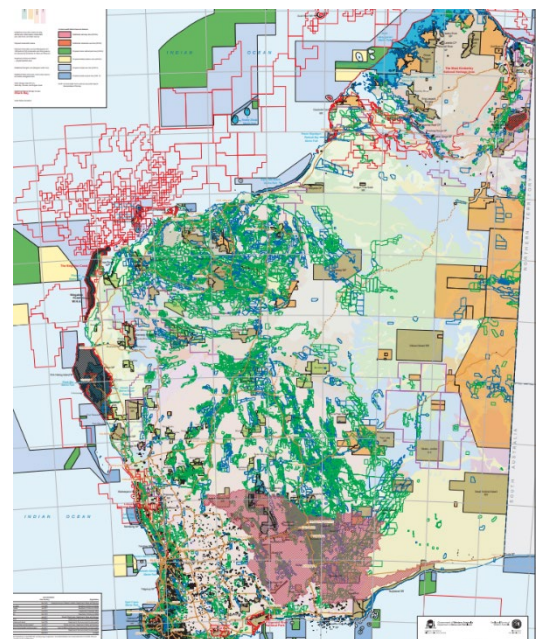
- Ministers Consent
- Both Houses of Parliament for tenement to be granted

Class A Reserves

- Ministerial approval
- Conservation Management Plan

Great Western Woodland

- Is not nominated for Reserve



### [Conservation Areas and Aboriginal Land](#)

## Land Area – Reserve Land

Slide 5.

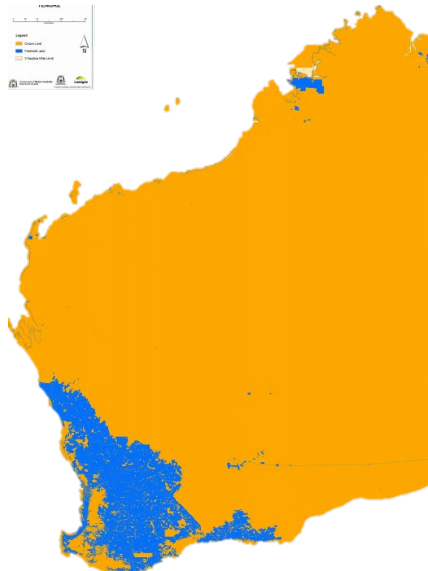
Example of the endorsements on Licence

- *Consent to explore on Conservation of Flora and Fauna Reserve 36957 is given subject to:*
  - *Submit a Conservation Management Plan to be approved by the DEMIRS and DPaw*
  - *Notify DPaw five working days of itinerary and program of actions*
  - *Each January submit a operations and rehabilitation report*
  - *A completion report of each program within 6 months of exploration activities*

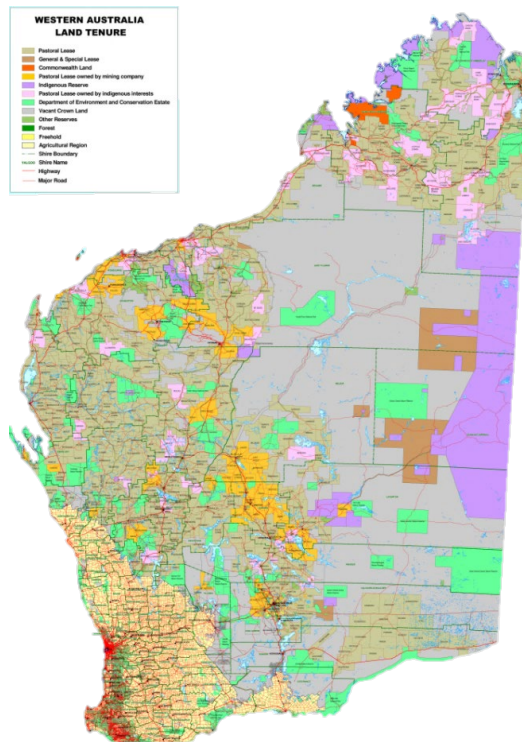
[https://www.dmp.wa.gov.au/Documents/Minerals/List of Standard Conditions and Endorsements.pdf](https://www.dmp.wa.gov.au/Documents/Minerals/List_of_Standard_Conditions_and_Endorsements.pdf)

## Freehold Land WA

Slide 6.



[Freehold Land in WA](#)



[Pastoral Lease Map](#)

**See: *Hawthorn Resources v Tisla Pty Ltd*** defined this section of the *Mining Act*.

**Diversification Leases Part 6A**

Recently legislated under the *Land Administration Act 1997* and the *Public Works Act 1902 (WA)*

- Diversification Leases are not concurrent with a pastoral lease.

a diversification lease will be set out in the lease as agreed by the parties, and so is flexible. A diversification lease is designed for broadscale uses such as:

carbon farming

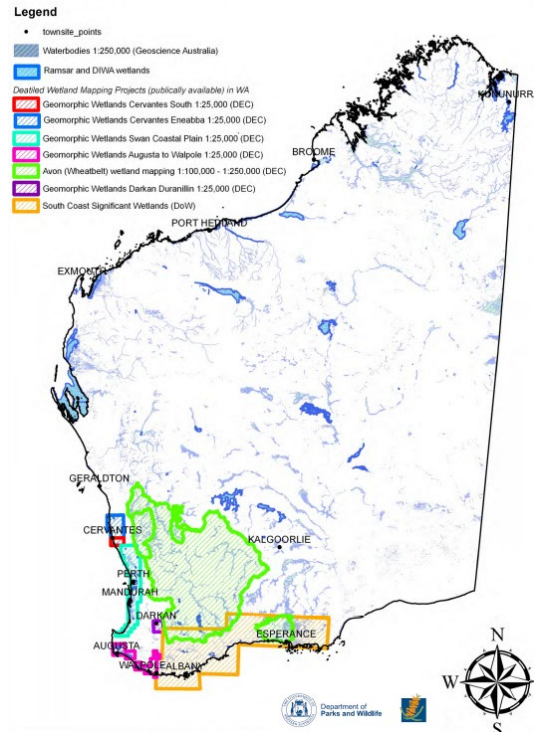
- multiple concurrent uses – e.g. grazing livestock, horticulture, agriculture, tourism, carbon farming
- Aboriginal economic development and land management
- environmental offsets for mining companies or where their activities are substantially inconsistent with existing pastoral uses
- conservation purposes
- renewable energy.

Native title rights and interests will not be extinguished for the grant of a diversification lease and a diversification lease proponent is required to negotiate an Indigenous Land Use Agreement (ILUA) with the relevant native title party(s) prior to the grant of a diversification lease.

A diversification lease will coexist with mining rights in a similar way as pastoral leases, so that mining tenement holders will have a right of access to the land.

ANCA Wetlands

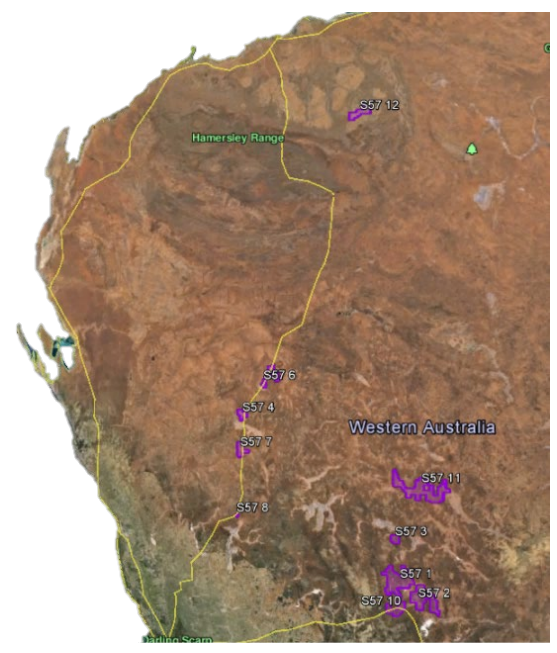
Slide 9.



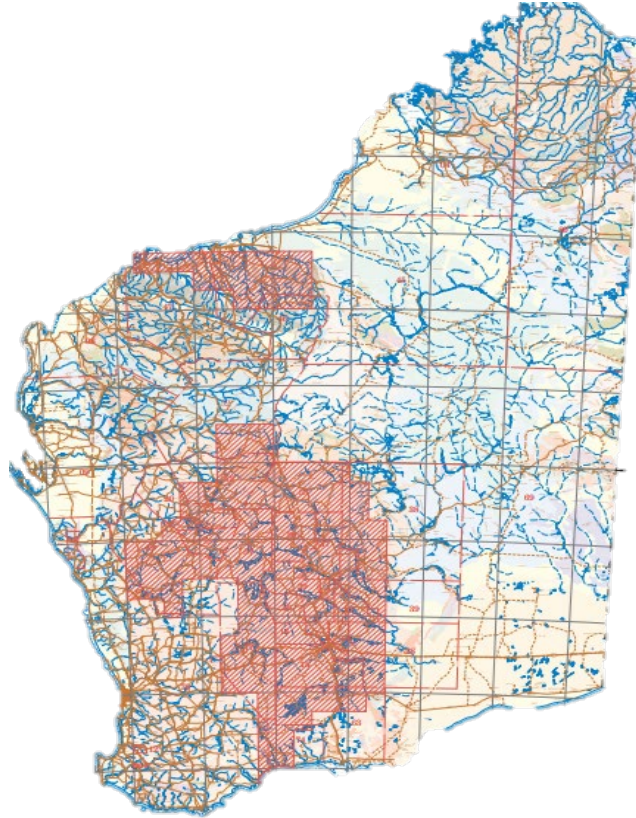
[ANCA Wetlands Map](#)

S57 4 Areas limited to Prospecting Licences

Slide 10.



- Exploration Licences in the red areas limited to 70 blocks
- Outside that area Exploration Licences can be 200 blocks



[s57\(2aa\) Areas \(70 block areas\)](#)



Outcomes: Participants will be able to identify and describe the requirements of exploring and mining on various underlying land categories.

1. Mineral Fields
2. National Parks and Class A Reserves
3. Reserve Land other than Class A
4. Freehold Land pre 1 Jan 1899
5. Freehold Land
6. Pastoral Lease
7. Diversification Leases
8. ANCA Wetlands
9. Section 57(4) areas
10. Section 57(2aa) areas
11. Aboriginal Land
12. Native Title



## Tenements

Slide 15.

### Mining Titles Outcomes

Slide 16.

Outcomes: Participants will be able to identify and describe the various tenement types.

1. Miner's Right
2. Prospecting Licences
3. Exploration Licences
4. Retention Licences
5. Mining Leases
6. Miscellaneous Licences
7. General Purpose Leases
8. s40E Permits
9. Special Prospecting Licences
10. "I" identifier for tenements
11. Requirements for all tenements

### Miner's Rights

Slide 17.

The holder of Miner's Right is authorised to:

- Prospect
- Conduct geological mapping
- Conduct tests for minerals
- Undertake limited sampling using hand held equipment
- Remove samples up to 20 kilograms
- Mark out mining tenements
- Fossick for rocks, gemstones, etc
- Take water and camp for the purposes of prospecting

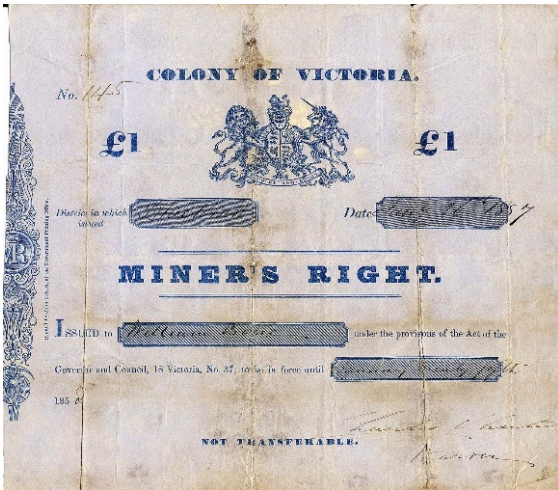
on Crown land not the subject of a granted mining tenement



[Miner's Right Information and Application](#)

[Mining Act Guidelines](#)

[Admin of Mining Title 2013](#)



## Prospecting Licences

Slide 18.

- Prospecting Licences (P)
  - pre and post 10/10/2006
  - Maximum area of 200 hec
  - 4 year term and can be renewed for another 4 years
  - The licence area must be pegged Except for graticular Ps
  - retention status may be applied for under s53(2) if there is a mineral resource.

### Advantages

- Don't need an exploration report
- Don't need to show financial ability on application
- It is cheaper to hold it under Retention Licence than a mining Lease though it will be subject to conditions imposed by the DEMIRS
- a competitive application they can give a strategic advantage as an application can be made over the weekend before an exploration licence.

## Exploration Licences

Slide 19.

- Exploration Licences (E)
  - Marking out on the ground is not required
  - Granted for of 5 years and can be renewed for 5 years and period of 2 years
  - Because rent increases from \$134 per blk in 1st year to \$535 per blk in 8th year and expenditure goes from \$1000 per blk in 1st year to \$3000 per blk in 8th year
  - Ministerial consent to deal in an E in the first year of tenure
  - Or retention status may be applied for under s69A(2) if there is a mineral resource.
  - Maximum of 70 blks in the s57(2) area and maximum of 200 blks outside that area
  - Compulsory Surrender of 40% of the blks in the 6th year under 65(3)
  - E gives priority for the grant of the Ms and Gs

## **Retention Licences**

**Slide 20.**

- Retention Licences
  - Is used to hold tenure that cannot be further explored for or mined
  - No marking out is required must lodge a stat dec stating a mineral resource was found and can't be mined
  - Only applies of Ps and Es applied for before 10 Feb 2006
  - Es and Ps applied for after this date can apply for retention status

## **Mining Titles for Mining and Infrastructure**

**Slide 21.**

### Mining Leases (M)

- Marking out on the ground is required
- Are for the purpose of the mining as the DEMIRS has made it essential to lodge a mining proposal or a mineralisation report with the application
- Granted for 21 years and further period of 21 years, and Minister at his discretion grant for further period of 21 years
- There was a restriction of the area of 1000 ha; but now sufficient area for the mining operations is applicable
- Ms for (Minerals dissolved in Brine) usually for potash, the rents are 1/10 of rents for normal mining leases.

## **Mining Titles Exploration Tenements**

**Slide 22.**

- Miscellaneous Licences (L)
  - For the purpose of infrastructure eg haul roads, rail lines, pipelines, water bores
  - There is a list the of prescribed purposes in the reg 42B (must put this on the application and put as many purposes as you can)
  - There is no need to peg a L now. Though before 2012 it was a requirement to put in a single datum peg
  - Only gives surface rights but has duality of title and can be applied across the top of all other tenure
  - Usually the underlying tenement holder objects and the parties sign a Deed setting out each other rights and obligations, and repudiates any liability of the other party
  - Ls for water exploration have cheaper rents
  - Ls applied for before 6 July 1998 have a term of 5 years and after that date 21 years

### [Fees and Charges](#)

## **Mining Titles for Mining and Infrastructure**

**Slide 23.**

- General Purpose Leases
  - Purpose must be directly connected with mining (s87)
  - Period of 21 years, but not unusual to see them granted for various periods eg 5 and 10 years.
  - Maximum area 10 ha but can be granted for larger areas

- Granted to a depth of 15 metres unless a greater depth is applied for. (always request on the application to a depth to the centre of the earth.
- I have seen a several instances of Ps applied underneath Gs
- 

#### **Mining Titles for Prospectors**

**Slide 24.**

- Permit to Prospect on Crown land (section 40E)
  - DEMIRS may issue a person a permit to prospect for minerals on Crown land
  - On a granted Exploration Licence
  - Granted for 3 months
  - For 10 blocks
  - Multiple s40Es can be issued over the same area
- [s40E Permits](#)

#### **Mining Titles for Prospectors**

**Slide 25.**

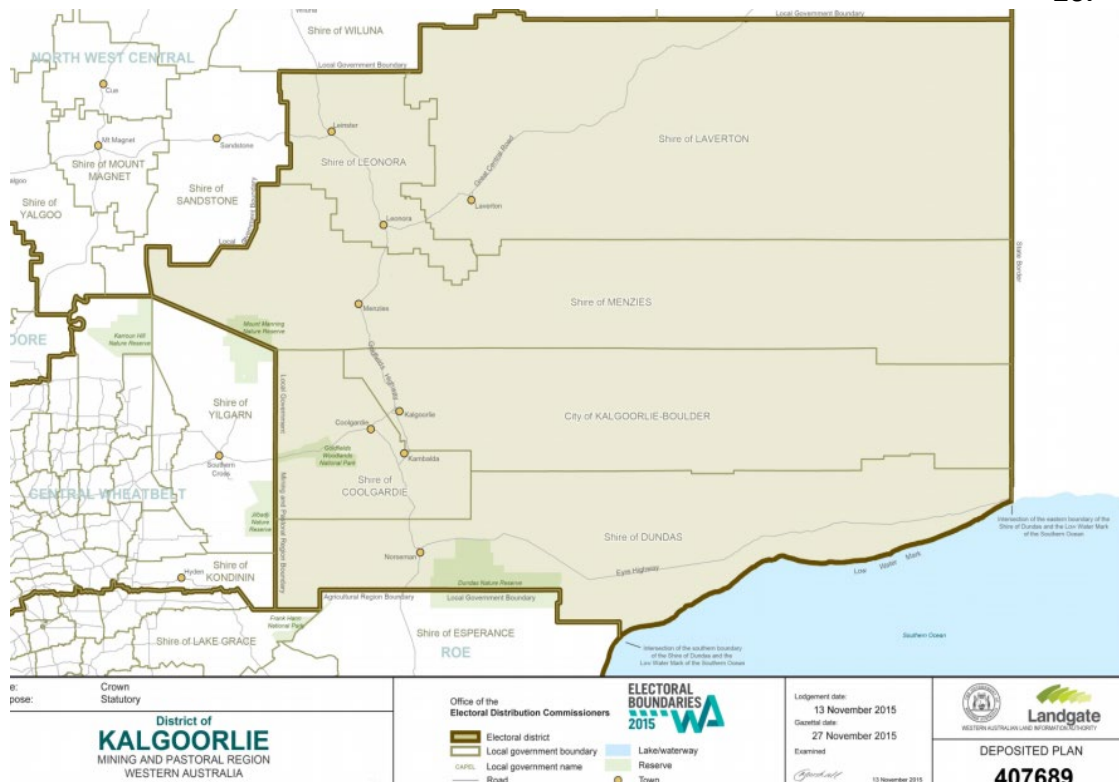
- Special Prospecting Licences
  - SPLs are under section s56A, s70, s85B
  - Max size 10hec
  - Can be applied over Es Ps, and Ms (the consent of the M holder is required)
  - To 50m depth restrictions but with conditions
  - The terms of a P apply to SPLs e.g. rent, expenditure and reporting
  - Granted for periods of 3 months up to 4 years

#### [Special Prospecting Licence](#)

Tenement Type	Exp?	Peg?	Max size	Duration	Purpose	Material Removed	Other
Prospecting (P)	Yes	Yes	200 Ha	4 + 4, no longer	Exploration	500 T	
Exploration (E)	Yes	No	200 Blocks	5 + 5, 2 Ongoing	Exploration	1000T	
Mining (M)	Yes	Yes	Orebody size	21 + 21, Ongoing	Mining operations	Unlimited	
Miscellaneous (L)	No	No	Any	21 + 21, Ongoing	Indirect infrastructure	0	Coexists with other licences
General Purpose	No	No	10 Ha	21 + 21, Ongoing	Direct infrastructure	0	Attached to mining operations
Miscellaneous (Water) (L)	No	No	Any	21 + 21, Ongoing	Water infrastructure	0	Same as L, cheaper rent
Special Prospecting Licence (SPL)	No	Yes	10 Ha	3 Months – 4 years, no further	Small prospecting	500T	Gold only, 50 meters
S40E	No	No	10 Blocks	3 months, no further	Surface prospecting	20 kg	Difficult to object to as primary holder

## Kalgoorlie Electorate

Slide 25.  
26.



## General Conditions on Tenements

Slide 27.

- Other Types of Access for Exploration and Mining:
  - State Agreements,
  - Mineral Leases (90 granted under the old Act)
  - TR Temporary Reserves
- s111 Iron ore Authorisation
  - Under s111 the Minister's consent is required to explore for iron ore
  - It is marked in the dealings
  - Identifiable by the "I" on the end of the tenement number eg E59/451-I
- An application needs to be made under s111 to explore or mine Fe

## General Conditions on Tenement (cont.)

Slide 28.

- General Conditions under the Mining Act
  - Must explore for minerals
  - All minerals of economic interest must be reported
  - All disturbances made safe
  - Conditions are imposed on granting of a licence
  - Must comply with expenditure conditions unless an exemption is obtained

- Reporting Expenditure and work done

General conditions under the Regulations

- Annual reporting of exploration work
- MRF – is a fund operators contribute to dependent on the extent of their disturbance
- Native Vegetation – avoid clearing native vegetation without a permit
- POWs -applying for a permit before work commences

### **Mining Titles Outcomes**

**Slide 29.**

Outcomes:

- Looked at the major influences on tenement applications and granted tenure
- Looked at the major tenure types in WA and their purpose

Participants will be able to identify and describe the various tenement types.

1. Miner's Right
2. Prospecting Licences
3. Exploration Licences
4. Retention Licences
5. Mining Leases
6. Miscellaneous Licences
7. General Purpose Leases
8. Special Prospecting Licences
9. s40Es
10. "I" identifier for tenements
11. Requirements for all tenements

## **Tenement Application**

### **Outcomes**

**Slide 2.**

After this session you will be able to:

1. Describe related party transactions
2. Outline pegging Ps and Ms
3. Describe the graticular boundary system for E applications
4. Use Tengraph Web to extract key documents to make applications
5. Apply for an Exploration Licence
6. Apply for a Prospecting Licence
7. Describe the process for mining Lease applications
8. Interpret notifications of tenement applications
9. Perform a tenement Quick Appraisal
10. Describe objections

## Related Party Applications

Slide 3.

*s69 (1) When an exploration licence is surrendered or forfeited, or expires, or any part of the land the subject of the licence is surrendered in accordance with section 65, the land the subject of the licence or the part so surrendered shall not be marked out or applied for as a prospecting licence or an exploration licence —*

*(a) by or on behalf of the person who was the holder of the exploration licence immediately prior to the date of the surrender, forfeiture or expiry; or*

*(b) by or on behalf of any person who had an interest in the exploration licence immediately prior to that date; or*

*(c) by or on behalf of any person who is related to a person referred to in paragraph (a) or (b), within a period of 3 months from and including that date.*

*AND s45 (2) has similar wording*

[Related Party Restrictions](#)

## Related Party Applications (cont.)

Slide 4.

*s(8) Mining Act Related means*

*(4) For the purposes of this Act a person is related to —*

*(a) an individual, if the person is —*

*(i) a spouse or de facto partner; or*

*(ii) a parent, grandparent or great-grandparent; or*

*(iii) a child, grandchild or great-grandchild; or*

*(iv) a sibling,*

*of the individual, whether the relationship is a step relationship or a relationship established by, or traced through marriage or a de facto relationship, a written law or a natural relationship; and*

*(b) a body corporate, if the person is a related entity (as defined in section 9 of the Corporations Act) in relation to the body corporate*

## Related Party Applications (cont.)

Slide 5.

*Corporations Act*

*related entity, in relation to a body corporate, means any of the following:*

*(a) a promoter of the body;*

*(b) a relative of such a promoter;*

*(c) a relative of a spouse of such a promoter;*

*(d) a director or member of the body or of a related body corporate;*

*(e) a relative of such a director or member;*

*(f) a relative of a spouse of such a director or member;*

*(g) a body corporate that is related to the first-mentioned body;*

*(h) a beneficiary under a trust of which the first-mentioned body is or has at any time been a trustee;*

*(i) a relative of such a beneficiary;*

*(j) a relative of a spouse of such a beneficiary;*

*(k) a body corporate one of whose directors is also a director of the first-mentioned body*



*(l) a trustee of a trust under which a person is a beneficiary, where the person is a related entity of the first-mentioned body because of any other application or applications of this definition*

### Marking out Ps and Ms

Slide 6.

- Fix a corner post at the corner 1 metre above the ground
- Cut two trenches or place a row of stones one metre long in the direction of the boundary lines
- Fix the Form 20 to the datum post



[DEMIRS Guidelines for Applying for a Mining Tenement](#)

[Lorentz v Crew 2017 WAMW8](#)

[Bronzewing Wardens Court Hearing](#)

### Marking out Ps and Ms

Slide 7.

- Applications have been refused for:
  - The corner post 2cm short
  - The absence of one corner trench
  - Trenches commencing more than 20cm from the post
  - The ground disturbances were not trenches
  - Use of existing trenches – though adjoining tenure posts and trenches can be used
  - Marking out the previous night
  - Mistakes on the Form 20 such as the time of marking out, the area, the coordinate of the datum peg
  - Marking out the previous day before the tenement expired
  - Form 20 and the Form 21 having different names
  - Form 21 not having a registered company (lodged 3 days before the company was registered)

**Marking out Ps and Ms Position  
Paper (Not yet Policy or Law)**

**Slide 8.**

*“Marking out the land – A pre-condition of making certain mining tenement applications- Mining Registrars’ Obligation to Consider Jurisdiction”*

- Providing proof of compliance
- Consent for reserve land
- Consent of the owner for private land

Providing proof of compliance for marking out to the Registrar

- Evidence of the marking out, time, location, post height
- Photograph evidence of trench locations, both before and after
- Photographic evidence of post and Form 20

The free ‘*Mapinfo Discover Mobile App*’ should assist in capturing the evidence.

**Bronzewing South – Hunter Resources v Melville**

**Slide 9.**

- On 11 Nov 2024, the Minister for Mines tabled legislation to pass numerous amendments to improve the security of tenure of mining tenements in light of *Forrest and Forrest v Wilson*
- The 2024 Amendments didn’t pass as Parliament was prorogued
- Until such a time as the 2024 Amendments are passed into law by Parliament, the strict requirements of the Mining Act will continue to apply.





**Bronzewing South – Hunter Resources v Melville**

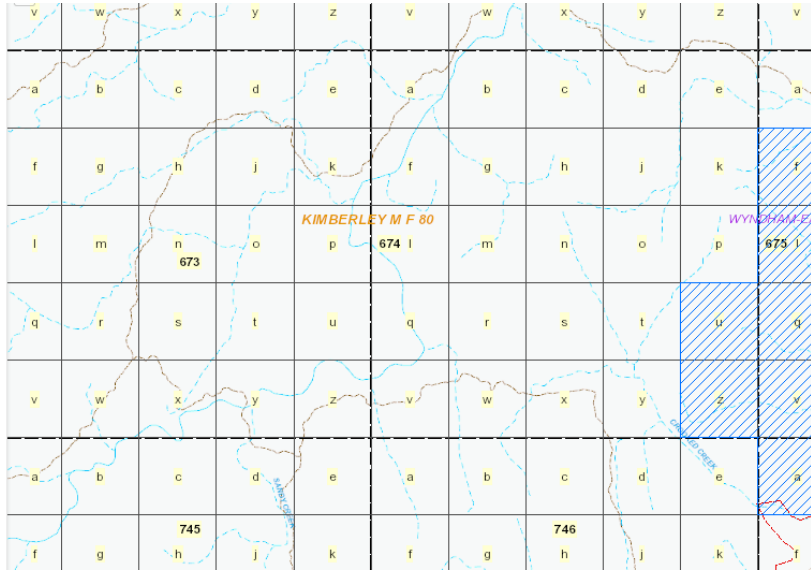
**Slide 10.**



# Graticular Boundary

Slide 11.

-  KIMBERLEY M F 80
-  Mineral Field Boundaries
-  52
-  MGA Zone
-  HALLS CREEK 674h
-  1 minute GDA94 block identifier
-  WYNDHAM-EAST KIMBERLEY SHIRE
-  LGA (Shire) Boundaries

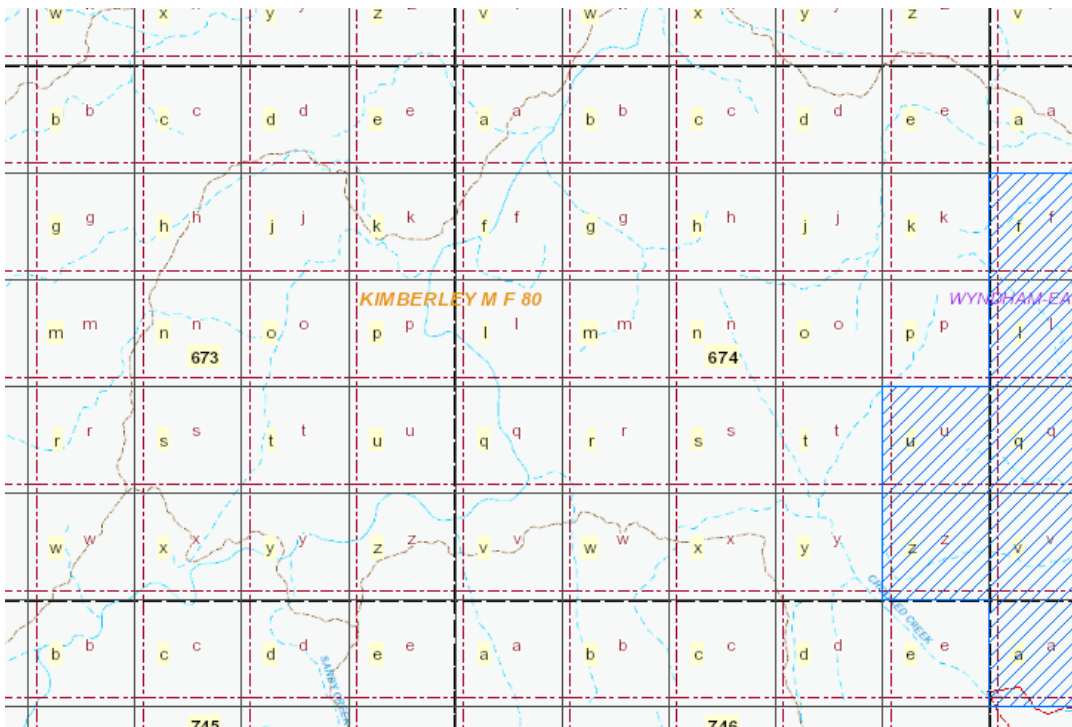


[Graticular Boundary System](#)

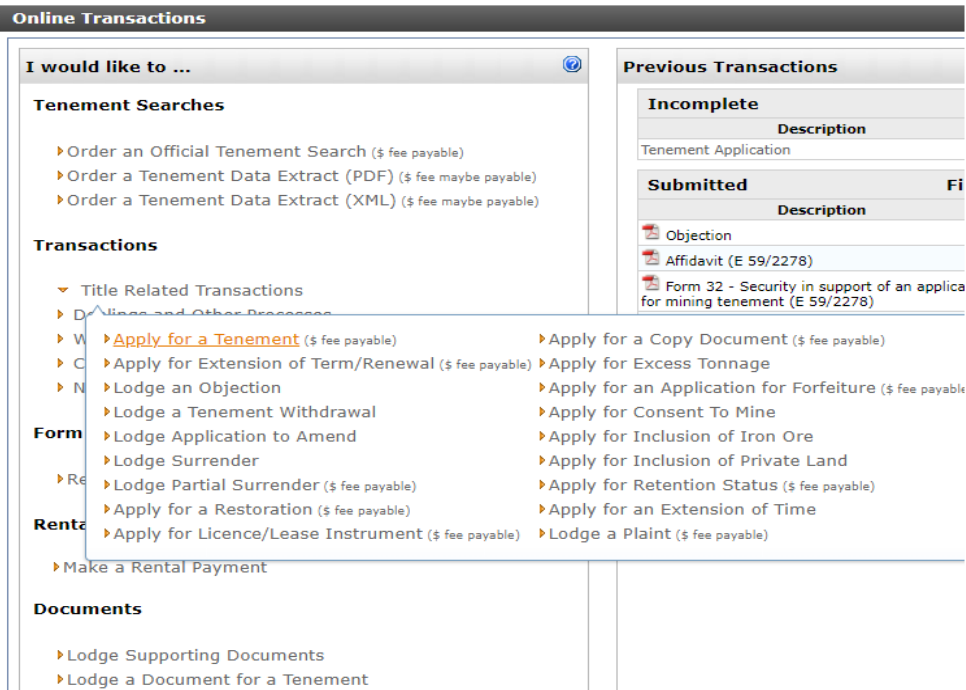
[Geocentric Datum System](#)

# Graticular Boundary AGD 84 and GDA 94

Slide 12.



- Log onto MTO and select “Online Transactions’



[Guidelines for s58 Statement](#)

[Example of s58 Statement](#)

[Tenement Application Videos](#) (zip file)

## OPEN MTO and Switch Screens by selecting Windows (the image)

1. We will show a short video of the application process
2. Then Log onto MTO and select “Online Transactions’ and we will talk you through the process highlighting any traps when you are doing the application
3. The instructions are all in your Handbook

**Online Transactions**

**I would like to ...**

**Tenement Searches**

- Order an Official Tenement Search (\$ fee payable)
- Order a Tenement Data Extract (PDF) (\$ fee maybe payable)
- Order a Tenement Data Extract (XML) (\$ fee maybe payable)

**Transactions**

- Title Related Transactions
- Deeds and Other Processes
- Apply for a Tenement (\$ fee payable)
- Apply for Extension of Term/Renewal (\$ fee payable)
- Lodge an Objection
- Lodge a Tenement Withdrawal
- Lodge Application to Amend
- Lodge Surrender
- Lodge Partial Surrender (\$ fee payable)
- Apply for a Restoration (\$ fee payable)
- Apply for Licence/Lease Instrument (\$ fee payable)
- Apply for a Copy Document (\$ fee payable)
- Apply for Excess Tonnage
- Apply for an Application for Forfeiture (\$ fee payable)
- Apply for Consent To Mine
- Apply for Inclusion of Iron Ore
- Apply for Inclusion of Private Land
- Apply for Retention Status (\$ fee payable)
- Apply for an Extension of Time
- Lodge a Plaintiff (\$ fee payable)

**Form**

- Make a Rental Payment

**Documents**

- Lodge Supporting Documents
- Lodge a Document for a Tenement

**Previous Transactions**

**Incomplete**

Description
Tenement Application

**Submitted**

Description	Fi
Objection	
Affidavit (E 59/2278)	
Form 32 - Security in support of an applica for mining tenement (E 59/2278)	

Home Tenement Register Online Transactions Enquiry Admin Help

**Online Lodgement: Tenement Application**

**1 Tenement Type** ←

**Step 1 - Tenement Type**

**Which tenement type are you applying for?**

E - Exploration Licence

**In which District/Mineral Field is the tenement application located?**

80 - KIMBERLEY M.F.

2 Applicants

3 Application Information

4 Locality

5 Area

6 Signing Party

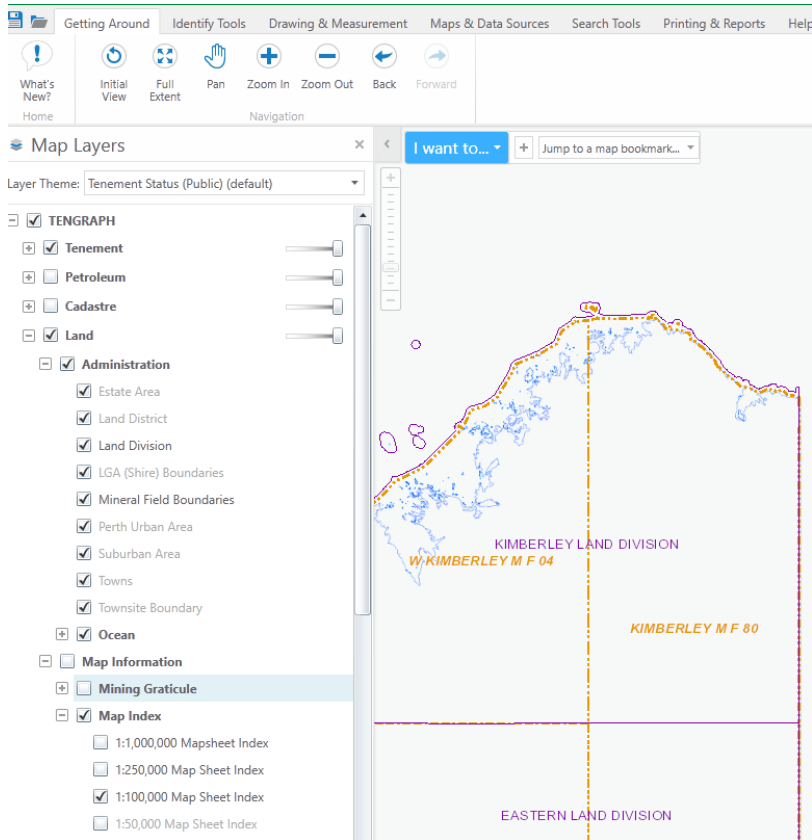
7 Attach Documents

8 Review

4. We need to determine if ground is available

Open Tengraph in Internet Explorer (Tengraph Web is suboptimal with Chrome)  
[http://dmp.wa.gov.au/Tengraph\\_online.aspx](http://dmp.wa.gov.au/Tengraph_online.aspx)

5. On this page select "Access Tengraph Web"



6. Select “Tenement” and “Land” and “Mineral Field Boundary”
7. Zoom into the “Kimberly MF” at the top of WA
8. We will apply for a tenement south of the Speewah Deposit
9. Check if the ground is available below E80/5177
10. Go back to the tenement application screen
11. Select “Next” on the tenement application screen
12. Select “Organisation” and then “Next”
13. Enter a company name in “Name” field then hit “Next”

Online Lodgement: Tenement Application	
1 Tenement Type <span style="color: green;">✔</span>	<b>Applicant - Name</b>  <b>ACN:</b> <input type="text" value="100722889"/> <b>ABN:</b> <input type="text" value="92100722889"/> <b>Name:</b> <input type="text" value="SPEEWAH MINING Pty Ltd"/>  Note: The number of rows that will be returned from a partial name search will be limited and may not return an expected result. To maximise the likelihood of returning the required name please provide additional characters in the 'Name' search.
2 Applicants <span style="color: green;">✔</span>	
2.1 Applicant Type	
2.2 Name/ACN/ABN	
2.3 Address <span style="color: blue;">←</span>	
2.4 Shares	

14. Select an address; be really careful here.
  - Highlight the similar addresses but not being exactly the same

- Make sure you select the current address your company using on all the other tenements.
- Otherwise you will have multiple MRF logons and have to do a change of address which now requires a statutory declaration.
- You also need identical addresses when applying for Group reporting
- Write the correct address on a post it and put it on your screen

**Online Lodgement: Tenement Application**

1 Tenement Type <span style="color: green;">✔</span>	<b>Applicant</b> - SPEEWAH MINING PTY LTD <b>ACN:</b> 100722889 <b>ABN:</b> 92100722889
2 Applicants <span style="color: green;">✔</span>	
2.1 Applicant Type	
2.2 Name/ACN/ABN	
<b>2.3 Address</b> ←	
2.4 Shares	
3 Application Information	
4 Locality	
5 Area	
6 Signing Party	<b>Principal Place of Business</b>
7 Attach Documents	Street 1: <input type="text" value="22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000"/>
8 Review	Previously Used Addresses <input type="text" value="22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000"/> C/- EMERALD TENEMENT SERVICES, 25 CHARLES ST, SOUTH PERTH, WA, 6151 PO BOX 2536, ST GEORGES TCE, PERTH, WA, 6831 C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2, 326 HAY STREET, EAST P LEVEL 22, ALLENDALE SQUARE, 77 ST GEORGES TCE, PERTH, WA, 6000 TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2, 326 HAY STREET, EAST PERT C/- TENEMENT ADMINISTRATION SERVICES, 326 HAY STREET, EAST PERTH, WA, 6004
	Street 2: (Optional) <input type="text"/> Suburb: <input type="text"/> Country: <input type="text"/> Telephone: <input type="text"/> Email: <input type="text"/> Confirm Email: <input type="text"/>
	<b>Designated Tenement Contact (Correspondence Details)</b>
	Copy Principal Place of Business address to the DTC Address? <input checked="" type="radio"/> Yes <input type="radio"/> No
	Previously Used Addresses <input type="text"/>
	DTC Name: <input type="text"/> Street 1: <input type="text" value="22ND FLOOR"/> Street 2: (Optional) <input type="text" value="77 ST GEORGES TCE"/> Suburb: <input type="text" value="PERTH"/> State: <input type="text" value="WA"/> Postcode: <input type="text" value="6000"/>

15. Select “yes” as the Designated contact

**Online Lodgement: Tenement Application**

1 Tenement Type <span style="color: green;">✔</span>	<b>Applicant</b> - SPEEWAH MINING PTY LTD <b>ACN:</b> 100722889 <b>ABN:</b> 92100722889	
2 Applicants <span style="color: green;">✔</span>		
2.1 Applicant Type		
2.2 Name/ACN/ABN		
2.3 Address		
<b>2.4 Shares</b> ←		
		<b>Please enter the number of shares to be held by this Applicant</b>
		<input type="text" value="96"/>

16. For the number of shares it is common to use “96” as it is dividable by 2 multiple times. eg 48, 24, 12, 6, 3

17. The next screen is to add another applicant

1 Tenement Type <span style="float: right;">✓</span>	<b>Add Applicant</b>		
2 Applicants <span style="float: right;">←</span>	Add an Applicant: <a href="#">Add Applicant</a>		
2.1 Applicant Type	<b>Applicant</b>		
2.2 Name/ACN/ABN	<b>Applicant Name:</b> SPEEWAH MINING PTY LTD	<b>Shares:</b>	
2.3 Address	<b>ACN:</b> 100 722 889		
2.4 Shares	<b>ABN:</b> 92 100 722 889		
3 Application Information	<b>Principal Place of Business:</b> 22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000	96	<a href="#">Modify</a> <a href="#">Remove</a>
4 Locality	<b>Applicant Telephone:</b> 0451077191		
5 Area	<b>Applicant Email:</b> pbrammall@iinet.net.au		
6 Signing Party	<b>DTC Contact:</b> PETER BRAMMALL		
	<b>DTC Address:</b> 22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000		
	<b>DTC Telephone:</b> 0451077191		
	<b>DTC Email:</b> pbrammall@iinet.net.au		
		<b>96</b>	

18. This screen is self-explanatory.

<b>Online Lodgement: Tenement Application - Submission Id 165772</b>	
1 Tenement Type <span style="float: right;">✓</span>	<b>Step 3 - Application Information</b>
2 Applicants <span style="float: right;">✓</span>	<b>Is this application a Conversion of an existing title?</b>
3 Application Information <span style="float: right;">←</span>	<input type="radio"/> No
4 Locality	<input type="radio"/> Yes
5 Area	<b>Does this application affect other tenements that you wish to exclude at this time?</b>
6 Signing Party	<input type="radio"/> No
7 Attach Documents	<input type="radio"/> Yes
8 Review	<b>Does this application affect Private Property?</b>
	<input type="radio"/> No
	<input checked="" type="radio"/> Yes
	Would you like to provide comments regarding private property affected at this time?
	<input type="radio"/> No
	<input checked="" type="radio"/> Yes
	<div style="border: 1px solid black; padding: 5px; min-height: 50px;">Subsurface rights for Private Land</div>
	<b>Does this application affect other land types (i.e. Reserved Land) that you wish to exclude at this time?</b>
	<input checked="" type="radio"/> No
	<input type="radio"/> Yes

19. Excluding Tenements will speed up the DIMRS processing of the application. It is not as critical now as DEMIRS use to work sequentially and if you overlapped 10% another application. They would have to process the first tenement to grant.

20. I tend to select "yes" in Private Property and

- put the comments "Subsurface Rights for the Private Land" as there is a possibility of private land being unknown within the application area.
- If there is private land it negates the need deal with the private land holders or service the shire and mortgagee if there is one.

21. If there is a reserve of National Park you want to exclude them, now is the time to do it



**Online Lodgement: Tenement Application - Submission Id 165772**

1 Tenement Type	✓
2 Applicants	✓
3 Application Information	✓
4 Locality	←
5 Area	
6 Signing Party	
7 Attach Documents	
8 Review	

**Step 4 - Locality**

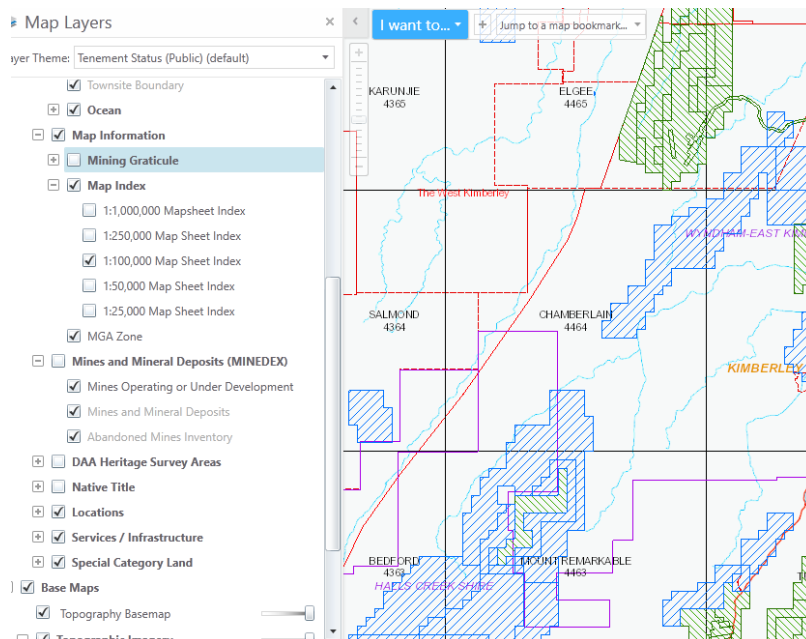
Please enter the locality

Do you wish to spatially select the graticular area and have the attachment 2 automatically generated?

Yes

No

22. In the 'Locality' screen use the nearest topographic point.
23. Select "yes" for Attachment 2 to be generated
24. Select next
25. Go to Tengraph to find what Mapsheet or tenement you need to be near to make the application



**Online Lodgement: Tenement Application - Submission Id 165772**

2 Applicants ✓  
 3 Application Information ✓  
 4 Locality ✓  
 5 Area ←  
 6 Signing Party  
 7 Attach Documents  
 8 Review

Graticules can now be selected on the map

**Map Tools**

**Search Type:**

1:1,000,000 Mapsheet and Block  
 1:250,000 Mapsheet  
 1:100,000 Mapsheet  
 Tenement  
 Mineral Field  
 Mining Registrar's Office  
 LGA Shire Name

**Plan:**

CHAMBERLAIN 4464

Search

Query Layers Legend

**Graticule Table**

Million Plan	Primary Block	Zoom To	Graticule Selection
HALLS CREEK - SE52	670	Select All	a b c d e f g h j k l m
HALLS CREEK - SE52	742	Select All	a b c d e f g h j k l m

26. Use 1:100,000 Mapsheet “Chamberlain 4464” that you found in Tengraph
27. There are rules in making an application
  - Blocks need to be contiguous and not joined at points
  - Maximum of 70 or 200 depending where you are
28. Select the blocks you need
29. Select “Next”

**Online Lodgement: Tenement Application - Submission Id 165772**

1 Tenement Type ✓  
 2 Applicants ✓  
 3 Application Information ✓  
 4 Locality ✓  
 5 Area ✓  
 6 Signing Party ←  
 7 Attach Documents  
 8 Review

**Step 6 - Signing Party**

**Authorisation**

Only parties as prescribed under the Mining Act 1978 and Regulations 1981 are authorised to submit Mining , it is determined that the lodging party is not authorised.

**As Peter Brammall (ex72451) under what authority are you submitting the Form:**

As Tenement Holder/Applicant  
 As Agent for Tenement Holder/Applicant

**As an Agent please enter your address:**


Street 1: SUITE 2, 89 OLD PERTH RD  
 Street 2:(Optional)  
 Suburb: BASSENDEAN State: WA Postcode: 6054  
 Country: Australia

30. Select as Agent for the Tenement Holder fill it out
31. Select “Next”

**Online Lodgement: Tenement Application - Submission Id 165772**

1 Tenement Type	✓
2 Applicants	✓
3 Application Information	✓
4 Locality	✓
5 Area	✓
6 Signing Party	✓
7 Attach Documents	←
8 Review	

### Step 7 - Attach Documents

FORM 21 ATTACHMENT 2 

#### Section 58 Proposed Work and Financial Statement

Statement specifying method of exploration details of the proposed work programme, estimated cost of ex

[Attach file...](#)

#### Other

Other documentation being submitted in support of the online transaction i.e. covering letter.


[Attach file...](#)

### 32. Attach the s58(1)(b) Statement

- Statements to accompany an application as stated earlier
- **Link 8 is an example**

1 Tenement Type	✓
2 Applicants	✓
3 Application Information	✓
4 Locality	✓
5 Area	✓
6 Signing Party	✓
7 Attach Documents	✓
8 Review	←

### Step 8 - Review

View/Print PDF 

#### Tenement Details

**You have applied for a:** Exploration Licence  
**In District/Mineral Field:** KIMBERLEY M.F.

#### For Applicant(s)

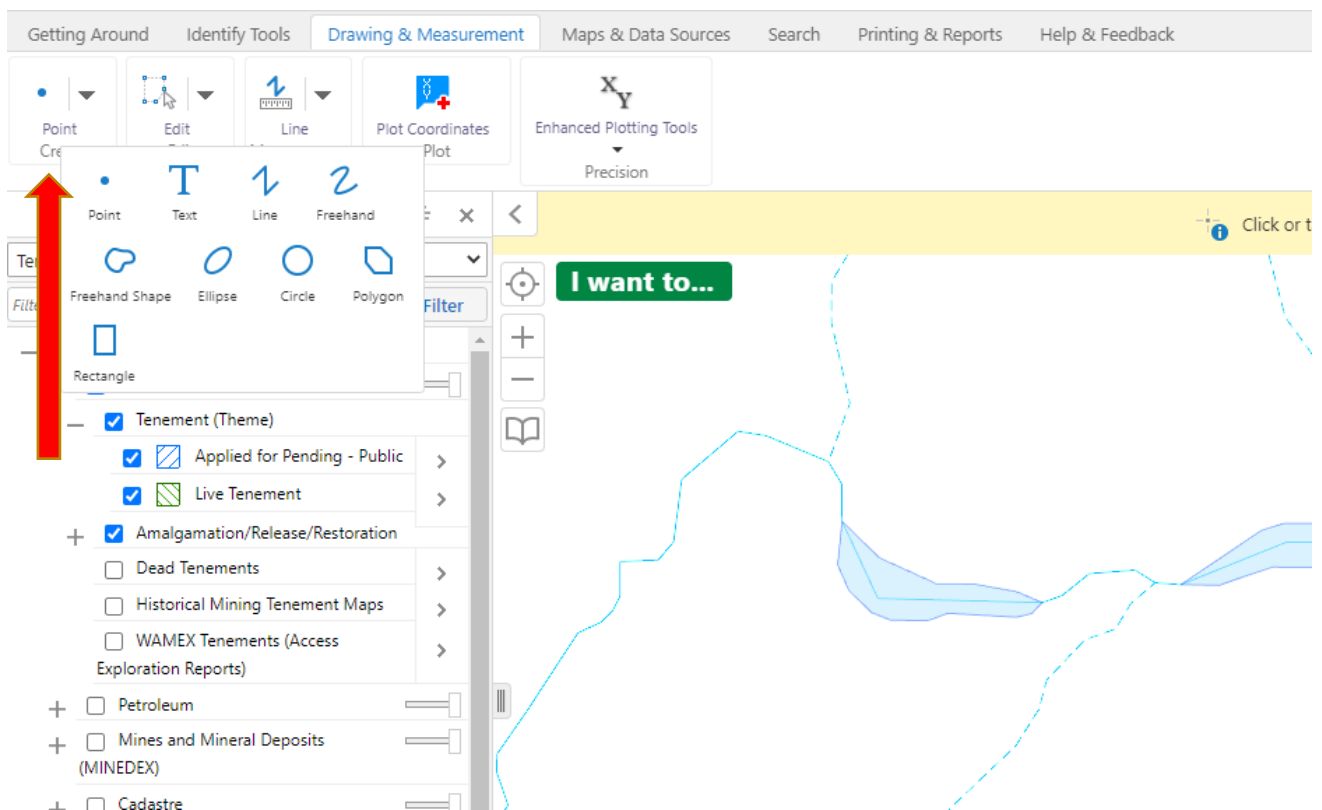
Applicant	
<b>Applicant Name:</b>	SPEEWAH MINING PTY LTD
<b>ACN:</b>	100 722 889
<b>ABN:</b>	92 100 722 889
<b>Principal Place of Business:</b>	22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000
<b>Applicant Telephone:</b>	0451077191
<b>Applicant Email:</b>	pbrammall@iinet.net.au
<b>DTC Contact:</b>	PETER BRAMMALL
<b>DTC Address:</b>	22ND FLOOR, 77 ST GEORGES TCE, PERTH, WA, 6000
<b>DTC Telephone:</b>	0451077191
<b>DTC Email:</b>	pbrammall@iinet.net.au

#### Application Information

33. Now in Review the document and press “Add to Cart” if you want to make a tenure application.

We will cover the following steps

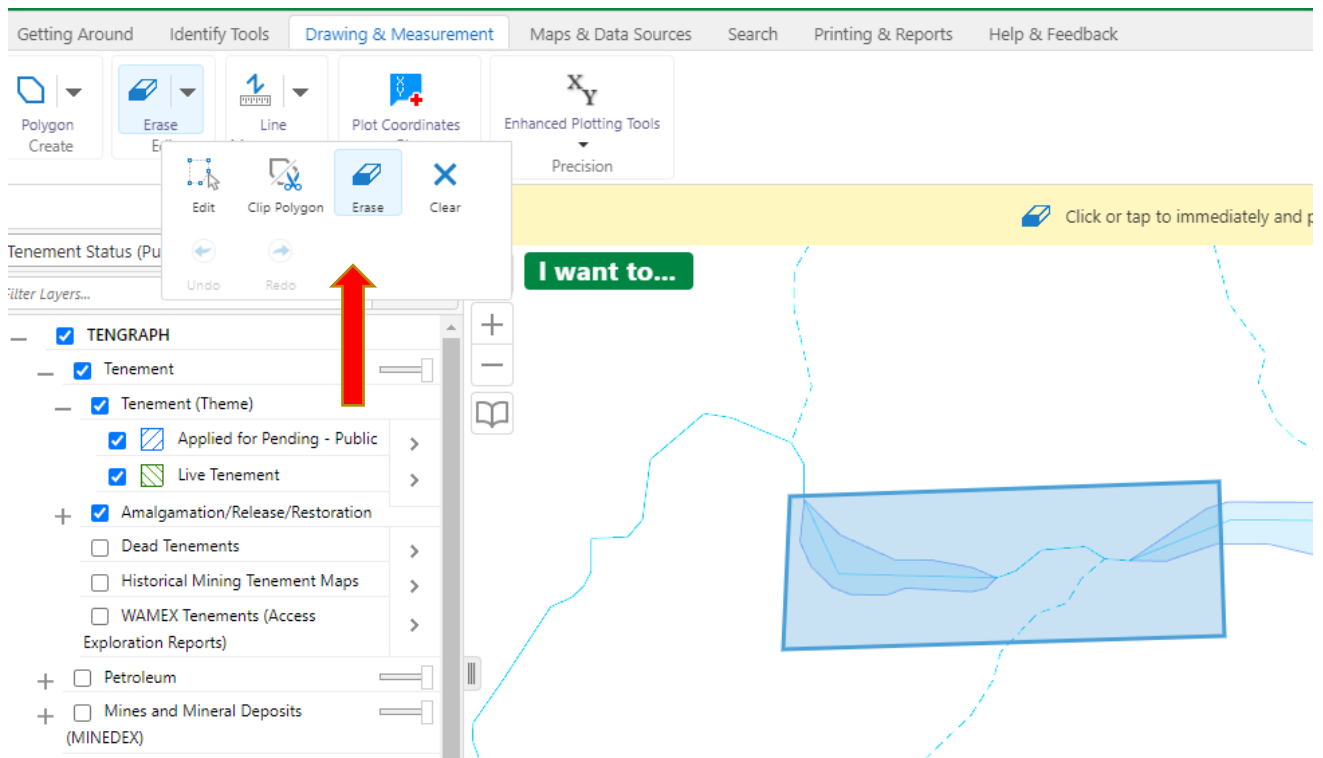
1. Do an object description using an existing P, for the purposes of the Form 20 and 21
2. Open the Object Description in Word
3. Make a P application online
4. Copy the co-ordinates into the online application



Draw a polygon where you want the prospecting licence and double click when you finish area.

Select erase if you want to redo the polygon

The area can be measured



Check that the area of the P is not over the 200 hectares

Government of Western Australia  
Department of Mines, Industry Regulation and Safety

TENGRAPH Web PUBLIC

Getting Around Identify Tools Drawing & Measurement Maps & Data Sources Search Printing & Reports Help & Feedback

Polygon Create Erase Edit Polygon Meters (m) Hectares (ha) Plot Coordinates Plot Enhanced Plotting Tools Precision

Layers

Tenement Status (Public)

Filter Layers... Filter

- TENGRAPH
  - Tenement
    - Tenement (Theme)
      - Applied for Pending - Public
      - Live Tenement
    - Amalgamation/Release/Restoration
      - Dead Tenements
      - Historical Mining Tenement Maps
      - WAMEX Tenements (Access Exploration Reports)
    - Petroleum
    - Mines and Mineral Deposits (MINEDEX)
    - Cadastre

I want to...

Area: 111.84 ha  
Perimeter: 5,036.10 m

579,986 m 1,970.11 m 575,48 m 1,910.55 m

Print the Object details of the polygon by selecting the tab 'Printing & Reports' then the "Object/Shapefile"  
Select the Polygon and confirm the selection. It takes a while to print.

Getting Around Identify Tools Drawing & Measurement Maps & Data Sources Search Printing & Reports Help & Feedback

Print Map Print Jobs Printing Tenement Constructed Object/Shapefile Quick Appraisal Map Constructed Object Object/Shapefile Construct Details

Print Jobs

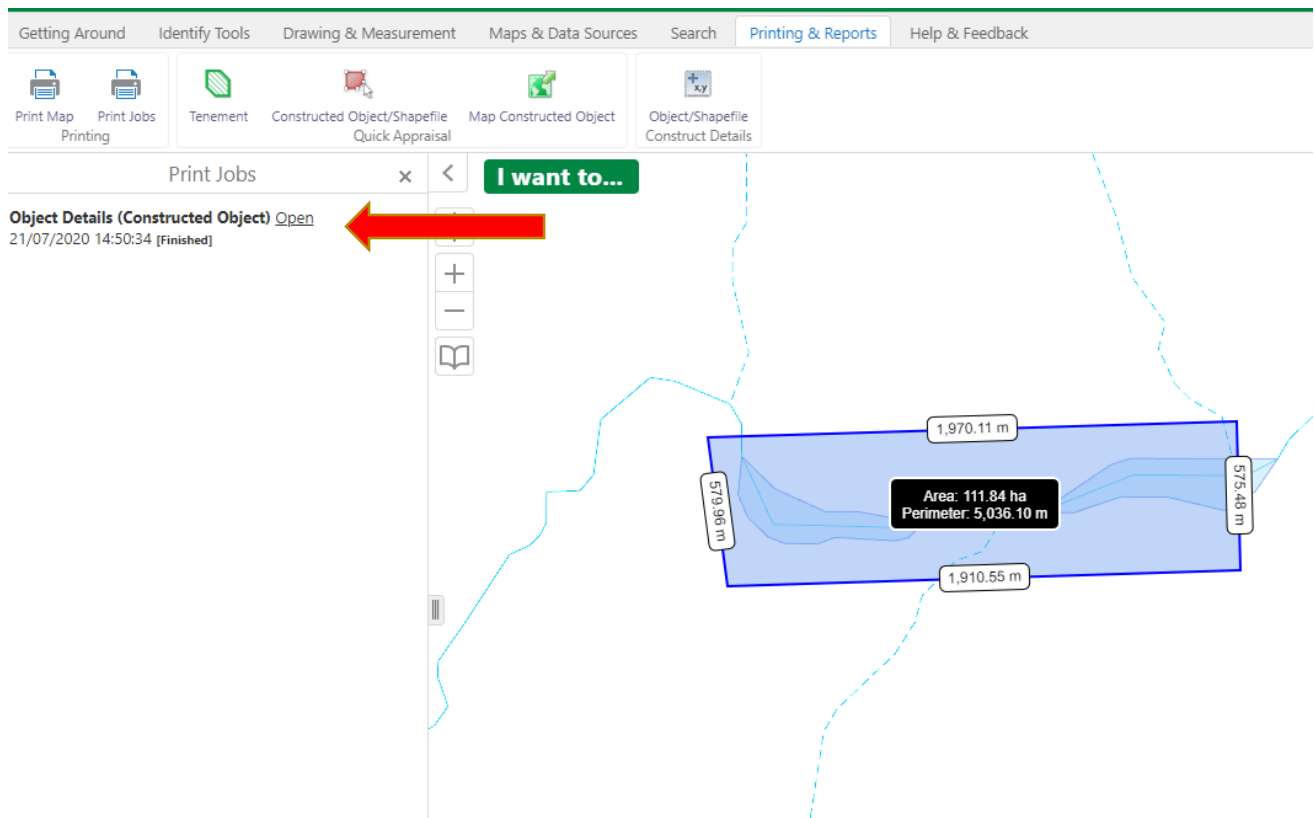
Object Details (Constructed Object) |  
21/07/2020 14:50:34 [Printing]

I want to...

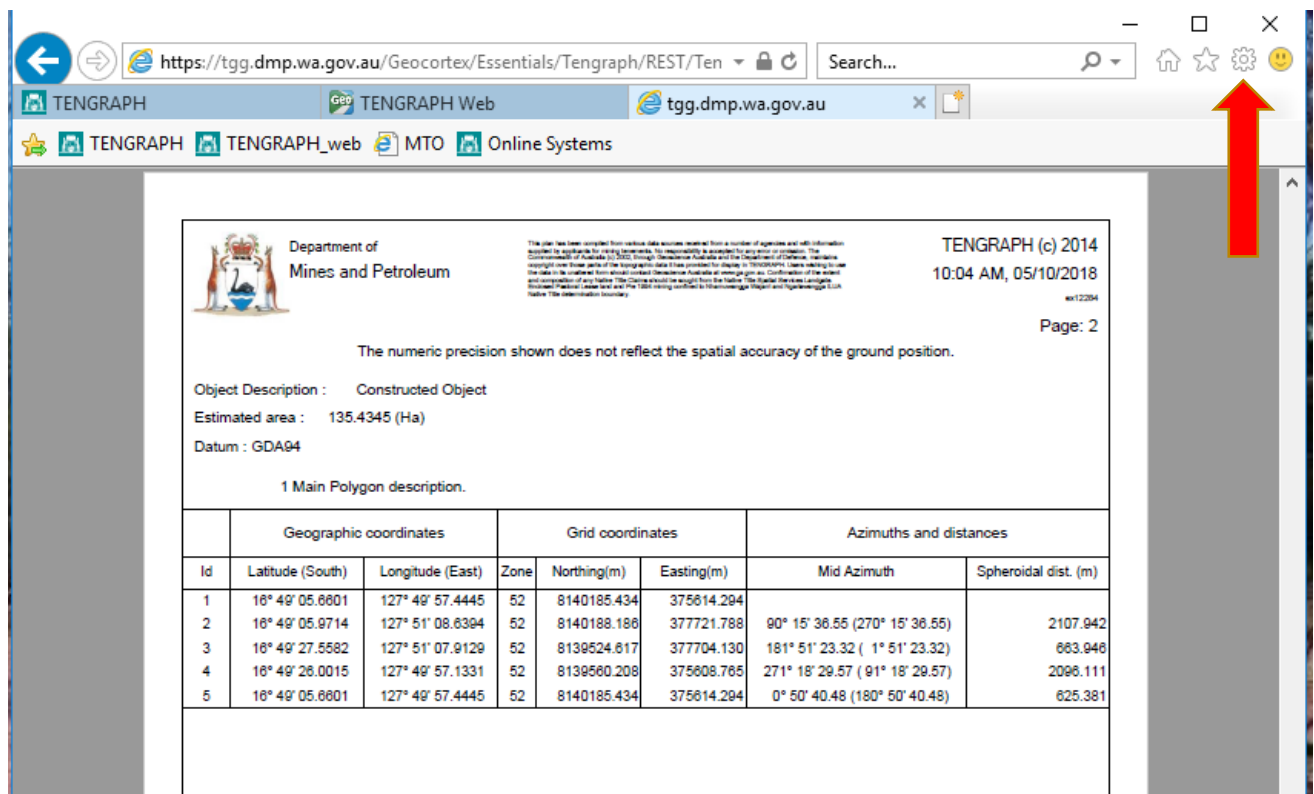
Area: 111.84 ha  
Perimeter: 5,036.10 m

579,986 m 1,970.11 m 575,48 m 1,910.55 m

Then select 'Open'

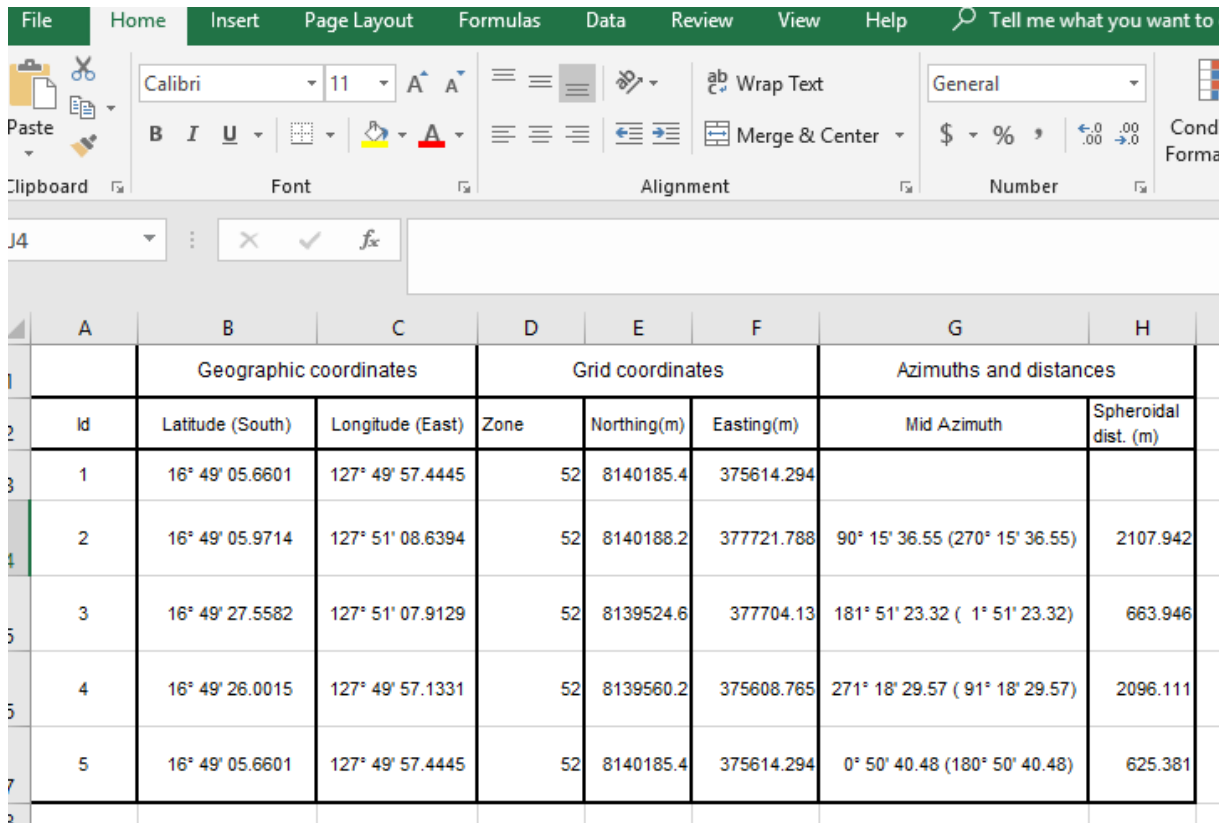


Save the file using the cog in the right hand corner



Open Microsoft Word then open the pdf file (Word 2013 or later is required to open the pdf)

If this does not work use Excel. Select all the text then copy and paste into excel.

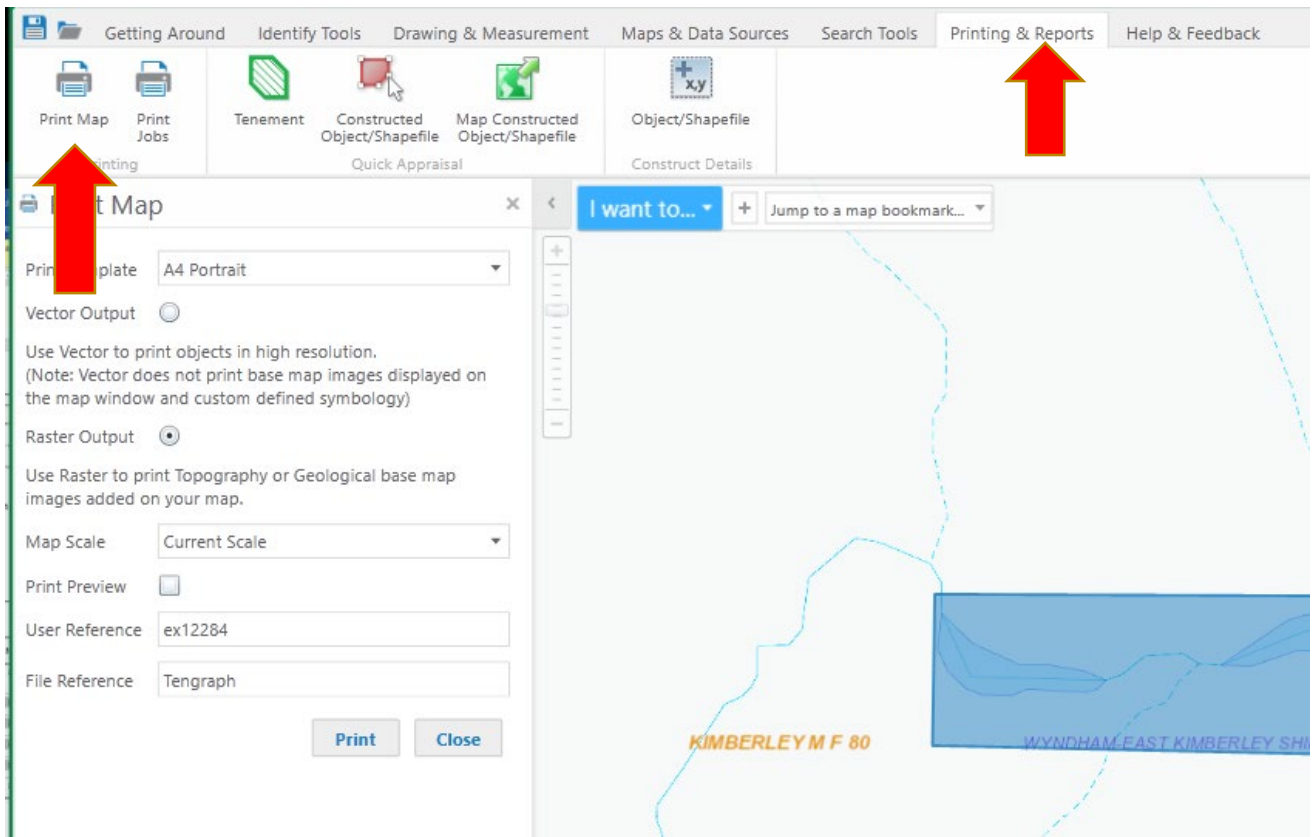


	Geographic coordinates		Grid coordinates			Azimuths and distances		
	Id	Latitude (South)	Longitude (East)	Zone	Northing(m)	Easting(m)	Mid Azimuth	Spheroidal dist. (m)
1	1	16° 49' 05.6601	127° 49' 57.4445	52	8140185.4	375614.294		
2	2	16° 49' 05.9714	127° 51' 08.6394	52	8140188.2	377721.788	90° 15' 36.55 (270° 15' 36.55)	2107.942
3	3	16° 49' 27.5582	127° 51' 07.9129	52	8139524.6	377704.13	181° 51' 23.32 ( 1° 51' 23.32)	663.946
4	4	16° 49' 26.0015	127° 49' 57.1331	52	8139560.2	375608.765	271° 18' 29.57 ( 91° 18' 29.57)	2096.111
5	5	16° 49' 05.6601	127° 49' 57.4445	52	8140185.4	375614.294	0° 50' 40.48 (180° 50' 40.48)	625.381

You will also need to create a map to attach to the application

select 'Printing & Reports' then 'Print Map' (which can take a while) then open and save the map





Now open MTO select 'Online Transaction' then 'Apply for a Tenement'

The screenshot shows the 'Online Transactions' interface. On the left, under 'I would like to ...', there are sections for 'Tenement Searches' and 'Transactions'. The 'Transactions' section is expanded to show a list of options. A red arrow points to the option 'Apply for a Tenement (\$ fee payable)'. On the right, there are sections for 'Previous Transactions' with sub-sections for 'Incomplete', 'Submitted', and 'Orders'.

Select 'Prospecting Licence' and Kimberley Mineral Field

The screenshot shows the 'Online Lodgement: Tenement Application' form. The navigation bar at the top includes 'Home', 'Tenement Register', 'Online Transactions', 'Enquiry', 'Admin', and 'Help'. The main heading is 'Online Lodgement: Tenement Application'. On the left is a vertical menu with steps 1 through 7. Step 1, 'Tenement Type', is selected and highlighted. The main content area is titled 'Step 1 - Tenement Type' and contains two questions: 'Which tenement type are you applying for?' with a dropdown menu showing 'P - Prospecting Licence', and 'In which District/Mineral Field is the tenement applicatio' with a dropdown menu showing '80 - KIMBERLEY M.F.'.

Work your way through the application like the E application until you need to enter a time and date of marking out make sure it is not more than 14 days since the marking out.

Home Tenement Register Online Transactions Enquiry Admin Help

**Online Lodgement: Tenement Application - Submission Id 197114**

- 2 Applicants ✓
- 3 Application Information ←**
- 4 Locality
- 5 Area
- 6 Signing Party
- 7 Attach Documents
- 8 Review

Please note that the onus is on the applicant to ensure that ground is available to be marked out and/or applied for and the following actions should be taken to ascertain ground availability - (a) public plan search (b) register search (c) ground inspection


**Is this tenement application for a Special Prospecting Licence?**

No  
 Yes

**Was this application Marked Out?**

No  
 Yes

Please enter time and date marked out:



**Is this application a Conversion of an existing title?**

No  
 Yes

Once you get to the area the coordinates can be copied and pasted from the Word or Excel document and should look like the following.

- 1 Tenement Type ✔
- 2 Applicants ✔
- 3 Application Information ✔
- 4 Locality ✔
- 5 Area** ←
- 6 Signing Party
- 7 Attach Documents
- 8 Review

**Step 5 - Area**

**Area that you are applying for**

HA

**Datum**

GDA94 Zone 52 N 8140185.434 E375614.294

**Boundary description**

thence to N 8140188.186 E 377721.788  
thence to N 8139524.617 E 377704.130  
thence to N 8139560.208 E375608.765  
thence back to Datum |

Now attach the map that was created earlier

Home Tenement Register Online Transactions Enquiry Admin Help

**Online Lodgement: Tenement Application - Submission Id 197114**

- 1 Tenement Type ✓
- 2 Applicants ✓
- 3 Application Information ✓
- 4 Locality ✓
- 5 Area ✓
- 6 Signing Party ✓
- 7 Attach Documents ←**
- 8 Review

### Step 7 - Attach Documents

Please attach any supporting documents for your tenement application.

#### Map

Map clearly delineating the boundaries of the area applied for

**New P Map.pdf** (171 KB) [Delete](#)  
[Attach file...](#)

#### Other

Other documentation being submitted in support of the online transaction i.e. cov

[Attach file...](#)

The work through until you attach to Cart.

Government of Western Australia  
Department of Mines, Industry Regulation and Safety

Your Cart  
1 Items  
\$713.00

Checkout

Home Tenement Register Online Transactions Enquiry Admin Help

**Online Transactions**

✓ Your Tenement Application for Submission ID 197114 has been successfully added to the cart.

#### I would like to ...

##### Tenement Searches

- Order an Official Tenement Search (\$ fee payable)
- Order a Tenement Data Extract (PDF) (\$ fee maybe payable)
- Order a Tenement Data Extract (XML) (\$ fee maybe payable)

##### Transactions

- Title Related Transactions

#### Previous Transactions

##### Incomplete (View All)

Description	Sub ID
No Records	

##### Submitted First 4 of 14 (View All)

Description	Sub ID
Tenement Application	31463
Objection	17784
Objection	16462
Objection	16461

##### Orders First 4 of 78 (View All)

#### Your Cart

Checkout

Description	Lead Tenement	Sub ID	Date	Qty	Unit Price	Total
Tenement Application		197114	05/10/2018 10:52:28	1	\$713.00	\$713.00
<b>Total:</b>						<b>\$713.00</b>

##### Documents Awaiting Submission

Description	Lead Tenement	Sub ID
No Records		

## Prospecting Licence Applications over a Previous Prospecting Licence

### Slide 10

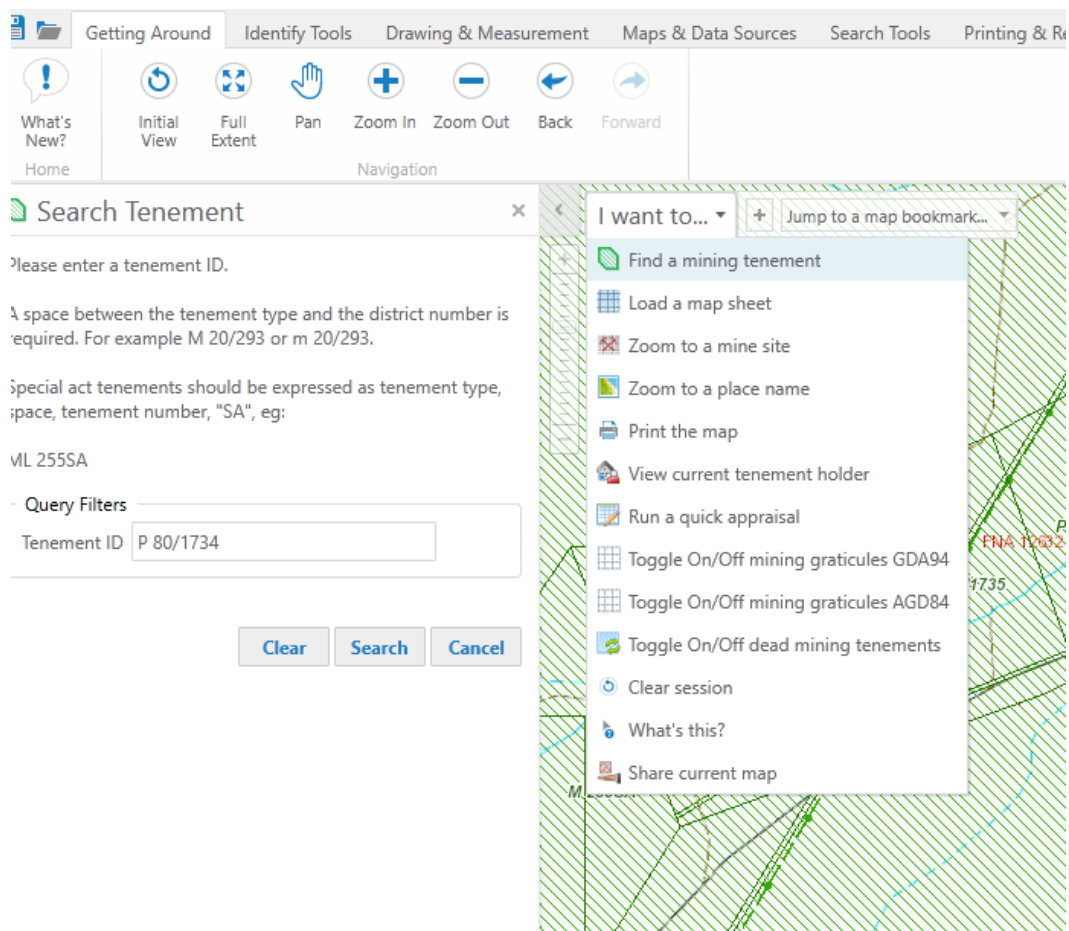
For a P Application we will cover the following steps

1. Do an object description using an existing P, for the purposes of the Form 20 and 21

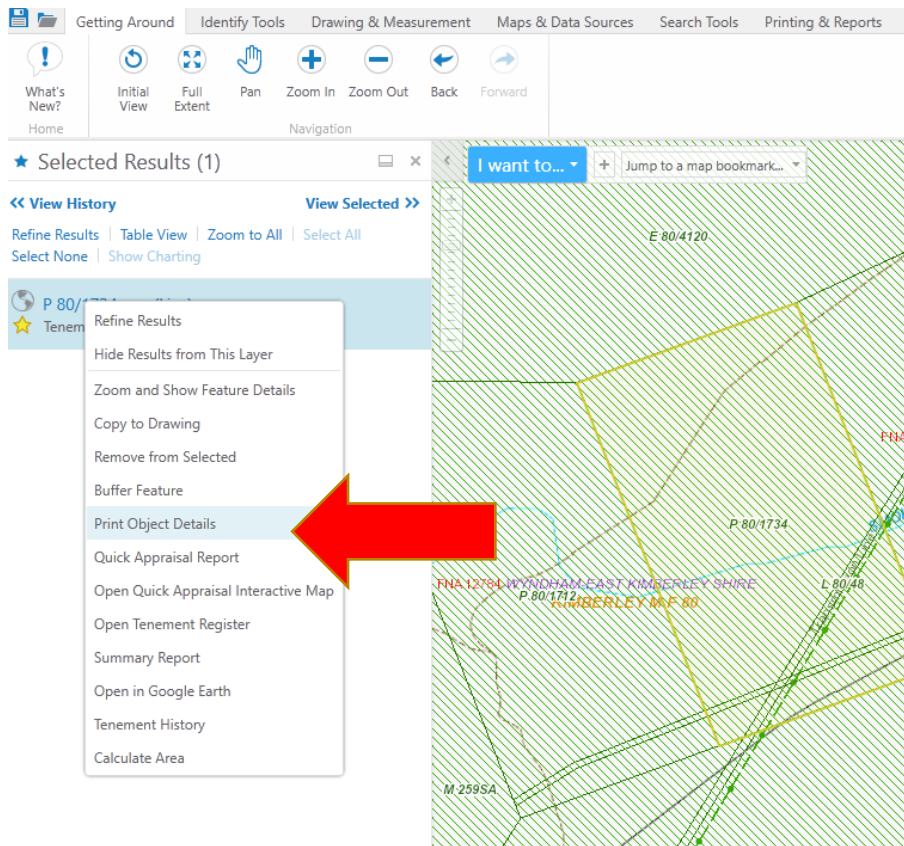
2. Open the Object Description in Word
3. Make a P application online
4. Copy the co-ordinates into the online application

## P Application Process

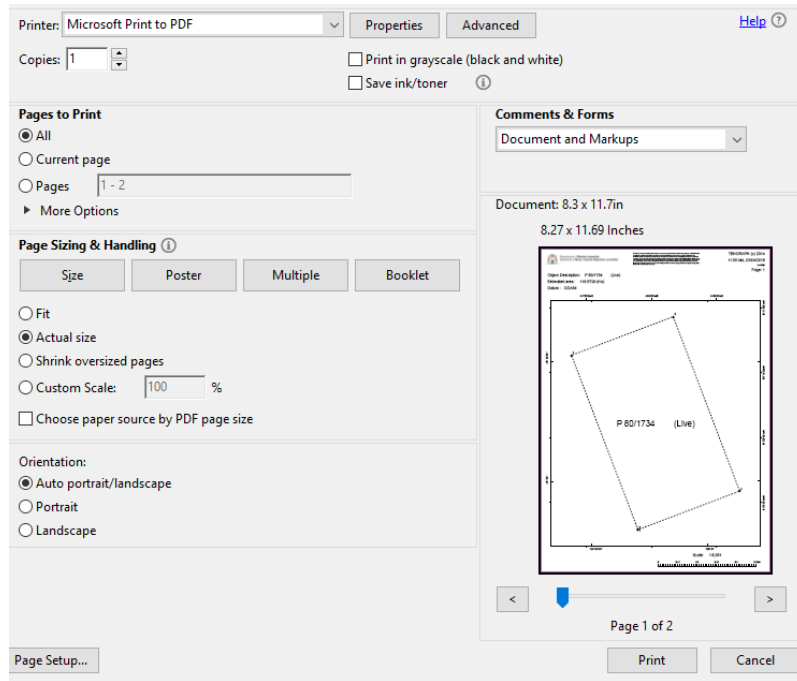
1. Just a quick run through for a P application so go into Tengraph Web
  - i. **It now works in Google**
2. Ps are usually marked out over previously existing Ps so you only need to do an **Object Description**
3. Do "I want to – Find a Mining Tenement"
4. Select either P 80/1734 or 5 or 6



5. Right Click on the tenement in the resulting search and select “Print Object Details”



6. Select “Open” and then right click and select “Print” ‘
7. Make sure in the Printer box it says “Microsoft Print to PDF”



8. Open the saved PDF in Word (Word version 2013 or over is needed for this function).  
Or you can copy all the Acrobat text into Excel then into Form 20 or the online Form 21
9. The saved grid coordinates can be copied into the Form 20 or the online Form 21

Online Lodgement: Tenement Application - Submission Id 165977	
1 Tenement Type	✓
2 Applicants	✓
3 Application Information	✓
4 Locality	✓
5 Area	←
6 Signing Party	
7 Attach Documents	
8 Review	

### Step 5 - Area

**Please enter the area that you are applying for**

HA

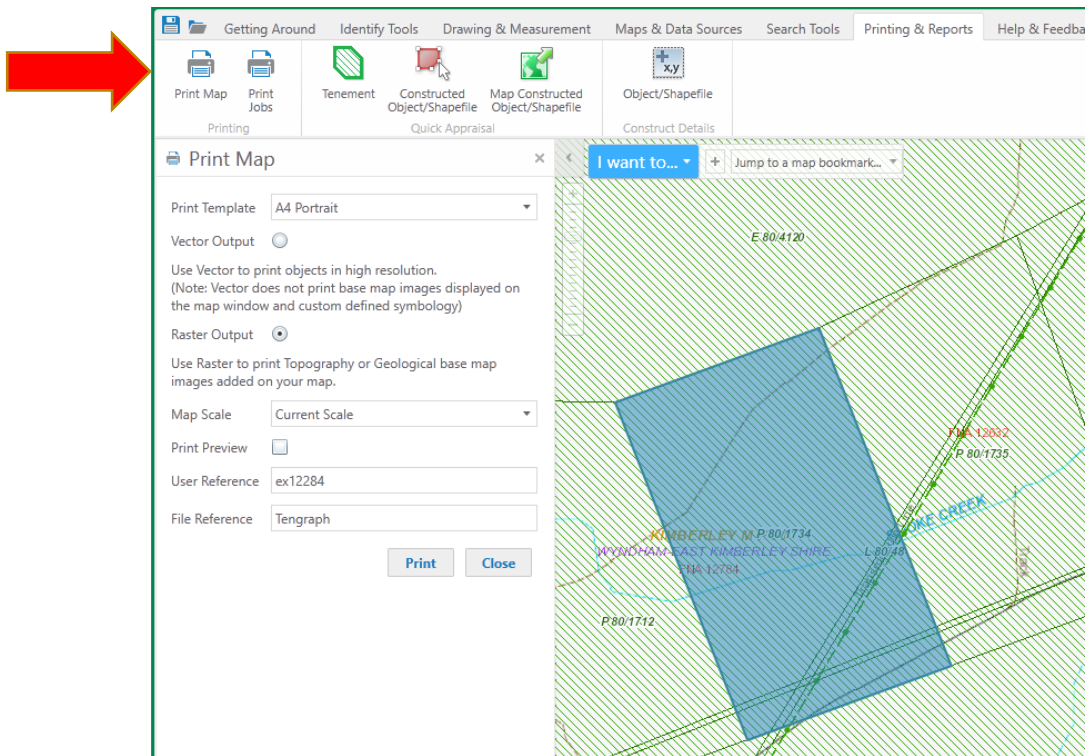
**Please enter the datum**

**Please enter the boundary description**

<http://dmp.wa.gov.au/Documents/Minerals/Minerals-Marking Out and Applying for Mining Tenements.pdf> Is a Document showing how P and M applications should be marked and described.

10. While we are at this point in Tengraph we can print a map to load up in the application.
11. Go to Printing and Reports and print the map





## Exploration Licence s58 Statement

Slide 11.

s58 Statement to accompany Exploration Licence application

1. The details of the programme of work proposed to be carried out;
2. Must state the proposed method of exploration
3. The estimated amount of money proposed to be spent on exploration
4. The technical resource available to the applicant
5. Financial resources available to the applicant
6. The statement must cover the whole 5 years of the proposed application
7. The minerals being explored for

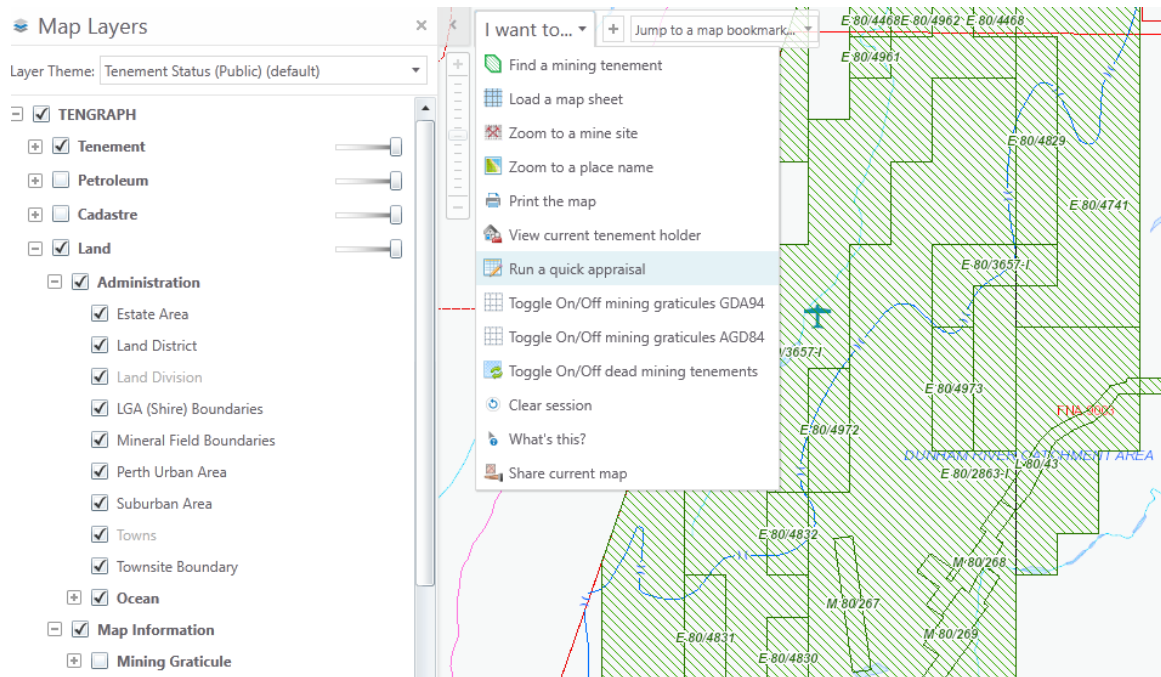
*see True Fella Pty Ltd v Pantoro South Pty Ltd*

## Quick Appraisal and Notification

Slide 12.

- We need to do this to gain all the land that is subject to the tenement
  - For notifications
  - For any exclusions
- Can be done 2 ways in Tengraph Web
- This is the result of Quick Appraisal
  - [Quick Appraisal for E 80-2863-1.pdf](#)
- Notification Checklist
  - [Notification Checklist Link](#)

1. We need to do a quick appraisal to gain all the land information.
  - a. This will show us all the land that is subject to the tenement
    - i. You will need this for the notifications to find the relevant pastoralists
    - ii. For any exclusions you may want on the tenement eg Nature Reserves, Private Land
2. Can be done 2 ways
3. Now we need to do a Quick Appraisal but we will use another tenement
4. Go to “I want to”
5. Select “Run a Quick Appraisal”
6. Type in E 80/2863-I



- Should get this screen

## Tenement Quick Appraisal

The Quick Appraisal report lists land and services overlaying a TENGGRAPH object.

Select your appraisal options from below

Administrative Boundaries Affected

Current Tenements Affected

Dead Tenements Affected

Land Affected

Land Affected Options

Summarise Unallocated Crown Land

Summarise Private/Freehold Land

Mapsheet Index Affected

Native Title Affected

Native Title Affected Options

Native Title Determination Outcomes

Petroleum/Geothermal Titles Affected

Services Affected

Services Affected Options

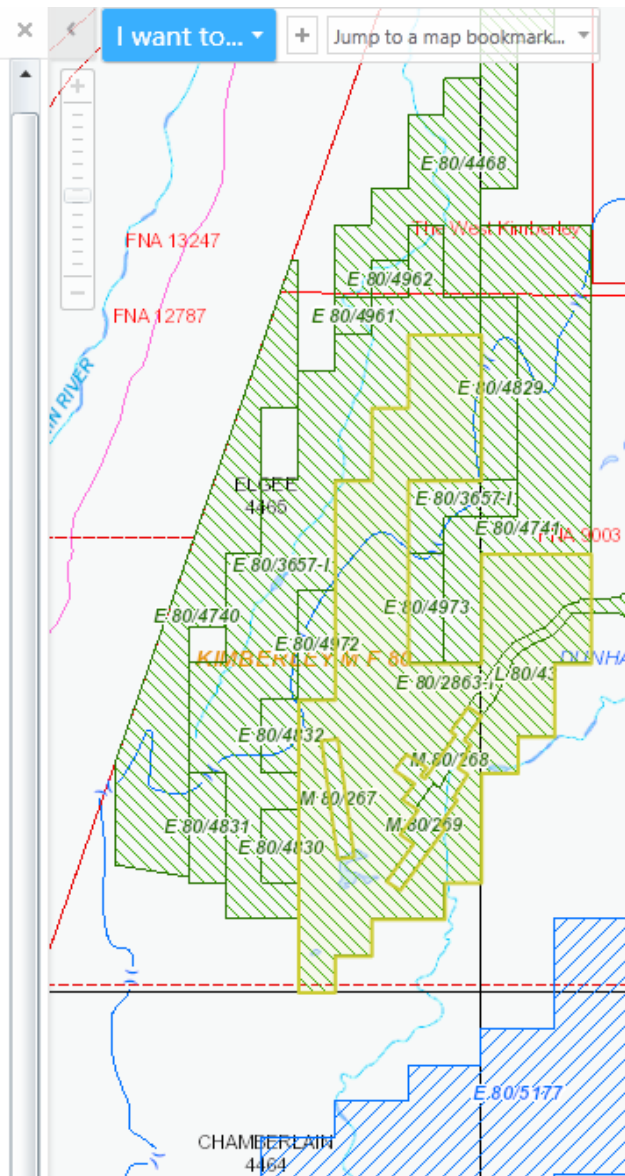
Summarise Abandoned Minesites

Misc. Options

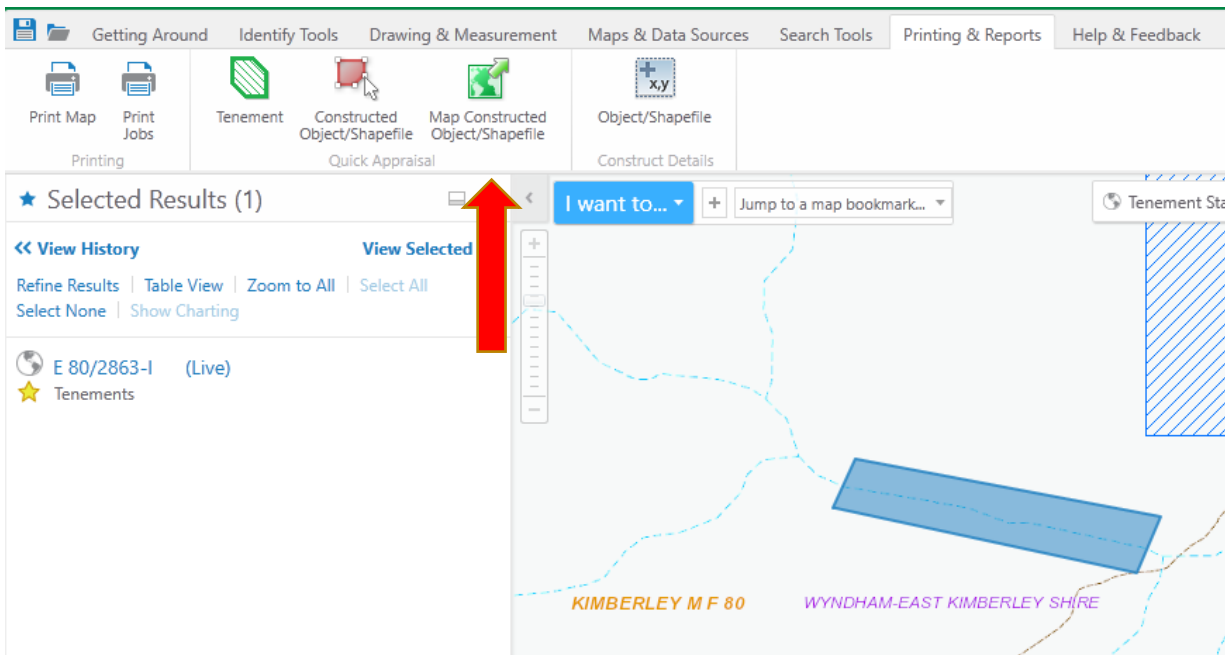
Include Map Image

Zoom to object

Set custom extent



7. Select Continue
8. Download the Report and Save it
9. The report provides all the details of all the land, tenements, Native Title Claims etc intersecting the tenement.
10. The 2<sup>nd</sup> method is draw a polygon
11. Select "Printing and Reports"
12. Select Constructed Object/Shape file
13. Select the polygon
14. Select continue
15. Download the quick Appraisal and save to file
16. From the file pull up Quick Appraisal for E80/2863
17. From this we can determine what parties need notifying within the 14 days



## Exploration Licence s58 Statement

Slide 16.

s58 Statement to accompany Exploration Licence application

1. The details of the programme of work proposed to be carried out;
2. Must state the proposed method of exploration
3. The estimated amount of money proposed to be spent on exploration
4. The technical resource available to the applicant
5. Financial resources available to the applicant
6. The statement must cover **the whole 5 years** of the proposed application
7. The minerals being explored for

*see True Fella Pty Ltd v Pantoro South Pty Ltd and the later case of Pantoro v Truefella*

## Mining Lease Applications

Slide 17.

- Mining Proposal v Mineralisation Report
- Under the New 2024 Mining Act Amendments the Mining Proposal is now known as the Mine Development & Closure Proposal (pending legislation until the Parliament sits again in 2025 at the earliest)
- Use the mineralisation report
  - Only needs to be basic; less work
  - Keeps the details of the resource confidential Invalid M applications
- S74(1AA) and r25AA states that you have 14 days to lodge a Mining Proposal, Mineralisation Report or a Resource Report after a Mining Lease application.
- This is not so. The High Court found they must be lodged at that same time or the application is invalid.

[Forest & Forest v Wilson](#)

- The Warden in [Leichardt v Santos \[2022\]](#) decided that an amended Mining Proposal can be lodged after the mining lease application. Unlike a mineralisation report.

[Leichardt v Santos \[2022\]](#)

**Mining Lease Applications**

**Slide 18.**

- You may lodge a mining lease application without marking out, if you are not been able to access the land.
- The reasons for non access are specified in s105(2).
  - Prevention of access cause by
    - law,
    - An act or omission by local or state government department
    - A natural disaster, fire, storm, flood
    - Revolution or war
    - Industrial dispute
    - Any other circumstance beyond the control of the holder of the licence.
- A statement with the reason is to accompany the application.
- The land must be marked out as soon as possible
- The mining register is to be provided evidence of the marking out
- [See examples in](#)  
[https://www.parliament.wa.gov.au/Parliament/Bills.nsf/F6CC74B47D11BDAE482588990029CFF8/\\$File/EM%2B77-1.pdf](https://www.parliament.wa.gov.au/Parliament/Bills.nsf/F6CC74B47D11BDAE482588990029CFF8/$File/EM%2B77-1.pdf)

**Objections**

**Slide 19.**

- Any person may lodge an Objection to the granting of a tenement
- A fee is charged for lodging an objection \$430 introduced 16 Sept 2024
- Objections usually made for or by:
  - Overlapping Tenements
  - Public Interest Grounds (see M70/1000)
  - Native Title Holders
- Use a Form 16 and lodge within 35 days of application
- For private land within 21 days of being served with the notice under s33(1)
- The Warden may allow a further period that is considered reasonable– though the few times I have attempted to, it has been unsuccessful

[Baxter v Serpentine Jarrahdale](#)

[Polaris v Wilderness Society](#)

## Public Interest Grounds

Slide 20.

- Any person may lodge an Objection to the granting of a tenement
- Public Interest Grounds
  - (M70/1000) *Baxter v Serpentine Jarradale 1999* set the precedent
  - A recent cases of:
    - *Telupac Holdings Pty Ltd v Hoyer* [2022] WAMW 26 - An application for an exploration Licence
    - *Australian Vanadium v Cousens* [2024] WAMW 2 – An objection by the pastoralist to a miscellaneous licence, and the taking of water from an aquifer

## Outcomes

Slide 21.

After this session you will be able to:

1. Describe related party transactions
2. Outline pegging Ps and Ms
3. Describe the graticular boundary system for E applications
4. Use Tengraph Web to extract key documents to make applications
5. Apply for an Exploration Licence
6. Apply for a Prospecting Licence
7. Describe the process for mining Lease applications
8. Interpret notifications of tenement applications
9. Perform a tenement Quick Appraisal
10. Describe objections



## Environmental Compliance

### Outcomes

Participants will be able to discuss:

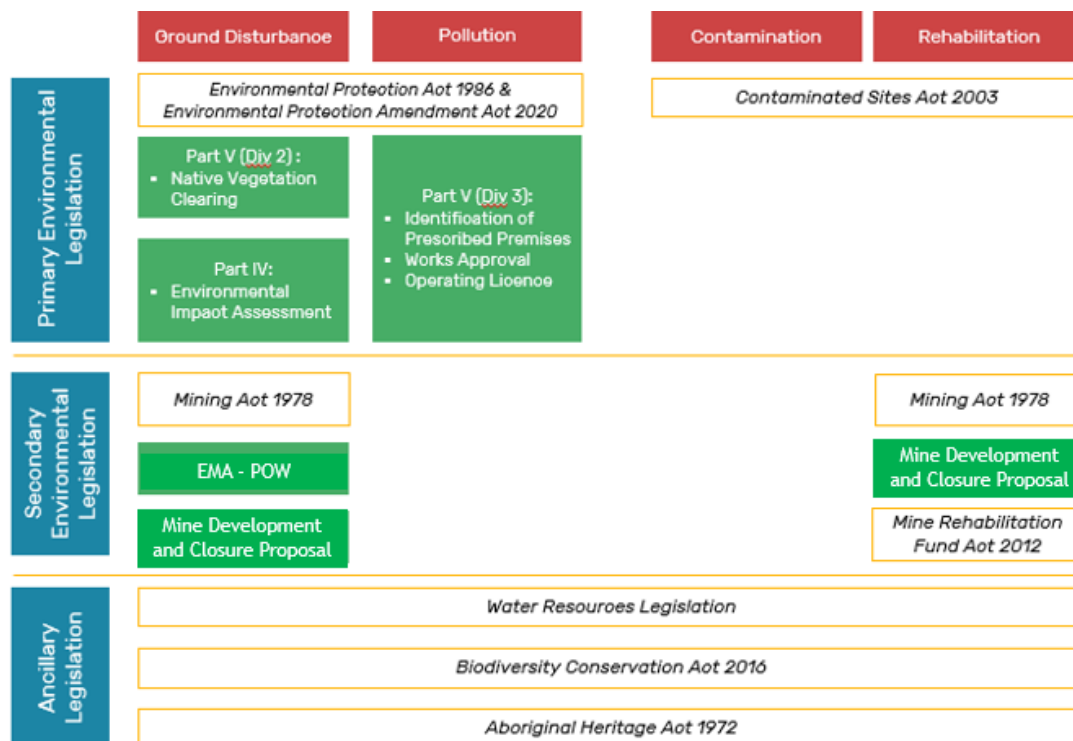
- Environmental Protection Act 1986*
- Overview
- Part IV: Referral and Environmental Impact Assessment Approvals
- Part V: Environmental Regulation
  - Division 2: Native Vegetation Clearing
  - Division 3: Prescribed Premises, Works Approvals and Licences
- Environmental Protection and Biodiversity and Conservation Act 1999 (Federal)*
- Mining Act 1978*
- Program of Works
- Mining Proposal
- Mine Closure Plan
- Contaminated Sites Act 2003*
- Water Resources Legislation*
- Biodiversity Conservation Act 2016*

Slide 2.



### Environmental Legislation WA

Slide 3.



### Environmental Protection Act 1986 WA

Slide 4.

- Principal piece of environmental legislation in Western Australia
- Created the Eviro Protection Authority
- Administered by Department of Water and Environmental Regulation (DWER)
- Provides for the prevention, control and abatement of environmental pollution
- Provides for the conservation, preservation, protection, enhancement and management of the WA environment



[Department of Water and Environmental Regulation](#)

**Environment Protection and Biodiversity Conservation Act 1999 Clth**

**Slide 5.**

- EPBC Act - Clth of Australia
- Administered by the Department of Climate Change, Energy, the Environment and Water (DCEEW)
- Provides for the protection of the Australian environment, notably its biodiversity and its natural and culturally significant places
- Establishes processes to help protect and promote the recovery of threatened species and ecological communities, and preserve significant places from decline
- Projects should be referred to and are likely to be assessed under the EPBC Act when there is a potential to have a significant impact on any of the nine Matters of National Environmental Significance (MNES):

- |  |  |  |
|--|--|--|
| • World Heritage Properties            | • Commonwealth Marine Areas                                | • Great Barrier Reef Marine Park   |
| • National Heritage Places             | • Migratory Species  | • Nuclear Actions  |
| • Wetlands of International Importance | • Nationally Threatened Species and Ecological Communities | • Water Resource, in relation to coal seam gas and large coal mining development |

**Part IV Referral for EIA**

**Slide 6.**

- Projects that are likely to have a significant impact on the environment are subject to a Formal Environmental Impact Assessment (EIA) by the Environmental Protection Authority (EPA).
- Part IV of the *Environmental Protection Act 1986 (s. 38)* makes provisions for the EPA to undertake environmental impact assessment
- The project can be referred to the EPA by either the proponent, other government agencies, non-government organisations or members of the public. The EPA will consider these referrals and determine whether or not a formal assessment is required.
- Environmental Principles, Factors and Associated Objectives are the basis for assessing whether the environmental impact of a proposal is acceptable



## Factors and Objectives

Theme	Factor	Objective
Sea	Benthic Communities and Habitats	To protect benthic communities and habitats so that biological diversity and ecological integrity are maintained.
	Coastal Processes	To maintain the geophysical processes that shape coastal morphology so that the environmental values of the coast are protected.
	Marine Environmental Quality	To maintain the quality of water, sediment and biota so that environmental values are protected.
	Marine Fauna	To protect marine fauna so that biological diversity and ecological integrity are maintained.
Land	Flora and Vegetation	To protect flora and vegetation so that biological diversity and ecological integrity are maintained.
	Landforms	To maintain the variety and integrity of distinctive physical landforms so that environmental values are protected.
	Subterranean Fauna	To protect subterranean fauna so that biological diversity and ecological integrity are maintained.
	Terrestrial Environmental Quality	To maintain the quality of land and soils so that environmental values are protected.
	Terrestrial Fauna	To protect terrestrial fauna so that biological diversity and ecological integrity are maintained.
Water	Hydrological Processes	To maintain the hydrological regimes of groundwater and surface water so that environmental values are protected.
	Inland Waters Environmental Quality	To maintain the quality of groundwater and surface water so that environmental values are protected.
Air	Air Quality	To maintain air quality and minimise emissions so that environmental values are protected.
People	Social Surroundings	To protect social surroundings from significant harm.
	Human Health	To protect human health from significant harm.

### [Statement of Environmental Principles, Factors and Objectives](#)

## Fees (Cost Recovery Regulations 2021)

Slide 7.

Circumstances	Fees
Referral of proposal under s38	\$32,000
Request by proponent to amend proposal under s38C or 38E	\$16,000

Request by Authority for additional information s38F, or s40(2)(a)	\$16,000
Assessment of Proposal under Part IV	\$16,000
Request by Proponent for amendment of conditions	\$48,000
Request by Minister for additional information	\$16,000
Inquiry by Authority into implementation of conditions	\$64,000
Issue by Minister of interim conditions and procedures	\$16,000

**EIA Decision Rests with EPA**

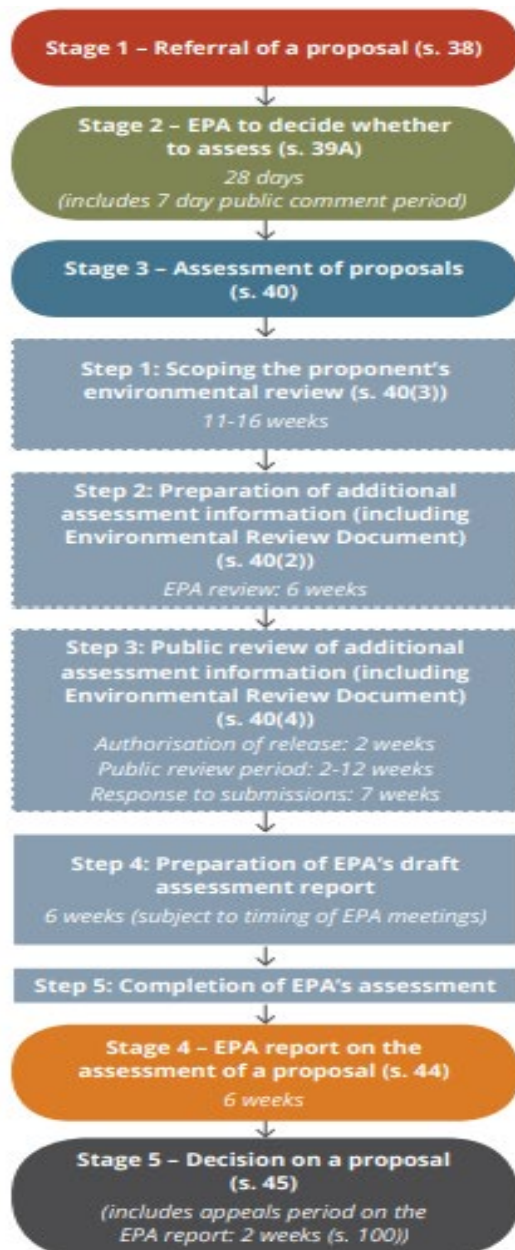
**Slide 8.**



**Environmental  
Protection  
Authority**

- Formal assessment of a project through EIA does not negate the need for other agency approvals (with the exception of Native Vegetation Clearing Permits), and while these can be lodged in parallel, the government agencies are constrained from approving any activities while the EPA is undertaking its assessment.
- Important to remember that the EPA provides advice to the Environment Minister as a result of their assessment. Ultimately it is the WA Government who decides whether to approve or not approve a new project or a significant change to an existing project.





## Exploration Phase: Eligible Mining Activity (EMA)

Slide 10.

- Proponents are required to obtain approval from DEMIRS before undertaking any ground disturbing activity on a tenement granted under the *Mining Act 1978* this includes Exploration activities.
- Exploration activities are authorised via the EMA or PoW process.
- EMA is automated authorisation for eligible activities
- Eligible activities are listed in Regulations
- EMA is for machinery causing minimal disturbance
- Excluded lands from the EMA will be gazetted



## Exploration Phase: Programme of Work

Slide 11.

- In the absence of being able to lodge an EMA a PoW is required.
- Exploration activities are authorised via the PoW process.
- A PoW outlines the proposed activities, area to be disturbed and the environmental controls that will be used to limit environmental harm.
- In some locations, it may also be necessary to obtain a Native Vegetation Clearing Permit.



### [How to Submit a POW](#)

## Exploration Phase: Programme of Work

Slide 12.

- Applies to P, E, R, and M
- Prior to an explorer or prospector conducting any ground disturbing activities with mechanised activities
- There are 2 types of POWs
  - POW-P - a manual form to be completed and submitted hardcopy or online
- POW-S (Programme of Work Spatial) is an online lodgement (EARs)

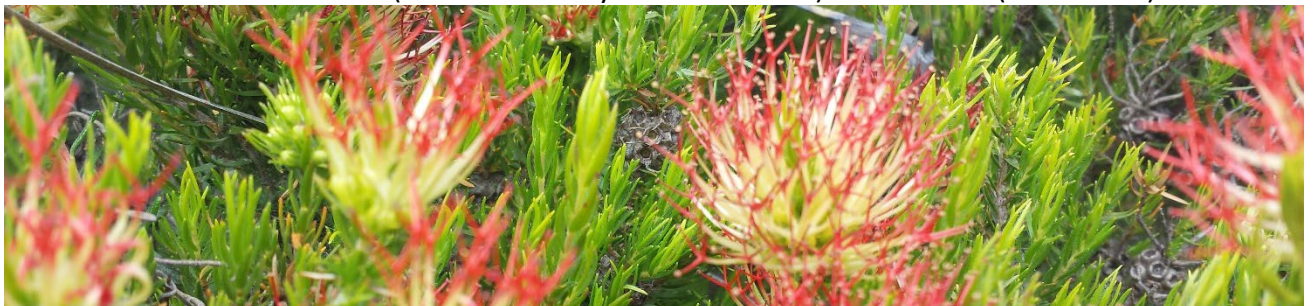


- Terms
  - Approvals are valid for 4 years (from the date of the approval letter).
  - Extensions of time need to be made prior to expiry
- Obligations
  - Meet conditions per approved POW
  - Rehabilitation to be done within 6 months of disturbance
- Reporting
  - Rehabilitation Report
  - On-line submission EARs
- Data Management
  - It is important to record in your tenement management system the grant, expiry and end of drilling dates
  - It is usual to provide before and after photographs of the disturbance and rehabilitation.



The clearing of native vegetation in Western Australia is regulated under Part V of the Environmental Protection Act 1986 (EP Act) and the following regulations and notices:

- Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations)
- Environmental Protection (Environmentally Sensitive Areas) Notice 2005 (ESA Notice)



## What is Native Vegetation?

Slide 15.

'Native vegetation' means all types of indigenous vegetation, including:

- Those found in aquatic and marine environments
- Dead vegetation (unless declared by regulation to be excluded).

Native vegetation does not usually include vegetation that has been intentionally planted for commercial exploitation unless the planting was required by law, or the vegetation is protected under a conservation covenant or other binding agreement.



## What is Clearing?

Slide 16.

Clearing means – causing substantial damage to native vegetation, including through:

- the killing or removing of native vegetation
- the severing or ringbarking of trunks or stems
- the draining or flooding of land
- the burning of vegetation
- the grazing of stock
- any other activity that kills or damages native vegetation.



## Clearing Exemptions

Slide 17.

Activities that are not considered clearing are:

- Clearing for 'low impact' activities: temporary tracks, groundwater drilling, clearing for camp sites, anchoring vessels and removing marine growth from certain structures.
  - Clearing for camp sites and storage with a total area of 2 hectares per tenement

- Driving vehicles off road
- 4m wide raised blade clearing (with 100m distance between tracks)
- Scrape and detect areas of 2 hectares per tenement
- 10 hectares per financial year per *authority* area for clearing regulated under the Mining Act 1978
- Construction of a water bore and taking water under a Licence granted under the Rights in Water and Irrigation Act 1914

## Native Vegetation Clearing Permit

Slide 18.

Two types of Permits (section 51E of the EP Act 1986):

- Area permit (Form C1)
  - Applied for by an applicant who is the owner of the land, likely to become the land owner
  - Clearing of defined areas specified in the permit
  - Generally approved for a default period of two years
- Purpose permit (Form C2)
  - Applied for by an applicant who is not the owner of the land which will be cleared but has authority under a written law or permission to access the land to conduct the clearing
  - Clearing of different areas from time to time for a purpose specified in the permit
  - Generally approved for a default period of five years

Mineral tenure	Area permit	Purpose Permit
General purpose lease	Applicable	Applicable
Mining lease	Applicable	Applicable
Prospecting licence	Not available	Applicable
Miscellaneous licence	Not available	Applicable
Exploration licence	Not available	Applicable
Retention licence	Not available	Applicable

Mining Act 1978

<https://www.der.wa.gov.au/your-environment/native-vegetation/49-fact-sheets>

## Native Vegetation Clearing Permit: Assessment Criteria

Slide 19.

Risk-based assessment approach:

- Size
- Location
- Environmental values (Clearing Principles) within or adjacent to the area
- Purpose of clearing
- Urgency of the application
- Public interest in the application.



## Mine Development and Closure Proposals (MDCP)

Slide 20.

MDCPs (to commence in late 2023) replace Mining Proposals; DEMIRS principal environmental regulatory objective:

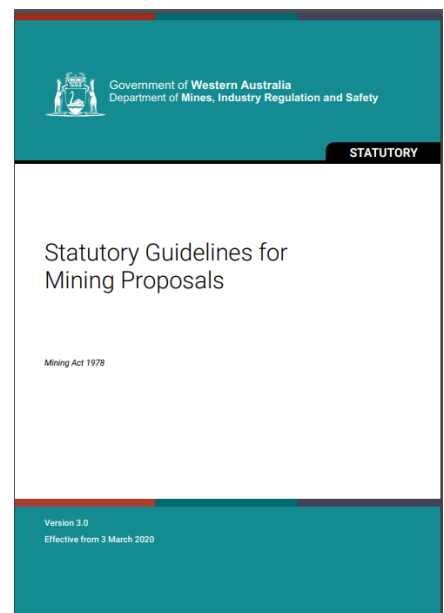
DEMIRS principal environmental regulatory objective:

*Resource industry activities are designed, operated, closed, decommissioned and rehabilitated in an ecologically sustainable manner, consistent with agreed environmental outcomes and end land-uses without unacceptable liability to the State.*

MDCPs should:

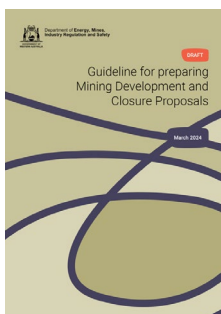
- Identify the potential risks that a mining operation could pose to the environment throughout the life of mine
- Explain how the risks will be assessed and mitigated
- Declare appropriate site-specific environmental outcomes
- Monitor and report on the success of these outcomes
- Outline the closure plans

[Mining Proposal Guidance - How to Prepare](#)



## Mine Development and Closure Proposals (MDCP)

Slide 21.



MDCPs Guidelines will take effect from the Mining Amendment Act 2022



These objectives need to be addressed when determining whether a site specific environmental outcome is acceptable.

**Table 1: Objectives for environmental factors**

Environmental factor	Objective
Biodiversity/Flora/Fauna/Ecosystem	To maintain representation, diversity, viability and ecological function at the species, population and community level.
Water resources	To maintain the hydrological regimes, quality and quantity of groundwater and surface water to the extent that existing and potential uses, including ecosystem maintenance, are protected.
Landforms	Mining will not result in appreciable land degradation <sup>2</sup> or the contamination or pollution of the land.
Mine closure	Mines are closed in a manner to make them (physically) safe to humans and animals, (geo-technically) stable, (geo-chemically) non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use, and without unacceptable liability to the State.

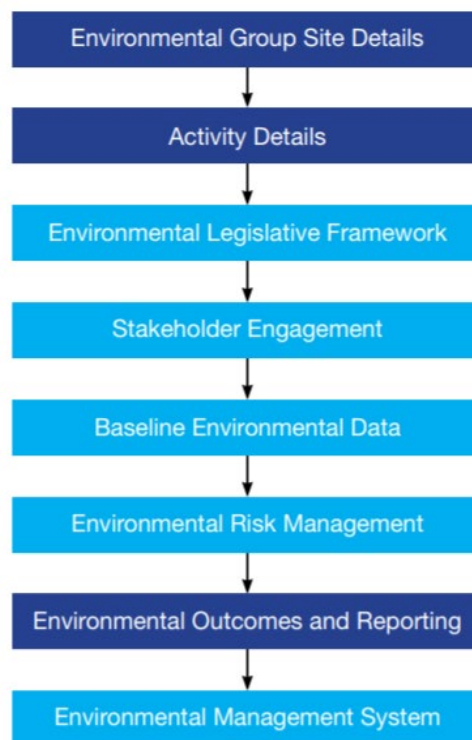


Figure 2: Structure of a Mining Proposal

## Mine Development and Closure Proposals (MDCP)

Slide 24.

DEMIRS and EPA will Confer on whether to refer (off shore criteria not shown)

- Environmentally Sensitive Areas including:
  - Within 500m of World Heritage Property
  - Within 500m of a Bush Forever site
  - Within 500m of a Threatened Ecological Community
  - Within 500m of defined wetlands (including Ramsar wetlands, ANCA wetlands, Conservation category wetlands)
- Area containing rare flora Area covered by an Environmental Protection Policy.
- Within 500m of a declared/proposed State Conservation Estate, including National Park, Nature Reserve, Conservation Park, or State Forest and Timber Reserves.
- Within a Public Drinking Water Source Area.
- Within 2 kilometres of a declared occupied town site (for Mining Proposals and petroleum Environment Plans only).
- Hydraulic fracturing exploration and development activities.
- Activities within the Strategic Assessment for the Perth Peel Region and potentially in conflict with the outcomes of the Strategic Assessment.
- Area previously or currently subject to formal assessment by the EPA.



## Mine Development and Closure Proposals (MDCP)

Slide 25.

- Mining Act requires a Mine Closure Plan to be submitted to DMP as part of Mining Proposal applications.
- DMP's Draft Guidelines for Preparing MCPs 2019, available on the DMP website:

Project Summary

Closure obligations and commitments

Stakeholder engagement

Baseline closure data and analysis

Closure risk assessment

Post mining land use and closure objectives

Closure outcomes; closure criteria and closure performance indicators

Closure Implementation

Closure Monitoring and Maintenance

Financial Provisioning for Closure

Management of Information and Data



Statutory Guidelines for  
Mine Closure Plans

Mining Act 1978



[Mine Closure Plan Guidelines](#)

## Mining Rehabilitation Fund Act 2012

Slide 26.

- The Mining Rehabilitation Fund (MRF) is a pooled fund that WA mining operators contribute to
- It replaced an Unconditional Performance Bond system (that still exists on some tenure) because companies would go into liquidation and then the Government was left with the rehabilitation costs
- Just over \$32M in contributions for 2018/19 - Fund now totals \$150M
- Bonds are still imposed or retained where DEMIRS considers there is high risk that a tenement holder's rehabilitation liability may revert to the State
- Reporting is required 30 June each year
- Tenements with a Rehabilitation Liability below \$50,000 are not required to make a payment into the MRF
- Exploration disturbance cost \$2000 per ha, keep the disturbance below 25 ha per tenement and no payment is required
- Mining Disturbances are quite a bit higher
- Commence rehabilitation of exploration and no payment is required
- Auditing of the MRF reports are done periodically
- It is important to document previous disturbance on a tenement before commencing your own disturbance.

[Mine Rehabilitation Fund](#)



**Appendix 1:  
Rehabilitation Liability Categories and Unit Rates**

The following tables have been reproduced from Schedule 1 of the MRF Regulations.

Description of infrastructure or land	Category	Unit rate
Tailings or residue storage facility (class 1) Waste dump or overburden stockpile (class 1) Heap or vat leach facility Evaporation pond Dam – saline water or process liquor	A	\$50,000
Tailings or residue storage facility (class 2) Waste dump or overburden stockpile (class 2) Low-grade ore stockpile (class 1) Plant site Fuel storage facility Workshop Mining void (with a depth of at least 5 metres) — below ground water level Landfill site Diversion channel or drain Dam — fresh water	B	\$30,000
Low-grade ore stockpile (class 2) Sewage pond Run-of-mine pad Building (other than workshop) or camp site Transport or service infrastructure corridor Airstrip Mining void (with a depth of at least 5 metres) — above ground water level Laydown or hardstand area Core yard Borrow pit or shallow surface excavation (with a depth of less than 5 metres) Borefield Processing equipment or stockpile associated with <i>Basic Raw Material</i> extraction Land (other than land under rehabilitation or rehabilitated land) that is cleared of vegetation and is not otherwise described in this Table	C	\$18,000
Land (other than land under rehabilitation or rehabilitated land) that has been disturbed by exploration operations	D	\$2,000
Land under rehabilitation (other than land that has been disturbed by exploration operations) Topsoil stockpile	E	\$2,000
Exploration operations: land under rehabilitation, rehabilitated land	No rate applicable	

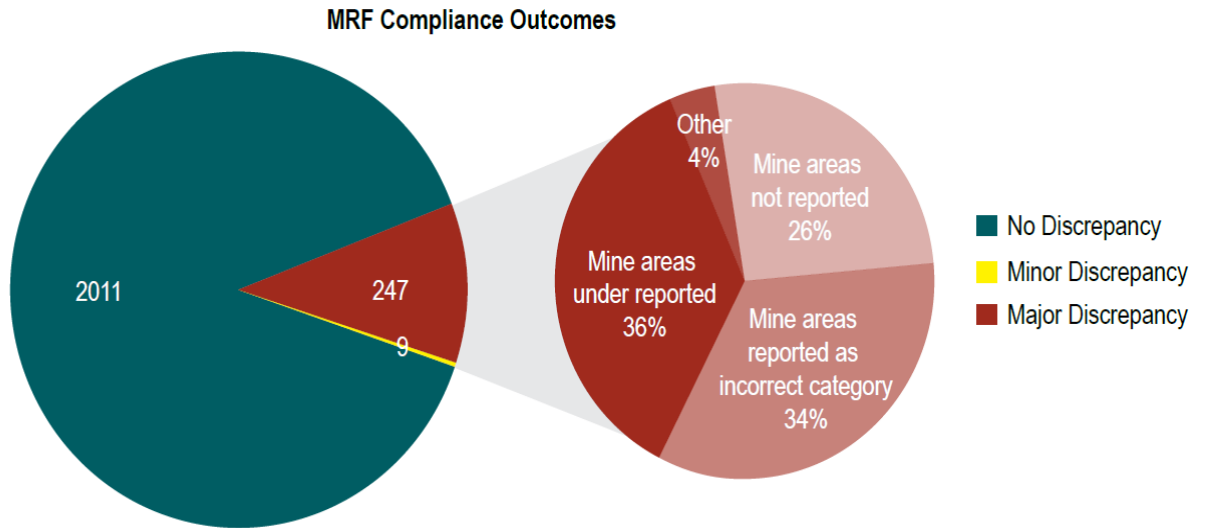


Figure 4 - 2018-19 Compliance Findings

<https://www.dmp.wa.gov.au/Environment/What-is-the-MRF-19522.aspx>

**MRF Compliance Outcomes**

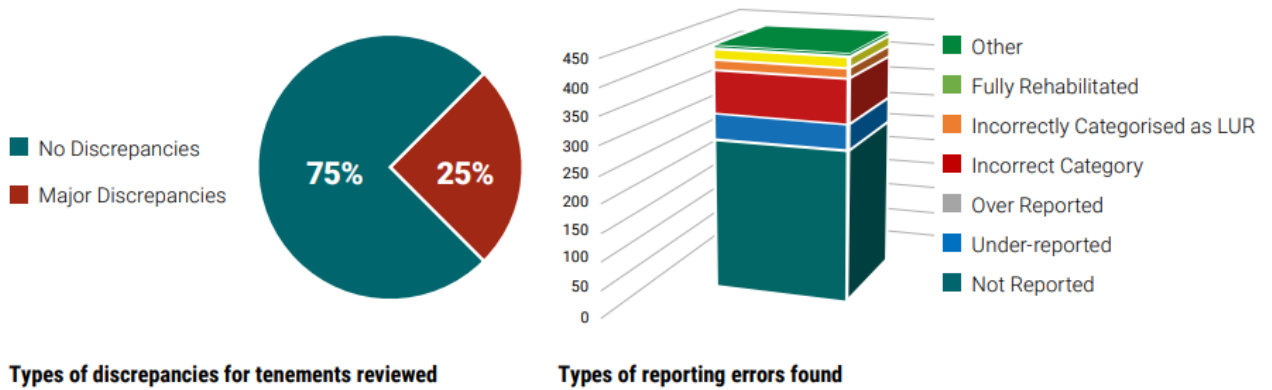


Figure 4 – Discrepancies found for tenements reviewed

- Standard tenement conditions currently require an Annual Environmental Report (AER) to be submitted for sites with approved Mining Proposals.
- AERs To be submitted online through EARS2

Tenement	Assessment Date	Area Approved (ha)	Total Area of Activity (ha)		Land Under Rehabilitation (ha)			Relinquished (ha)	Disturbance (ha)
			Reporting Period	Change	Stage 1	Stage 2	Total Rehab		
L 52/111	21/03/2019	1.5000	1.5000		0.3000	0.0000	0.3000	0.0000	1.2000
L 52/68	31/03/2019	0.2000	0.2000		0.0000	0.0000	0.0000	0.0000	0.2000
M 52/106	26/03/2019	11.7000	11.7000		0.0000	4.3000	4.3000	4.3000	7.4000
M 52/58	24/02/2019	81.2500	81.2500		3.2000	11.0900	14.2900	16.2300	66.9600
<b>Total</b>		<b>94.6500</b>	<b>94.6500</b>	<b>0</b>	<b>3.5000</b>	<b>15.3900</b>	<b>18.8900</b>	<b>20.5300</b>	<b>75.7600</b>



[AER Guidelines](#)

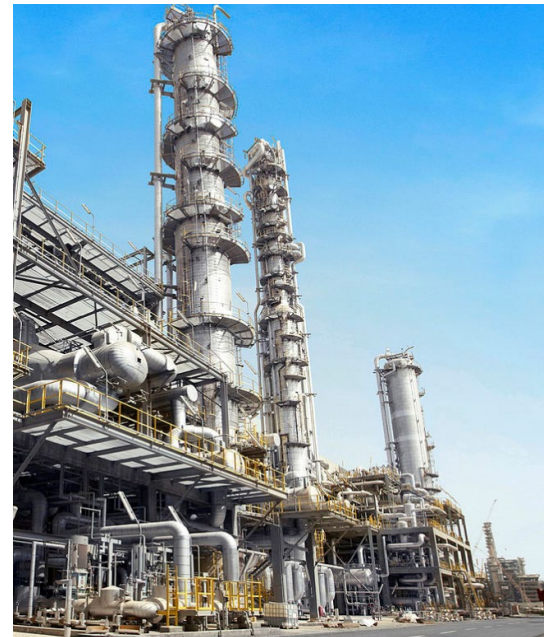
- Industrial premises with potential to cause emissions and discharges to air, land or water are known as 'prescribed premises' and trigger regulation under the EP Act. Prescribed premises categories are outlined in Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Description of category	Production or design capacity
1	Cattle feedlot: premises on which the watering and feeding of cattle occurs, being premises — (a) situated less than 100 m from a watercourse; and (b) on which the number of cattle per hectare exceeds 50.	500 animals or more
2	Intensive piggery: premises on which pigs are fed, watered and housed in pens.	1 000 animals or more
[3, 4	<i>deleted]</i>	
5	Processing or beneficiation of metallic or non-metallic ore: premises on which — (a) metallic or non-metallic ore is crushed, ground, milled or otherwise processed; or (b) tailings from metallic or non-metallic ore are reprocessed; or (c) tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	50 000 tonnes or more per year
6	Mine dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.	50 000 tonnes or more per year
7	Vat or in situ leaching of metal: premises on which metal is extracted from ore with a chemical solution.	5 000 tonnes or more per year
8	Mineral sands mining or processing: premises on which mineral sands ore is mined, screened, separated or otherwise processed.	5 000 tonnes or more per year

[Environmental Protection Regulations 1987](#)



- DWER regulates industrial emissions and discharges to the environment through a works approval and licencing process
- The EP Act requires:
  - A works approval to be obtained before constructing a prescribed industrial premises
  - An operating licence to emit or discharge waste, odour, noise, electromagnetic radiation once the prescribed premise is operational
  - Licences and works approvals set conditions for prescribed premises to ensure that potential impacts and risks to the environment are minimised. This is based on a risk-assessment process.
- Occupiers of prescribed premises are required to submit annual reports to DWER on compliance with their licence conditions through an Annual Environmental Report (AER) and an Annual Audit Compliance Report (AACR)



[Licences and Works Approvals](#)

- Introduced to identify, record, manage and clean up contamination – *Contaminated* in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value.
- Under the Act, land owners, occupiers and polluters must report known or suspected contaminated sites to DWER.
- Reporting of known or suspected contaminated site , leading to classification by DWER:
  - Report not substantiated
  - Possibly contaminated – investigation required (PCIR)
  - Not contaminated – Unrestricted Use
  - Contaminated – Restricted Use (CRU)
  - Remediated for Restricted Use (RRU)
  - Contaminated – Remediation Required (CRR)
  - Decontaminated
- Once classified, Memorial placed on Certificate of Title



Chernobyl Ukraine

[Contaminated Site Guidelines](#)

**Contaminated Site Act 2003 Overview**

**Slide 35.**

- Site characterisation via sampling is undertaken to determine concentrations present
- Reporting of information provided to DWER in staged approach:
  - Preliminary Site Investigation (PSI)
  - Sampling and Analysis Quality Plan (SAQP) and Detailed Site Investigations (DSI)
  - Remedial Action Plan (RAP)
  - Site Remediation and Validation
  - Site Management Plan (SMP)



- The DWER issues licences and permits under the Rights in Water and Irrigation Act 1914 to:
  - Take water (Section 5C)
  - Construct wells (including bores and soaks) (Section 26D)
  - Interfere with the bed and banks of a watercourse (Section 11/17/21A )
- Licences and permits define how much water can be taken and specify required management conditions.



#### [WA Water in Mining Guidelines](#)

##### Acts administered by the Department of Water:

- [Country Areas Water Supply Act 1947](#)
- [Metropolitan Arterial Drainage Act 1982](#)
- [Metropolitan Water Supply, Sewerage, and Drainage Act 1909](#)
- [Rights in Water and Irrigation Act 1914](#)
- [Water Agencies \(Powers\) Act 1984](#)
- [Water Corporations Act 1995](#)
- [Water Efficiency Labelling and Standards Act 2006](#)
- [Water Services Act 2012](#)
- [Waterways Conservation Act 1976](#)

##### Regulations and by-laws administered by the Department of Water:

- [Country Areas Water Supply By-laws 1957](#)
- [Country Areas Water Supply \(Clearing Licence\) Regulations 1981](#)
- [Metropolitan Water Supply Sewerage and Drainage By-laws 1981](#)
- [Rights in Water and Irrigation Regulations 2000](#)
- [Water Agencies \(Entry Warrant\) Regulations 1985](#)
- [Water Agencies \(Infringement\) Regulations 1994](#)
- [Water Agencies \(Water Use\) By-laws 2010](#)
- [Water Services Regulations 2013](#)
- [Water Services \(Water Cooperations Charges\) Regulation](#)
- [Waterways Conservation Regulations 1981](#)

## POLICIES AND GUIDELINES

### Access to water

#### Policies for the take and use of water

[Giving an undertaking to grant a water licence or permit](#)

[Management of unused licensed water entitlements](#)

[Managing unlicensed groundwater use](#)

[Measuring the taking of water](#)

[Water conservation/efficiency plans: achieving water use efficiency gains through water licensing](#)

[Section 5C licence tenure](#)

[Timely submission of required further information](#)

[Use of mine dewatering surplus](#)

[Use of operating strategies in the water licensing process](#)

[Water entitlement transactions for Western Australia](#)

[Western Australian water in mining guideline](#)

### Water resource assessment and planning

#### Policies for better understanding water resources and planning for their use

[Hydrogeological reporting associated with a groundwater well licence](#)

[Managing water reserved for use by drinking water service providers](#)

[Policy on accessing the Leederville and Yarragadee aquifers in Perth](#)

[Policy statement on water sharing](#)

### Protecting water resources

#### Policies for protecting public drinking water supplies and the natural environment

[Environmental management guidelines for vineyards](#)

[Environmental water provisions policy for Western Australia](#)

[Guideline for the approval of non-drinking water systems in Western Australia urban developments](#)

[Houseboats](#)

[Identifying and establishing waterways foreshore areas](#)

[Land use compatibility in public drinking water source areas](#)

[Managed aquifer recharge in Western Australia](#)

[Policy and guidelines for construction and silica sand mining in public drinking water source areas](#)

[Policy framework for inland drainage](#)

[Protecting public drinking water source areas in Western Australia](#)

[Recreation within public water source areas on crown land](#)

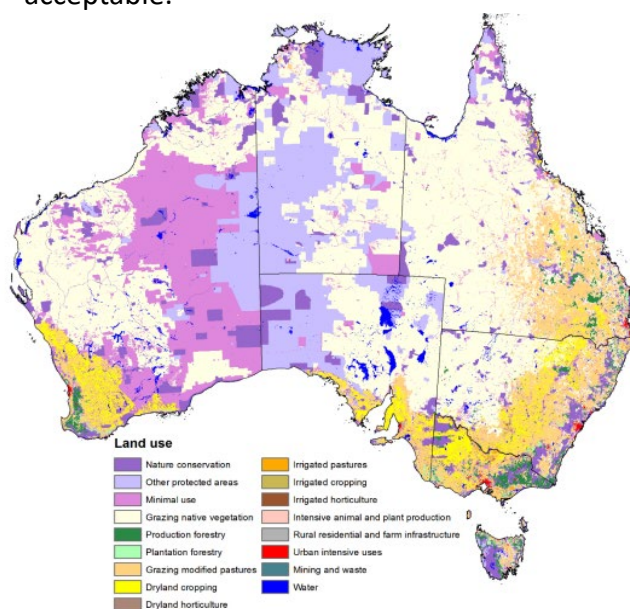
[Waste management of kennel operations within the Jandakot underground water pollution control area](#)

[Water resource considerations when controlling groundwater levels in urban development](#)

## Planning and Development Act 2005 (WA) Overview

Slide 37.

- Main legislation that governs planning in Western Australia
- Special control areas created to address issues such as landscape values, airport environs, bushfire prone land, flood prone land, industry buffers and special character areas where particular provisions apply.
- Local planning schemes can also include special conservation reserves.
- The EPA may also decide that the scheme is incapable of being made environmentally acceptable.



Land Use of Australia 2010-11, Version 5 (ABARES 2016)

## [Planning and Development Act 2005](#)

- Environmental Protection Act 1986
- Environmental Protection and Biodiversity and Conservation Act 1999
- Referral and Environmental Impact Assessment Approvals
- Programmes of Work
- Native Vegetation Clearing
- Mining Proposal
- Mine Closure Plan
- Mine Rehabilitation Fund (MRF)
- Annual Environment Reporting
- EP Act Part V Licencing
- Other relevant Acts

## Aboriginal Heritage and Native Title

### Outcomes

Slide 2.

Participants will be able to:

- Describe the Development of Native Title from Mabo to the present day
- Outline the Influences to Native Title in WA
- Describe how tenement applications in WA are granted under Native Title
- Define ILUAs and RSHAs
- Outline the implications of the recent developments of Native Title
  - Sheffield case
  - Timber Creek case
  - Santos - Barrosa v Tipakalippa
  - Tjiwarl Claim
- Understand the developments of Aboriginal Heritage Act 1972

### Common Law and Native Title

Slide 3.

#### Native Title Background

- In the 18<sup>th</sup> century international law recognized
  - conquest,
  - cession, and
  - occupation of territory that was terra nullius
- as three of the effective ways of acquiring sovereignty.
- If land is cultivated by the indigenous inhabitants, it was not terra nullius
- However, it could be extinguished by the government

### 1992 Mabo Case

Slide 4.

- 1992 Mabo Case- the High Court decided that Mer Island was not terra nullius as the natives cultivated the land and the doctrine of Native Title did exist
- Native Title *“the recognition by Australian law that Indigenous people have rights and interests to their land that come from their traditional laws and customs”*
- However it could be extinguished by the government



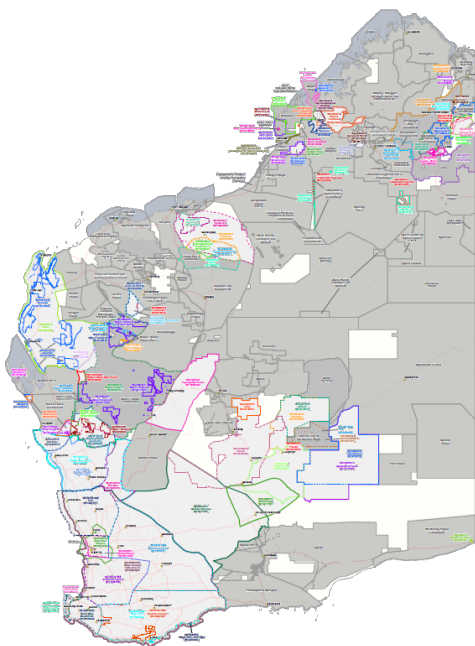
**Development of Native Title**

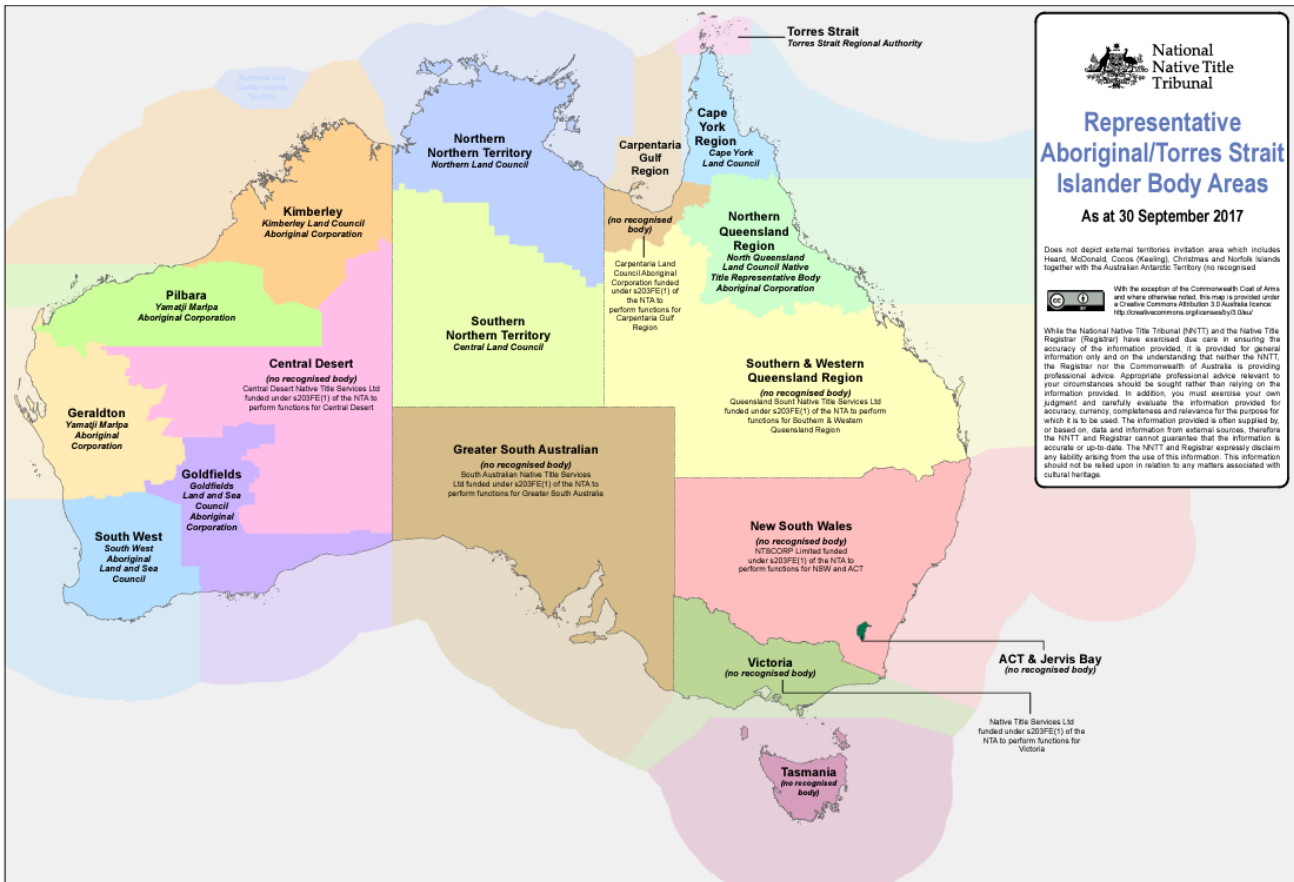
**Slide 5.**

- Native Title Development
  - 1993 Native Title Act - excluded all freehold land from native title
  - 1996 Wik Peoples v Queensland – pastoral leases
  - 2002 WA v Ward (High Court - 4 Judges) – Bundle of rights
    - A native title claim in the Kimberley's
    - Affirms the Wik decision
    - Native title rights can co-exist with some other rights, such as pastoral leases.
    - Native title legislation allows for partial and total extinguishment of native title.
    - Proof is based in traditional laws and customs, not occupation.
    - The Native Title Act recognises these rights and interests
    - Mining Leases don't necessarily extinguish NT
  - 2002 Yorta Yorta v Vic – strict requirement of continuity of connection
  - 2019 Timber Creek case – valued Native Title Rights

**Influences Behind Native Title WA**

**Slide 6.**

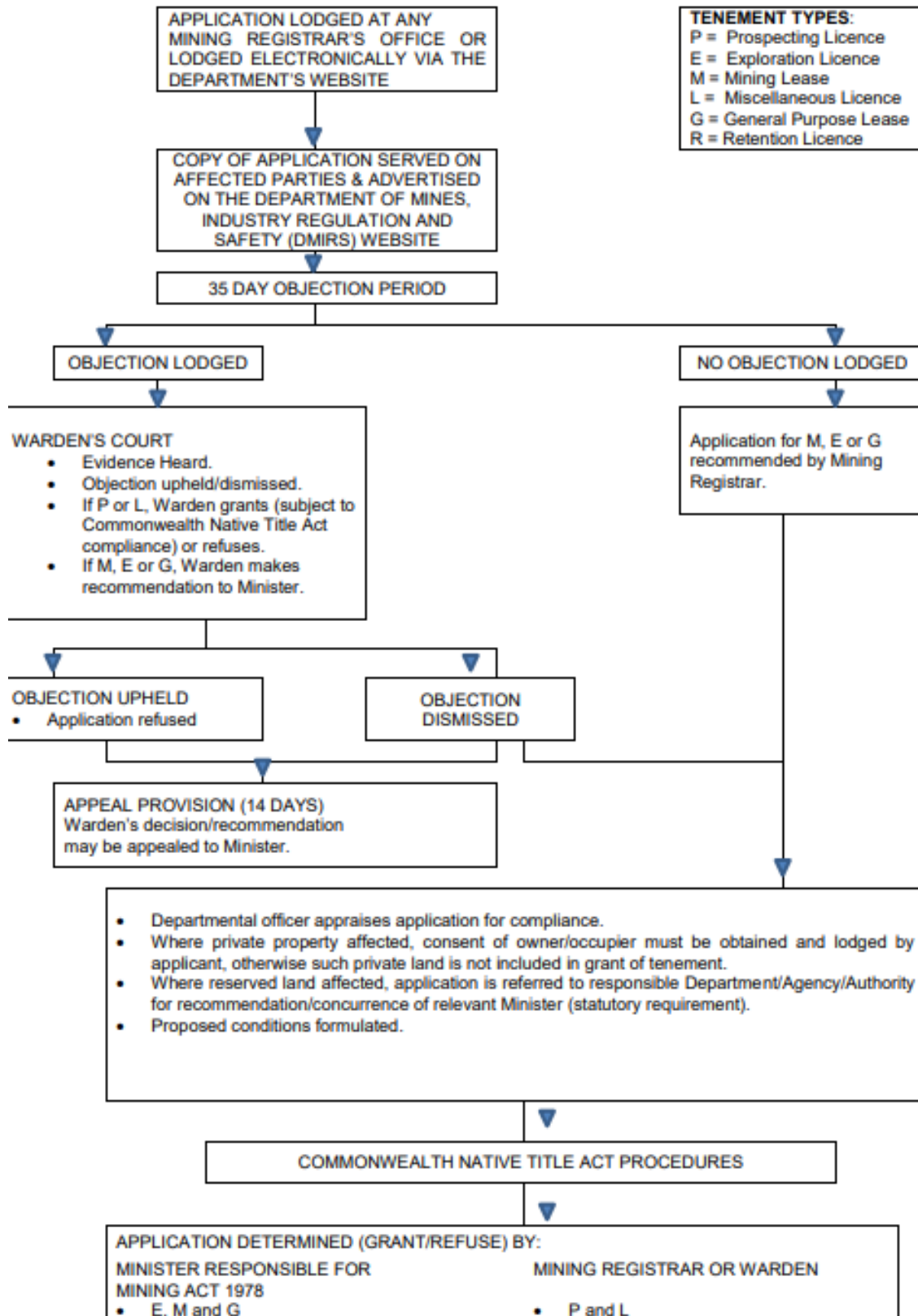




- Lodge Application
- Application Served on Affected Parties
- 35 day Objection period
- If an Objection Lodged referred to the Warden
- Warden Decision
- 14 day to appeal
- DEMIRS reviews application
- Then Referred to the Native Title Process



**PROCESS FOR DETERMINING MINING ACT 1978  
TENEMENT APPLICATIONS**



**Native Title Act Process**

**Slide 9.**

- Grant of a tenement is a “future act”
- A grant of tenement must follow the future act process, by either:
  - The expedited procedure
  - Right to negotiate
  - The Infrastructure procedure s24MD
- Require the signing of an ILUA or RSHA
- Or DEMIRS will deem the tenement is invalid

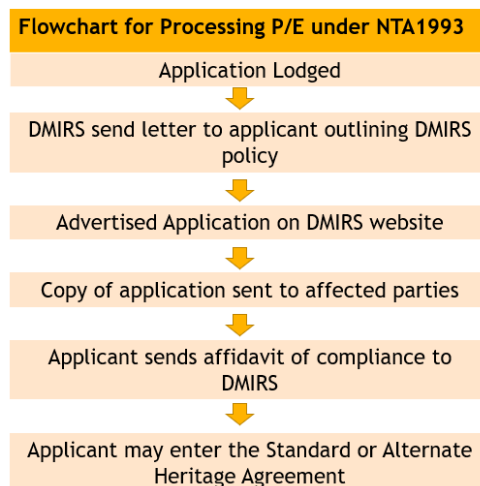
**Expedite Procedure, RSHA and DEMIRS Process**

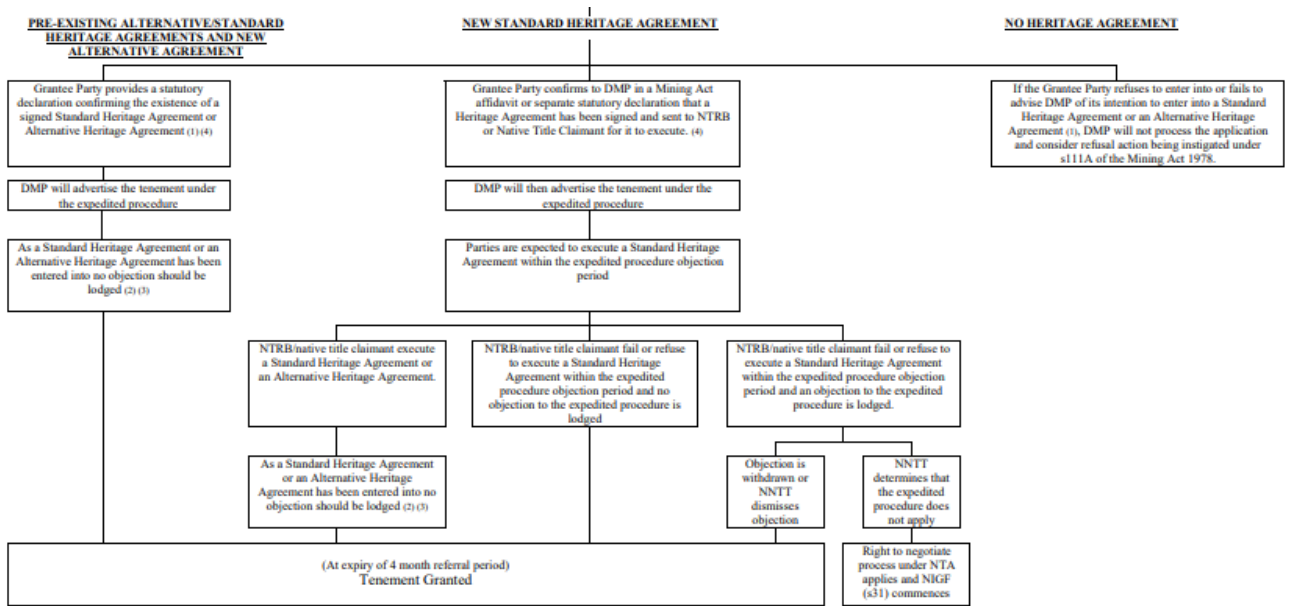
**Slide 10.**

- DEMIRS Fast track process for Es and Ps with the Expedited Procedure
- Expedited Procedure as a fast-track process for the grant of Es, Ps and Ls that have minimal impact on native title
  - not likely to interfere directly with the community or social activities
  - not likely to interfere with areas or sites of particular significance
  - not likely to involve major disturbance to any land or waters concerned
- DEMIRS have Negotiated Regional State Heritage Agreements (RSHAs)
- E or P Applicants sends the NT rep bodies an executed RSHA within 29 days
- The Applicant sends DEMIRS a stat dec of compliance

**Expedite Procedure, RSHA and DEMIRS Process**

**Slide 11.**

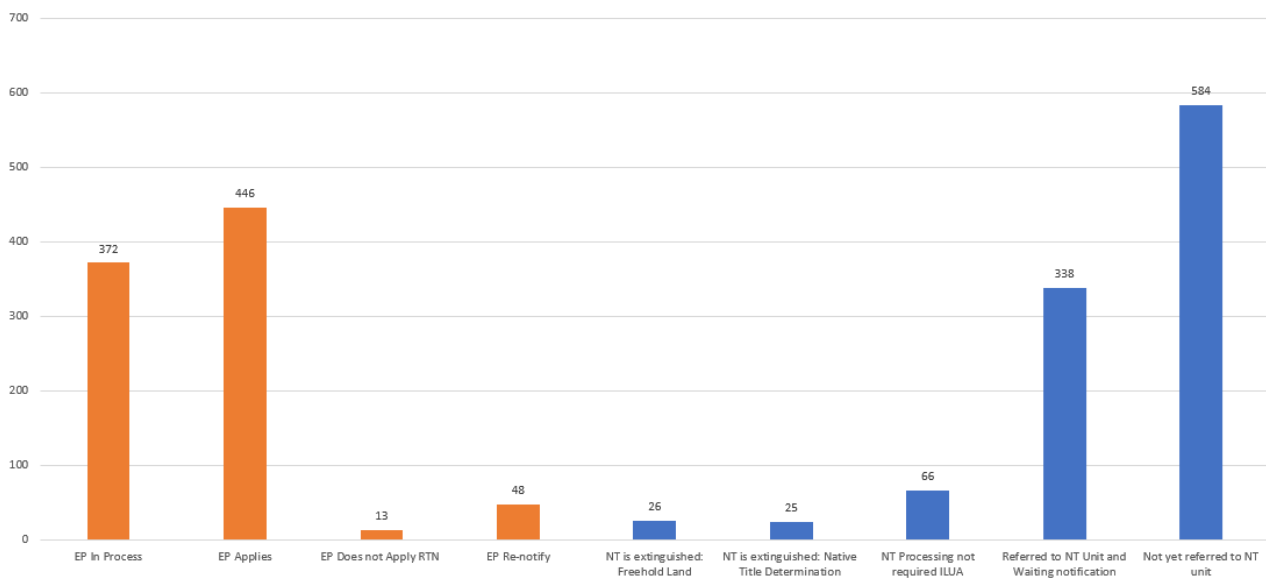




## Expedited Procedure Statistics

Slide 12.

Es, Ps, Ls Subject of Expedited Procedure since Jan 2019 to June 2020



Expedited Procedure - In Process: 372

Expedited Procedure - Applies 446

Expedited Procedure - Does not Apply Right to Negotiate Applies 13

Expedited Procedure - Re-notify 48

Native Title is extinguished: Freehold Land 26

Native Title is extinguished: Native Title Determination 25

Native Title Processing not required ILUA 66

Referred to Native Title Unit and Waiting notification 338

Not yet referred to Native Title unit 584

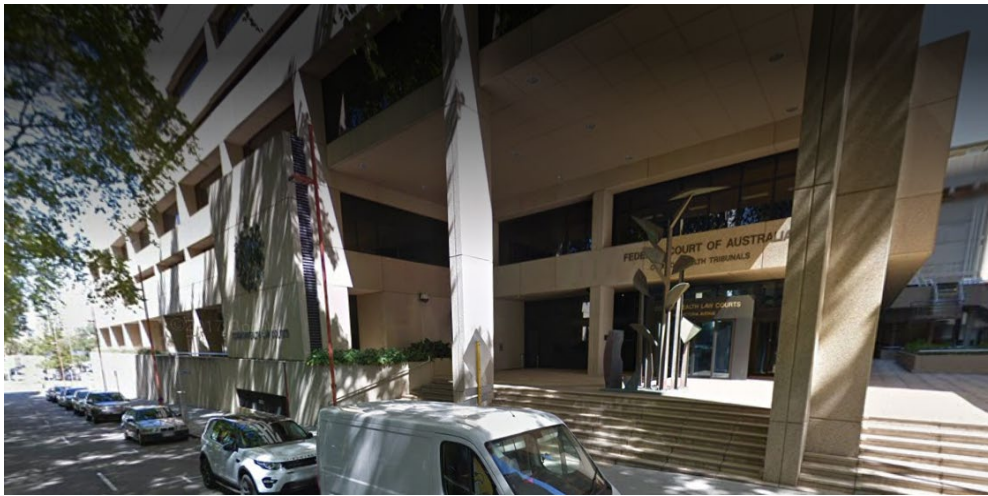
[Native Title Act Process](#)

## Right to Negotiate Process

Slide 13.

- The NTA gives the Native Title Parties the Right to Negotiate with Government and Tenement Applicant
- DEMIRS gives 'Section 29 Notice' to
  - Native Title holders
  - Representative bodies
  - National Native Title Tribunal
  - The grantee and public
- 4 months to negotiate a settlement
- A NT party may register their interest within 3 months

The parties must negotiate in good faith



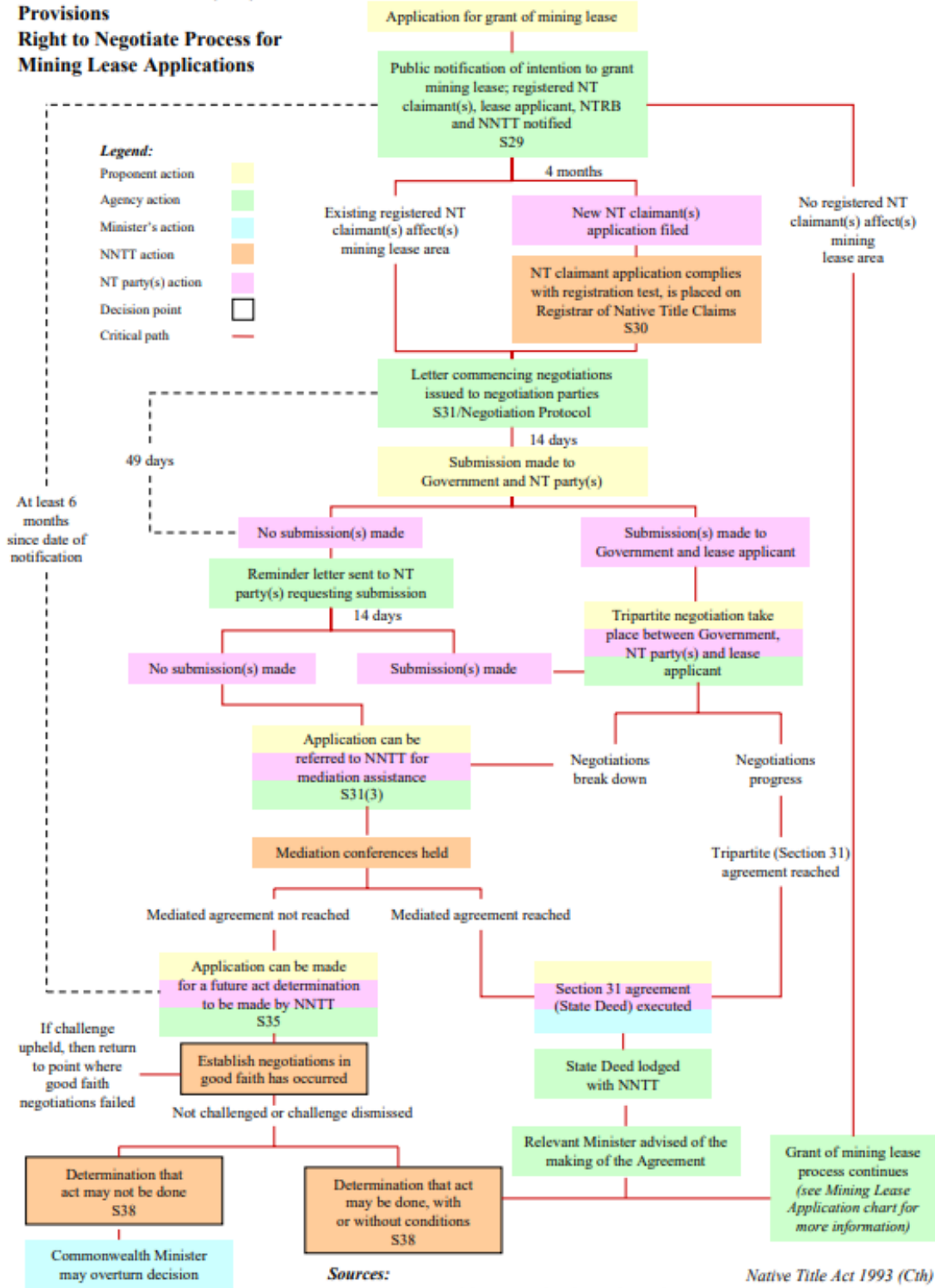
[Links : Aboriginal Heritage and Native Title > 12. Native Title Act Process](#)  
[> 13. Future Act Process for Mining Lease](#)  
[> 14. How to Negotiate in Good Faith](#)  
[> 15. Consultant Guidelines with Indigenous People](#)

## Right to Negotiate Process

Slide 14.

- Flow Chart for Right to Negotiate for the grant of a mining lease
- National Native Title Tribunal can assist the parties to reach agreement through mediation.

**Native Title Act 1993 (Cth) Future Act Provisions**  
**Right to Negotiate Process for Mining Lease Applications**



**Sources:** Native Title Act 1993 (Cth) Negotiation Protocol for Mineral Titles in the Right to Negotiate Process, February 2003

DMIRs Actions	NT Party Actions	M- Applicants Actions	NNTT Actions	Time Period
Public notification of intention to M; NT Party, M applicant, NTRB and NNTT notified S29	NT Claim filed if no Claim exists; Claim must comply with registration test. S30			4 months
Letter commencing negotiations issued to negotiation parties S31/Negotiation Protocol		Submission made to Government and NT Parties		14 days
	Submission made to Government and Applicant			49 days after 4 month period
If no submission made Reminder letter sent to NT party	Submission made			14 days
	Tripartite negotiation take place between Government, NT party(s) and lease applicant			
If no submission the M Application can be referred to NNTT for mediation assistance S31(3)				
	Mediation conferences usually every month			
Negotiation fail, lodge application future act determination to be made by NNTT S35				6 months
			Establish if negotiation in good faith occurred, if challenged begin negotiations again	
If mediation successful, State Deed executed				
State Deed is lodged with NNTT; Minister advised and grant process continues			Not challenged or challenge dismissed determine if M can be granted	

Good Faith Negotiations

- NNTT used the dictionary meaning
- “Good faith” means “honesty of purpose or intention, sincerity”, and “doing what is reasonable in the circumstances”
- “negotiation” can be understood by its dictionary definitions, and “involves communicating, having discussions or conferring with a view to reaching an agreement”
- **Not** good faith negotiation
  - Delaying eg notification and meetings
  - Not communicating
  - Lack of response
  - Not providing information
  - Negotiators lacking authority
  - Failure to accommodate a reasonable position



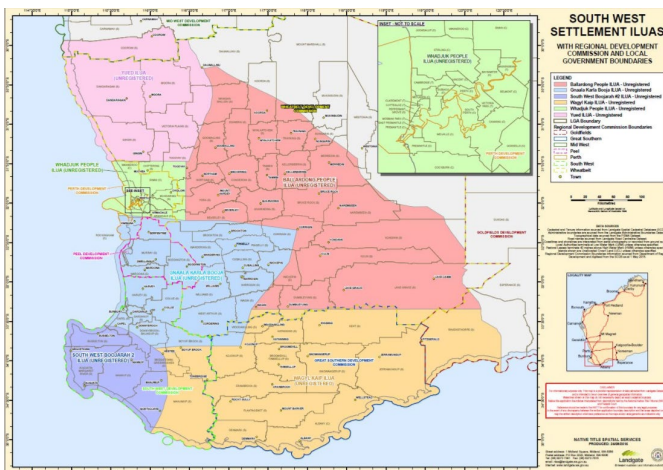
- Infrastructure is defined in s253 of the NTAct and is usually located on an L or G
- The process is under s24MD(6A)(6B) of the *Native Title Act*
- The NT parties are served notice by the L or G applicant
- The applicant provides a stat dec to the Mining Registrar
- The NT Party has 2 months to object
- If Objection lodged parties negotiate
- Search for ground water Ls – DEMIRS notifies NT Party who then get the right to comment



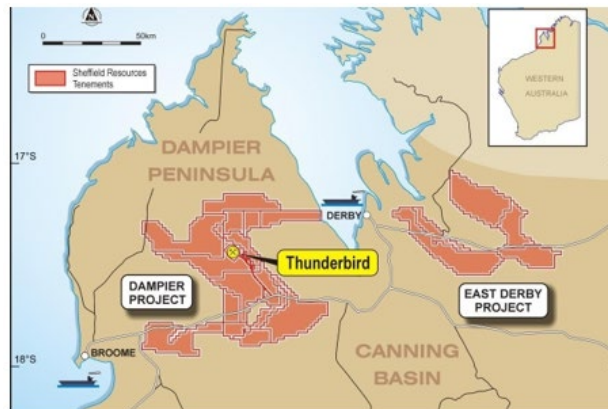
**Indigenous Land Use Agreement**

- An ILUA Contractual Agreement between Native Title Parties and Tenement Applicant
- Tenement granted under ILUA will be valid
- ILUA must be register with NNTT
- 1210 registered ILUAs
- *McGlade v Native Title Registrar*
  - Invalidating ILUAs
- 120 at risk ILUAs

NTA Amendment Act 2021 rectified the *McGlade* case 18/10/2018 – Noogar and WA ILUA Formally accepted to be registered



- 8 August 2014 – DEMIRS gave notice M04/459 was a Future Act Process
  - Jowlaenga applied for Native Title
- 24 October 2016 – No Agreement Sheffield applied to NNTT for decision under s35
- 22 May 2017 – NNTT hearing
  - Sheffield by passed Rep Body KRED and approached NT parties
- 14 June 2017 – NNTT decided Sheffield negotiate in good faith doesn't apply to s35
- 21 September 2017 – Single court judge said good faith doesn't apply to s35
- 8 December 2017 – Full Court disagreed
- 20 February 2018 – NNTT hearing
- April 2018 – Next Hearing
- August 2018 -Decision NNTT & Agreement made
- 1 Nov 2018 - Sheffield and Traditional Owners to Jowlaenga sign an Agreement



[Sheffield Federal Court Case \(good faith negotiations\)](#)

[Sheffield Full Federal Court Case](#)



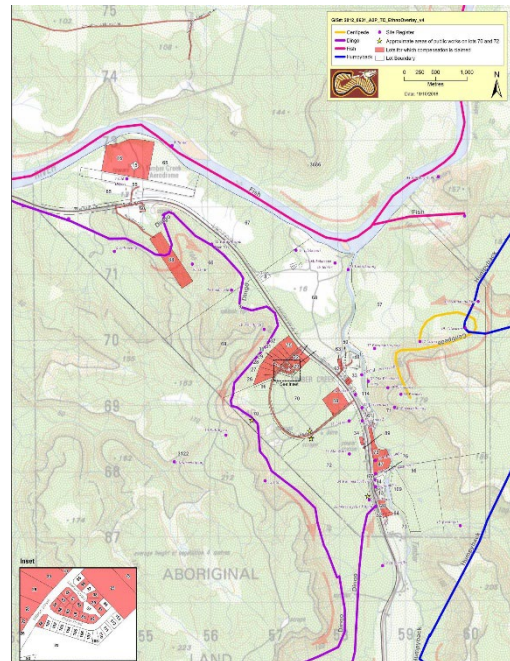
## Timber Creek Decision

Slide 20.

- *Northern Territory v Mr A. Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples*
- Native Title Right 50% value of Freehold Rights \$320,250 plus interest \$910,100
- The interference with the dreaming trails
- “person's perception of and engagement with the Dreamings”
- Compensation for non-economic loss \$1.3

It was compensation for

- loss of native title rights, which was valued at 50% of the freehold value of 127 hectares.
  - economic loss in the sum of \$320,250
  - interest in the sum of \$910,100
- Disturbance of the dreaming paths (cultural loss)
  - Water tank interfered with the dreaming trail n
  - Lots interfered with the dingo dreaming trail
  - A dam interfered with fish dreaming trail
- loss or diminution of traditional attachment to the land or connection to country and for loss of rights to gain spiritual sustenance from the land<sup>1</sup> is the amount which society would rightly regard as an appropriate
  - for cultural loss in the sum of \$1,300,000



## [Timber Creek Case](#)

## Bindunbur Decision

Slide 21.

- Bindunbur Native Title Claim Group v State of WA[2018] FCAFC 238
- In 2013, applications were made by Jabirr Jabirr, Bindunbur and Goolarabooloo people, for determinations of native title to areas in the Mid Dampier Peninsula. The primary judge found that rights and interests arising from a rayi connection (a spiritual phenomenon that can lead to an attachment to a particular place or animal), **were not native title rights** and interests for the purposes of the Native Title Act 1993 (Cth) (NTA)
- The Full Court recognised that while the rayi association may give rise to some limited personal rights and interests, **they were not territorial or proprietary rights**, and therefore did not give rise to rights or interests ‘in relation to the land or waters’ for the purposes of the NTA.
- The High Court found public access to beaches (which is not prevented by the laws of the State) has a legal status to co-exist with native title rights

**Tjiwarl Claim June 2020 settled in March 2022**

**Slide 22.**

- Tjiwarl claim could be more significant than the Timber Creek case
- It's dealing with a different type of land, not around a townsite, over a much larger area, and involving a lot of mining type activity
- will only be valued on the loss by way of incapacity to control the land and to protect the land ... and the market value of the land
- The compensation by the State could be passed on to the tenement holders.



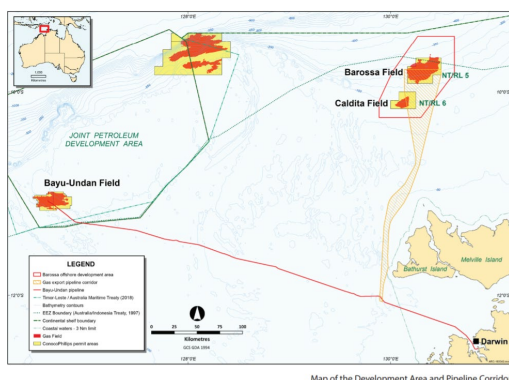
**Barossa Decision**

**Slide 23.**

- *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121
- Federal Court decided that the project be set aside
- NOPSEMA was not lawfully satisfied Santos consulted with each relevant person
- Mr Tipakalippa claimed that he and other traditional owners of the Tiwi Islands, have “sea country” in the Timor Sea
- The dealing with Relevant Persons was not documented or shown to NOPSEMA in line with the Regulations Even though Santo’s report showed such
- Santos was required to cease drilling or Appeal the decision

**Barossa Decision**

**Slide 24.**



**Aboriginal Heritage Act Definitions 1972**

**Slide 25.**

- Conditions on tenements
  - “Abide by the *Aboriginal Heritage Act 1972 (WA)*”
- Standard Native Title Deed – “undertake a heritage survey”
- ILUAs also have the same clause.



**Aboriginal Heritage Act Definitions 1972**

**Slide 26.**

- *Aboriginal Heritage Act 1972 protects*
- *Places*
  - *(a) “any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;*
  - *(b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent”;*
  - *any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest...”*
- *Objects*
  - *“All objects,... sacred, ritual or ceremonial significance to persons of Aboriginal descent, or which are or were used for, or made or adapted for use for, any purpose connected with the traditional cultural life ”*



## Aboriginal Cultural Heritage Act 2021

Slide 27.

- Problems with the old *Aboriginal Heritage Act 1972*
  - Lack of consultation by the authorities
  - Cumbersome appeal process
  - The Minister approves all section 18s (being a request for consent to disturb a site)
  - Under staffing in the ACHM
  - Site recording form inhibits site registrations
  - Staff lack qualifications
  - All decisions reside with the Minister
  - DAA does not monitor or enforce the Act
  - Lack of Knowledge can be used as a defence
- Amending Bill lodged in 2014 and thrown out



[Findings of the Barnsby Report](#)

[Effectiveness of the Aboriginal Heritage Act](#)

[Changes to the Aboriginal Heritage Law](#)

## Juukan Gorge

Slide 28.

- Rio Tinto destroyed a 46,000-year-old heritage site May 2020
- Rio Tinto was granted a section 18 by the Barnett government in 2013, a right which was not affected by the discovery of ancient artefacts such as stone relics.
- While archaeologist Michael Slack described it in his report to Rio as having "the highest archaeological significance in Australia", Mr Chapple summed it up as "the dawning of humanity on record".
- The traditional owners of the Juukan caves, the Puutu Kuntjira and Pinikura (PKKP) people, said they were distressed that their requests the Juukan caves not be detonated were not acted upon by Rio Tinto or federal or state bureaucrats.
- Rio Tinto has apologised for causing this distress, something it said resulted from a "misunderstanding", but is still suffering from the reputational fallout.
- What should Rio have done?



[ABC News Report Juukan Gorge](#)

## Aboriginal Cultural Heritage Act 2021

Slide 29.

- Consultation Paper released in March 2018
- McGowan Labour government drafted the new Aboriginal Cultural Heritage Act 2021 (ACHA)
- Ben Wyatt commenced the ACHA rewrite followed by Steve Dawson
- 11 month co-design process
- Royal assent in December 2021
- The ACHA 2021 commenced 1 July 2023 (Regs and Guidelines finished)
- Premier Roger Cook, announced the repeal of the ACHA 8 August 2023.
- On 15 Nov 2023 the ACHA was repealed, and the **Aboriginal Heritage 1972 Act** was reinstated with some amendments.
- 



## *S18 under 1972 Act*

Slide 30.

- s.17 state that destruction, damage or alterations to an Aboriginal site is a breach of the Act and therefore a criminal offence.
- s.18 provides the landowner with legal consent to cause destruction, damage or alterations to an Aboriginal site and removes the criminality which would exist under s17
- s.18 is sent to the ACHMC who assess the importance and cultural significance of a site that has been submitted.
- The ACHMC submits this notice to the Minister with a written recommendation as to whether consent to the use of land should be given.



## **S18(2) Aboriginal Heritage Act 1972**

**Slide**

**31.**

- The Owner of the Land (tenement) gives notice in writing to the Committee
- That is likely to harm an Aboriginal Site
- The ACHC must evaluate site
- Submit to the Ministers its recommendations
- S18(3) the Minister considers the recommendations
  - And consent or decline the use of the land
  - Publish the notice on the website
  - Inform the owner of the land
- The owner or native title party may appeal to State Administrative Tribunal
- The Minister must be informed of any change in the Aboriginal site

## **Fees s18 Aboriginal Heritage Act 1972**

**Slide**

**32.**

Reg 5

- A person who gives notice to the Committee under section 18(2) of the Act is liable to pay a fee of —
- (a) unless paragraph (b) applies — \$250; or
- (b) if the person is a commercial proponent or government proponent — an amount equal to the sum of — (i) \$250; and
- (ii) \$5 096 multiplied by the number of identified places specified in the notice.



### Fees s18 Supporting Documents

Slide 33.

- Supporting documentation that demonstrates the level of consultation which has been carried out should be submitted as part of the section 18 application.
- This may include, for example:
  - copies of correspondence between the parties (including consultation process and protocols)
  - any presentations given;
  - minutes of any meetings held between the parties; and
  - relevant Aboriginal heritage survey reports.
- Committee may deem it necessary to seek further information
  - from the landowner who gave the notice.
  - from any relevant Aboriginal people.

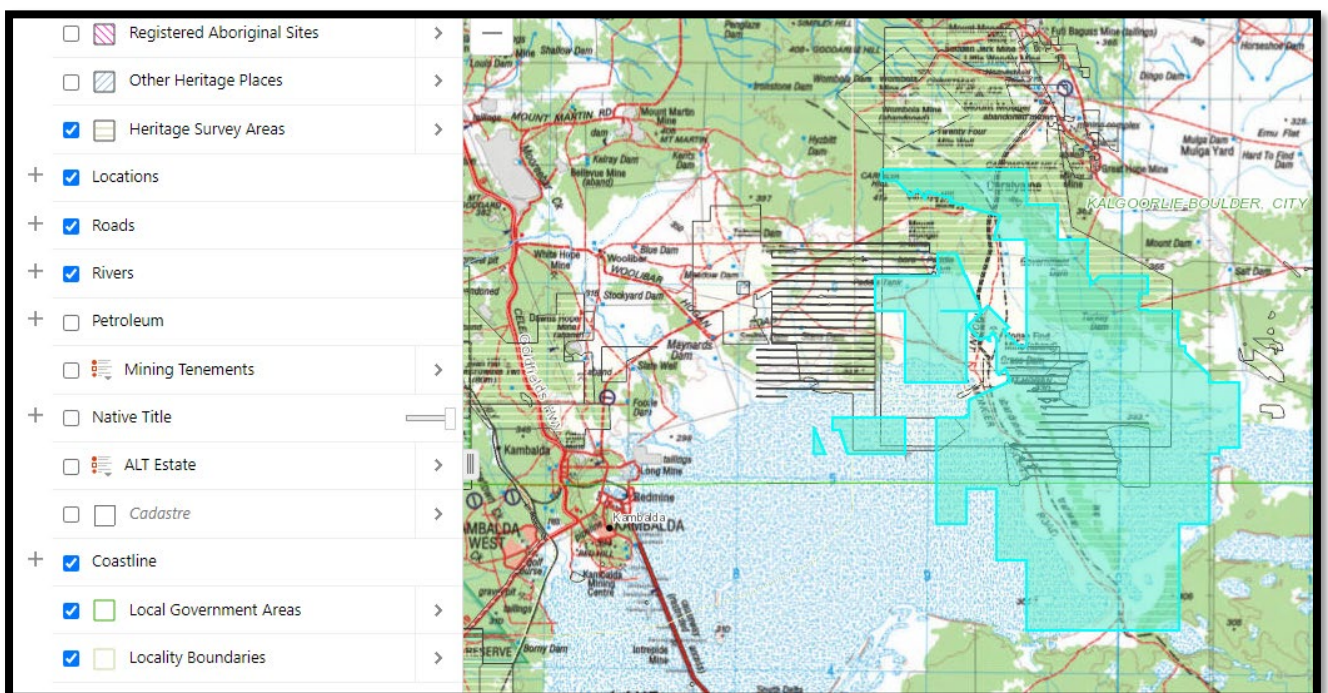
### Change of Tenement Holder

Slide 34.

- Tenement holder that has a s18 consent must on change of ownership must
  - notify the Minister within 14 days of change of ownership
- The Minister may then amend s18
  - Tenement holder within 28 days
    - notify the ACHC
    - Notify the Native Title Party

### Spatial information on Protected Sites

Slide 35.



- <https://www.wa.gov.au/government/document-collections/search-aboriginal-sites-or-heritage-places-ahis>

## Relationships

Slide

36.

Collaborative approach with native title bodies:

- Strengthening relationships through dialogue and negotiation.
- Building trust and fostering a shared understanding of cultural heritage values and aspirations.
- Taking a holistic approach to Aboriginal culture and heritage.
- Deep consultation and listening to Traditional Owners (TOs).
- Exploring opportunities for mutual benefit and providing support, such as business assistance, employment, education, and housing.



## Project Preparation

Slide

37.

- Plan well ahead and engage early and consult frequently and transparently
- Undertake due diligence to understand the heritage landscape
- Negotiate agreements that provide a balance between ACH and project development; are historical agreements relevant
- Can s18s be transferred, can knowledge be shared.





## Preparing for Potential Government Involvement

Slide 38.

- Do current governance systems and processes meet ESG requirements; eg educating employee's to protect ACH
- **Document** all engagements and consultations – important for future s18 to prevent a Barossa Decision
- The EPA assesses the 'social surroundings' as part of the environmental impact assessment process
- Government policy development to address gaps eg expedited procedure, Federal heritage laws.

## Outcomes

Slide 39.

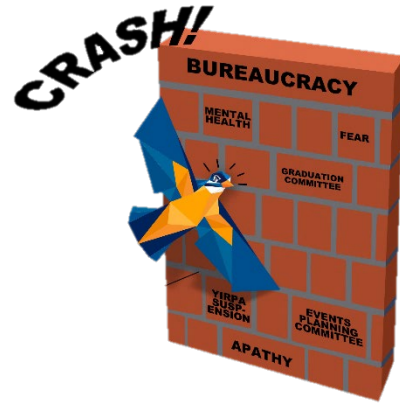
- Participants will be able to:
  - Describe the Development of Native Title from Mabo to the present day
  - Outline the Influences to Native Title in WA
  - Describe how tenement applications in WA are granted under Native Title
  - Define ILUAs and RSHAs
  - Outline the implications of the recent developments of Native Title
    - Sheffield case
    - Timber Creek case
    - Santos - Barrosa v Tipakalippa
  - Understand the current Aboriginal Heritage legislation and issues related to it
  - Understand issues surrounding Aboriginal Heritage Act

## Success Strategies in Tenement Compliance

### Outcomes

Slide 2.

- Participants will be able to understand describe and fulfil the common compliance requirements of tenements in WA.
  - Combined Reporting Groups
  - Mineral Exploration Reporting
  - Rent
  - Rates
  - Expenditure Reporting
  - Exemptions
  - Exemption Committee
  - Application for Forfeiture
  - Compulsory Partial Surrender
  - Extension of Term
  - Renewal Application
  - Caveats and Mortgages



### Expenditure Commitments

Slide 3.

- Prospecting Licence \$40.00 per ha minimum \$2000
- Mining Lease \$100 per ha minimum \$5000 if 5ha or less otherwise \$10,000
- Exploration Licence

Year	Per Block	Min for 1 block	Min for 2 - 5 block	Min for 6 -20 block
1-3	\$1000 per block	\$10,000	\$15,000	\$20,000
4-5	\$1500	10,000	\$20,000	\$30,000
6-7	\$2000	\$15,000	\$30,000	\$50,000 6 to 25 blk
8 onwards	\$3000	\$20,000	\$50,000	\$70,000 6- 23 blocks

### [Fees and Charges](#)

## Combined Reporting Groups

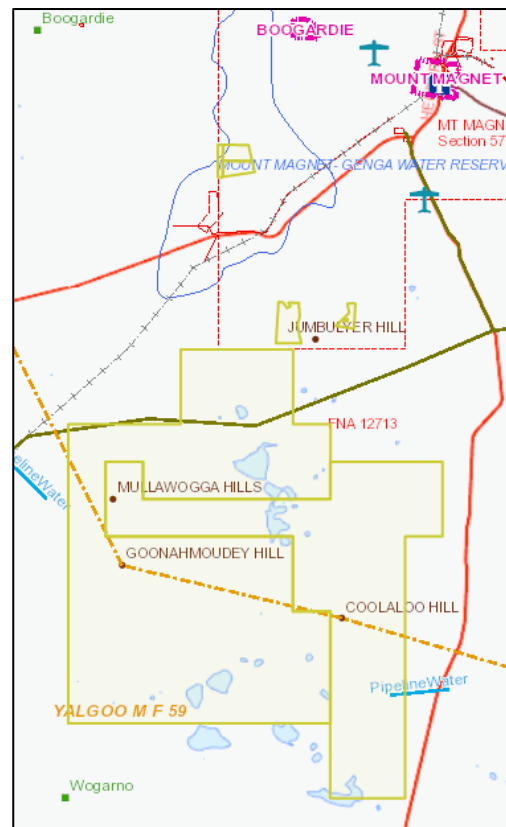
Slide 4.

- Allows Annual Report on a Group of Tenements
- Allow for Exemption from Expenditure on Group of Tenements
- Application Requirements
  - Common geology
  - Contiguous tenure
  - Same holder
  - Max size 300sqkm

Exercise:

In Tengraph Web

- Do a search for 120/2016 Combined Group Report
- Go to Search tools
- Select “Advanced Tenement”
- Select “Combined Reporting Number”
- Input CRG No.
- Select the CRG No. and select “Next”



## [Mineral Exploration Reporting](#)

### Types of Mineral Exploration Reporting

Slide 5.

- E, P, M and R require exploration reporting
- Types
  - Annual Reports
  - Partial Surrender Reports
  - Surrender Reports
- All due within 60 days of anniversary or surrender
- Late lodgement or failure to provide info in 30 days may result in forfeiture or fine

## [Guidelines for Mineral Exploration Reporting](#)

### Rent and Rates

Slide 6.

- Rent paid annually – with in 1 month of anniversary
- If not paid listed in Government Gazette
- Monitor Government Gazette
- Based on Unimproved value (UV) for an E is 2.5 X rent

- Each shire charge a different differential rate e.g. 0.12
- Valuer General fixes the UV rates 1 August which are the previous year's valuation (before the DEMIRS CPI increase)
- The complicating factors to interpreting and applying this are:
  - the timing of the exploration licence grant dates;
  - what is to be taken as the first years rent because of the CPI increases; and
  - the reduction in the size of exploration licences
- To cater for this the shire issues an interim rates notice



**They raised our rates 25% for adding a bird bath**

[Government Gazette](#)

[Fees and Charges](#)

[Shire Rates Explained](#)

## Expenditure Reporting

- A Form 5 required to be lodged 60 days after anniversary
- Extension of time
- Expenditure period cut off
- Overheads 20%
- Allowable Form 5 expenditure refer to Link 10

Slide 7.

Form 5  
WESTERN AUSTRALIA  
Mining Act 1976  
(Chaps. 11, 16, 19B, 22 and 115A)  
(Regs. 16, 22, 23B, 32, 98B and 99C)

**OPERATIONS REPORT – EXPENDITURE ON MINING TENEMENT**  
(To be completed in accordance with instructions)

Annual:  Final:   
 Tenement Type:  Number:  /   
 Reporting Period: From:  /  /  To:  /  /

**MINERAL-EXPLORATION AND/OR MINING ACTIVITIES**

**A. MINERAL-EXPLORATION ACTIVITIES:** \$

**B. MINING ACTIVITIES:** \$

**C. ABORIGINAL HERITAGE SURVEYS:** \$

**D. ANNUAL TENEMENT RENT AND RATES:** \$

**E. ADMINISTRATION/OVERHEADS:** \$

**F. (OTHER) LAND ACCESS/NATIVE TITLE COSTS:** \$  \$

**TOTAL EXPENDITURE:** \$

**PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES**

**TOTAL EXPENDITURE:** \$

(As to E. ON ATTACHMENT 2)

A copy of this page of the Operations Report and Attachment 1 titled "Summary of Mineral-Exploration and/or Mining Activities" or Attachment 2 titled "Summary of Prospecting and/or Small Scale Mining Activities" may be obtained by any person on the payment of the prescribed fee in accordance with regulation 96(2).

Full name and address of holder:

NAME:   
 ADDRESS:

Full name and address of manager of mining tenement under option or lease (where applicable):

NAME:   
 ADDRESS:

Let lessor details of the mineral-exploration report:

Mineral-exploration report (for single tenement):  
 Title:

Combined mineral-exploration report (for group of two or more tenements):  
 Title:

Combined reporting number for tenement group:  C /  /   
 Combined reporting date for group:  /  /

I certify that the information on pages 1 and 2 and in Attachment 1 "Summary of Mineral-Exploration and/or Mining Activities" or Attachment 2 "Summary of Prospecting and/or Small Scale Mining Activities" constitutes a true and correct statement of the operations carried out and monies expended on this mining tenement during the reporting period specified.

Signature (holder or agent of agent), full name and address of agent:  Date:  /  /

**MINERAL COMMODITY SOUGHT ON TENEMENT**

Gold \$   Diamond \$   
 Silver \$   Mineral Sands \$   
 Nickel/Cobalt \$   Other (specify): \$   
 Copper/Lead \$   Zinc/Sulphur \$

This page is not to be copied in conjunction with regulation 96(2).

**ATTACHMENT 1 – SUMMARY OF MINERAL-EXPLORATION AND/OR MINING ACTIVITIES** **ATTACHMENT 2 – SUMMARY OF PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES**

(1) The attachments to the Form 5 are to provide a summary of the activities carried out and the cost of such activities. The Attachments 1 and 2 are to be completed by the person who is responsible for the operations on the mining tenement. The Attachments 1 and 2 are to be completed in accordance with the instructions. The Attachments 1 and 2 are to be completed in accordance with the instructions. The Attachments 1 and 2 are to be completed in accordance with the instructions.

(2) A copy of Attachments 1 or 2 will be provided together with a copy of the first page of the Form 5 to any person on payment of the prescribed fee.

This operations report is not to be copied in conjunction with regulation 96(2).

**ATTACHMENT 1**  
SUMMARY OF MINERAL EXPLORATION AND/OR MINING ACTIVITIES  
(To complete in accordance with instructions)

Tenement Type:  Number:  /   
 Reporting Period: From:  /  /  To:  /  /

**A. Mineral-Exploration Activities**

\$

**B. Mining Activities (Development and Production)**

\$

**C. Aboriginal Heritage Surveys**

\$

**D. Annual Tenement Rent and Rates**

\$

**E. Administration and Overheads**

\$

**F. Land Access/Native Title**

\$

**TOTAL EXPENDITURE** \$

A copy of this page can be obtained by any person on the payment of the prescribed fee in accordance with regulation 96(2).

[DMP Guidelines Form 5 Reporting Applying for Exemption](#)

[Allowable Form 5 Expenditure](#)

## Expenditure Reporting (cont.)

Slide 8.

### Holder required to met expenditure commitment

#### INSTRUCTIONS FOR THE COMPLETION OF FORM 5

1. The Form 5 "Operations Report" and mineral exploration report are required to be lodged annually for each mining tenement within sixty (60) days from the anniversary or surrender date of the mining tenement (or such further period as may be approved by the Minister prior to the expiry of that period).

These reports should be lodged at any mining registrar's office.

**N.B.** A mineral exploration report is not required if the general prospecting activities detailed in Attachment 2 are the only activities carried out.

2. The Form 5 and attachments must show expenditure incurred on the activities undertaken during the annual period of the mining tenement or the period up to surrender and may be varied according to the type of activities undertaken –

- (a) for mineral-exploration and/or mining activities (see 3 below); and/or
- (b) for general prospecting and/or small scale mining activities (see 4 below).

3. For mineral-exploration and/or mining activities, the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 1 to provide details of the cost and description for each activity (see A and B below for examples of the activities to be shown). The full cost of Aboriginal heritage surveys is allowed (see C below). Administration/overheads/land access/native title costs are not to exceed 20% of the minimum expenditure commitment, or the total of expenditure incurred on activities, whichever is the greater (see E and F below for the costs that can be claimed). Full details and results of mineral-exploration activities are required to be submitted in a mineral-exploration report (see 6 to 8 below).

4. For all other general prospecting activities (i.e. non-geoscientific activities such as metal-detecting, loaming, panning, dollying, dry-blowing, trenching, plant and equipment hire, own labour costs) the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 2 to provide details of prospecting and/or small scale mining activities.

#### A. MINERAL EXPLORATION ACTIVITIES

**Geological activities:** geological mapping, sampling, drilling supervision, core logging, non-core drill-sample logging, geological data processing and interpretation, petrology, planning of exploration programs, report preparation; where appropriate, general prospecting can be added here.

**Geochemical activities:** geochemical sampling, analysis of surface geochemical samples or subsurface drilling samples, geochemical data processing and interpretation. ALSO show number of samples collected.

**Geophysical activities (surface/subsurface):** ground geophysical surveys, downhole logging, geophysical data processing and interpretation.

**Airborne geophysical activities:** aerial survey costs, geophysical data processing and interpretation.

**Remote sensing activities:** aerial photography, remote sensing images, photo interpretation, image processing and interpretation.

**Mineralogical activities (exploration for diamonds, heavy mineral sands, etc.):** bulk sampling, mineral separation, mineralogy and analysis of diamond indicator minerals or other minerals.

**Surveying activities:** gridding, line clearing, grid tie-in, tenement boundaries, etc.

**Core drilling:** diamond drilling costs (including pre-collar open-hole non-core drilling), access road and drill-site preparation; ALSO show metres drilled and number of holes completed.

**Non-core drilling:** drilling costs, access road preparation; ALSO show metres drilled and number of holes completed. Costs for deep geochemical sampling by auger or air-core drilling can also be shown here.

**(N.B.** Specify drilling for groundwater supply.)

**Costeasing:** plant and equipment hire for trenching and bulk sampling.

**Field supplies:** exploration equipment, consumables and supplies, plant and equipment hire, fuel, oil, etc., depreciation of direct exploration equipment, wages for non-professional field personnel.

**Drafting activities:** drafting equipment, consumables and supplies, salaries for drafting personnel.

**Travel:** travel costs directly associated with mineral exploration activities conducted on the tenement.

**Field camp activities:** establishment and maintenance of exploration base camps, food and accommodation, vehicle costs, contractor helicopter support.

**Environmental:** environmental studies.

**Feasibility study activities:**

**Rehabilitation activities:**

#### B. MINING ACTIVITIES (DEVELOPMENT AND PRODUCTION)

Mine planning, open-cut mining, underground mining, shaft sinking, decline construction, underground drilling, pre-blast bench drilling, ore treatment, construction and maintenance of ore stockpiles, waste dumps, tailings dams and dumps, etc. ALSO show tonnes mined or treated. Any costs associated with care and maintenance on an idle mining operation can also be shown here.

[C.deleted]

#### D. ANNUAL TENEMENT RENT AND RATES

Rental and local government rates, paid in connection with the mining tenement each year.

#### E. ADMINISTRATION AND OVERHEADS

All non-field activities such as head office costs, accounting, mining tenement management, administration, research, literature studies, training, etc.

## **F. LAND ACCESS/NATIVE TITLE**

All other native title and land access costs including private land access costs but excluding payments for compensation.

**N.B.** The amount allowed under E and F not to exceed 20% of the minimum expenditure commitment or the total expenditure incurred on activities, whichever is the greater.

### [Guidelines Exemption from Expenditure](#)

#### **Expenditure Reporting (cont.)**

**Slide 9.**

- r96C lists as Expenditure
  - Aboriginal heritage surveys even while the tenement is an application.
  - Rehabilitation even in connection with a tenement.
  - Annual rent and rates.
  - Administration and land access costs up to 20% of commitment or 20% of total expenditure, whichever is greater
  - Cutting and polishing minerals
  - Aerial surveys

### [Focus v Brosnan commentary](#)

### [Focus & Others v Brosnan & Others 2020WAMW4](#)

#### **Expenditure Reporting (cont.)**

**Slide 10.**

- The courts hold the following as expenditure (M Hunt *Mining Law WA* 4th Edition Federation Press p181):
  - Cost of travel to and from the tenement except for viewing
  - Cost of accommodation and field supplies except where they are normal living expenses
  - Drilling costs
  - Metal detecting, dollying, panning and sampling except when taken place at home. Note that the Warden used the value of person's time as ascribed in *Minimum Conditions of Employment Act 1993*
  - Cost of plant and equipment in the year of purchase
  - Earth moving equipment hire including environmental rehabilitation and walking it into a tenement but not off the tenement
  - Stationery and office equipment
  - Maps and plan printing
  - Evaluation and assessment of geologists (desk top studies), geological reporting, core storage, tenement administration: see *Commercial Properties P/L v Italo Nominees P/L*
  - Tools and equipment
  - Wages and supervisory work
  - Payment is not required as long as a liability is incurred eg a geologist writing a report.
- [Guidelines Exemption from Expenditure](#)

## Disallowed Expenditure

Slide 11.

- The following is deemed not expenditure:
- r96C states
  - Marking out a mining tenement
  - Costs associated with the sale of mining tenement
  - Research not related to a specific tenement
  - Compensation payments
- The courts have deemed the following is not expenditure
  - Depreciation of plant and equipment *Craig v Spargos Exploration NL* (M Hunt doubted the authority of this decision)
  - Caretakers expenses; though where a caretaker was undertaking mining related activities (environmental monitoring) it was deemed allowable
  - Loss on sale of fixed assets
  - Research by the holder
  - An optionee conducting research on whether to exercise the option. Also applied for a due diligence by a prospective purchaser
  - Food and accommodation that are normal living expenses
  - Share of gold paid to a tributer
  - Expenses relating to use of the mineral after production eg marketing and freight
  - Hire of ones own vehicle

## Exemption Application

Slide 12.

- An exemption allows the holder not to meet the expenditure commitment
- An exemption can only be requested for specific reasons under s102
- The exemption must be lodged within 60 days of the anniversary. R54(1a) (Note that DEMIRS interpret this as 59)
- A statutory declaration within 28 days of the application
- The exemption application has a fee (see the fee guidelines for details in 2024 is \$591 for E, \$494 for a P, \$459 for an M)





## Reasons for Exemption

Slide 13.

- The title to the mining tenement is in dispute: s102(2)(a)
- Time is required to evaluate work done, to plan future exploration or mining or to raise capital: 102(2)(b)
- Time is required to purchase and erect plant and machinery: 102(2)(c)
- The ground of the tenement is for any sufficient reason unworkable: s102(2)(d)
- The ground of the mining tenement contains a mineral deposit which is uneconomic but may become economic or market problems make the mining unviable: s102(2)(e)
- The ground of the mining tenement contains ore required to sustain future operations of an existing or proposed mining operation:s102(2)



## Reasons for Exemption (cont.)

Slide 14.

- Political, environmental or other difficulties in obtaining requisite approvals prevent mining or restrict it in a manner that is, or subject to conditions that are impracticable: s102(2)(g)
- The tenement is comprised within a project involving more than one tenement and that expenditure on a tenement or tenements in that project would have been such as to satisfy the expenditure requirements in relation to the tenement concerned had that aggregate expenditure been apportioned in respect of the various tenements comprised in this project s102(2)(h)
- S102(3) The Minister may grant an exemption for any other reason other than those set out above, which, in his opinion, is sufficient to justify an exemption
- s102A the holder of an exploration licence authorised to explore for iron ore may apply for an exemption
- Task: Exemption Application
- Go to MTO select "Online Transactions" select 'Compliance Related Transactions' select 'Apply for Exemption from Expenditure' selected a granted exploration licence number from LandTracker maps or use E77/2423

## Tips for an Exemption Application

Slide 15.

- Put as many reasons as possible on the Exemption Application Form
- Always request for the full amount of expenditure,
- In the supporting letter and stat dec all statements need to be supported by evidence
- Always add 102(3) "*any reason the Minister may see fit*" to justify an exemption and add in as many reasons you can possibly think of
- When writing the supporting letter quote the section and follow up with the reasoning so there is no mistake about which section and what reasons are being used.

- Look at the Exemption from Expenditure Application
- Look at the supporting statutory declaration
- Identify the faults in the documents

#### Ten Commandments for Plain Language Drafting

1. Consider your reader and write with their point of view in mind.
2. Write short sentences.
3. Say what you have to say, and no more.
4. Use the active voice.
5. Use simple, "everyday" words.
6. Use words consistently.
7. Avoid strings of synonyms.
8. Avoid unnecessary formality.
9. Organize your text:
  - in a logical sequence,
  - with informative headings, and
  - with a table of contents for long documents.
10. Make the document attractive and designed for easy reading.

## Exemption Appraisal

Slide 17.

- The Exemption Committee
  - Jutta Pagel of GSWA
  - Exemption Officer
  - Manager Compliance unit Mineral Titles Division
- If an Exemption is refused DEMIRS
  - Commence Forfeiture Proceedings
  - Ask for another submission for the Minister
  - Impose fine of 20% shortfall of expenditure
  - In the next instance 40% then 60%
    - see M29/270 for an example
  - Usually refused after 3 exemptions
  - Ps referred to the Warden
- Applicant's submissions should list proposed exploration



## Application for Forfeiture

Slide 18.

- A plaintiff will gain the tenement from you by:
- Lodging an Objection to Exemption Application (must be lodged with 35 days can be lodged electronically)
  - 14 day to serve notice of the Objection
- 8 months after anniversary to serve Application for Forfeiture
- Warden hears the Objection and Application for Forfeiture if lodged
- Warden makes recommendation to the Minister
- May impose a fine instead of forfeiture
- Applicant has 14 days to mark out the tenement
- Once an application for forfeiture has been lodged, there is a pro-rata reduction in the annual expenditure amount rounded to each whole month r52



## Partial Surrender Exploration Licences

Slide 19.

- E applied before 10 Feb 2006 reduced 50% 3rd and 4th year (23 ungranted Es still exist)
- E of 11 blocks or more applied after 10 Feb 2006 reduced 40% in 6th year
- No exemptions from partial surrender for Es applied after 10 Feb 2006
- Remaining E not more than 6 discrete areas
- Previously surrendered areas count
- An exemption from surrender for pre 10 Feb 2006 Es is available
- To find the reasons for an exemption from partial surrender look in *Transitional Provisions of the Mining Act 1978* as amended by the *Mining Amendment Act 2012*
- Can be lodged online, though Form14 must be executed

[Policy Guidelines Compulsory Partial Surrenders](#)

[Partial Surrender Wiki](#)

## Exemption from Partial Surrender

Slide 20.

- (a) difficulties or delays-
- (i) occasioned by law; or
  - (ii) arising from administrative, political, environmental or other requirements of governmental or other authorities,
  - (iii) a requirement to conduct an Aboriginal heritage survey
  - (iv) in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease; or
  - (v) in gaining access because of unfavourable climatic conditions, the exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease, could not be undertaken or completed or is restricted or impracticable;
- (b) work already carried out under the licence justifies further exploration
- “Voluntary Partial Surrenders” negates a moratorium for release
  - Surrender of land during the term offsets the area when it is required to be surrendered

## Extension of Term Exploration Licence

Slide 21.

- Pre 10 Feb 2006
  - Es s61(2) period 5 yrs renewed for 1 or 2 years twice (then 1yr thereafter)
- Post 10 Feb 2006
  - Es 5 years then 5 yrs
  - then twice for a period of one or 2 yrs; and
  - thereafter periods of 1 year
- The E remains in force until the DEMIRS makes a decision about extension application
- r23AB Grounds for Extension of E on next slide

[Exploration Licence Extension of Term Policy](#)

- r23AB
  - (a) by reason of difficulties or delays —
    - (i) occasioned by law; or
    - (ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere; or
    - (iia) arising from a requirement to conduct an Aboriginal heritage survey on the land; or
    - (iii) in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease in relation to any part of the land; or
    - (iv) in gaining access to the land because of unfavourable climatic conditions, the exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the land, could not be undertaken or completed or is restricted in a manner that is, or subject to conditions that are, for the time being impracticable;
  - (b) the land the subject of the licence has for any reason the Minister considers sufficient been unworkable for the whole or a considerable part of any year of the term;
  - (c) work already carried out under the licence justifies further exploration;
  - (d) if the exploration licence has retention status, the grounds for approval of retention status under section 69B continue to exist



- s61 & r23A Must be made in the last year on a Form 9
- Accompanied by
  - 12 months Rent (amended in Dec 2019 and not required)
- Within 14 days of lodging the application
  - information in support of the extension
  - a summary of work
  - a detailed programme of work
- Retention Licence Renewal to be accompanied by
  - Report on exploration
  - Proposed exploration
  - Programme of Work
  - Stat Dec why the mineral resource could not be mined

## Extension of Term Prospecting Licence

Slide 24.

- Originally Ps only had a 4 year term with no renewal
  - Ps applied for after 10 Feb 2006 may be renewed for 4 years
  - Mining amendments 2 February 2013, Ps applied for before 10 February 2006 and currently in force are able to apply for a renewal
  - The reasons for renewal are the same as Es
- Task: What can we do if a Ps 8 year term is ending?

### [Prospecting Licence Extension of Term Policy](#)

Slide 25.

## Mortgages and Caveats

- Need to demonstrate an indefeasible interest
  - Not necessarily a joint venture agreement
- A tenement or share in a tenement can be mortgaged a security for the payments of money advanced of for the discharge of liability
- Priority is given to the first mortgage lodged
- If a mortgage is lodged a tenement cannot be transferred

## Mortgages and Caveats

Slide 26.

- Provides protection for a holder of an interest if mining tenement that is unregistered.
  - eg Farmin Agreements
  - Unlodged transfers, or mortgages
- Caveats prevent registration of dealings- DEMIRS gives 14 days' notice
- Types of Caveats
  - Absolute Caveats
    - Prevents registration of dealings
    - Prevents surrender of tenements
  - Subject to Claim Caveats
    - Allows other mentioned interests in the tenement
  - Consent Caveats
    - Cover "any matters connected with holders' interest in tenements" eg Farmin and Royalties
    - Though the courts have regarded royalties as contractual rights not an "interest in a tenement" or otherwise a proprietary right.

- We have covered
  - Combined Reporting Groups
  - Mineral Exploration Reporting
  - Rent
  - Rates
  - Expenditure Reporting
  - Exemptions
  - Exemption Committee
  - Application for Forfeiture
  - Compulsory Partial Surrender
  - Extension of Term
  - Renewal Application
  - Mortgages and caveats

## Excel for Tenements

### Outcomes

- Absolute versus relative cell referencing
- Sort and filter
- Pivot Tables and charts
- Formulas
- Left
- If, nested if, iserror
- Vlookup
- Macro Recording and add to button
- Text to columns
- Remove duplicates
- Conditional formatting

Slide 2.

[Excel Files for download](#)

[Macros video](#)

### Absolute Versus Relative Referencing

Slide 3.

#### Relative Cell Referencing

	A	B
1	TenementID	
2	E 04/1610	
3	E 04/2299	
4	E 04/2325	
5	E 04/2415	
6	E 04/2416	
7		

	A	B
1	TenementID	
2	E 04/1610	<-- Do Something Here
3	E 04/2299	
4	E 04/2325	
5	E 04/2415	
6	E 04/2416	
7		

	A	B
1	TenementID	
2	E 04/1610	<-- Do Something Here
3	E 04/2299	Copy To Here
4	E 04/2325	
5	E 04/2415	
6	E 04/2416	
7		

	A	B
1	TenementID	
2	E 04/1610	<-- Do Something Here
3	E 04/2299	<-- Do Something Here
4	E 04/2325	<-- Do Something Here
5	E 04/2415	<-- Do Something Here
6	E 04/2416	<-- Do Something Here
7		



### Absolute Versus Relative Referencing

Slide 4.

- How do we calculate the amount of allowable Admin on Commitment?
- How much are we required to spend?

	A	B	C	D	E
1	Tenement	Next MTO Commitment	Allowable Admin	Required Spend	
2	E 04/1610	\$126,000.00	=B2*0.2		
3	E 04/2415	\$20,000.00			
4	E 04/2462	\$28,000.00			

### Absolute Versus Relative Referencing

Slide 5.

	A	B	C	D	E
			Allowable Admin	Required Spend	
			=B2*0.2		
1	Tenement	Next MTO Commitment	Allowable Admin	Required Spend	
2	E 04/1610	\$126,000.00	\$25,200.00	=B2-C2	
3	E 04/2415	\$20,000.00			
4	E 04/2462	\$28,000.00			

### Absolute Versus Relative Referencing

Slide 6.

	A	B	C	D	E
1	Tenement	Next MTO Commitment	Allowable Admin	Required Spend	
2	E 04/1610	\$126,000.00	\$25,200.00	\$100,800.00	
3	E 04/2415	\$20,000.00			
4	E 04/2462	\$28,000.00			

### Absolute Versus Relative Referencing

Slide 7.

So let's use a cell as a reference point:

	A	B	C	D
1	Admin Allowed	20%		
2				
3				
4	TenementID	Next MTO Commitment	Allowable Admin	Required Spend
5	E 04/1610	\$126,000.00		
6	E 04/2415	\$20,000.00		
7	E 04/2462	\$28,000.00		
8	E 04/2489	\$68,000.00		

**Absolute Versus Relative Referencing**

Slide 8.

So let's use a cell as a reference point and fill down:

	A	R	C	D
1	Admin Allowed			
2		Admin Allowed	20%	
3				
4	TenementID			
5	E 04/1610	TenementID	Next MTO Commitment	Allowable Admin Required Spend
6	E 04/2415	E 04/1610	\$126,000.00	\$25,200.00
7	E 04/2462	E 04/2415	\$20,000.00	=B2*B6
8	E 04/2489	E 04/2462	\$28,000.00	
		E 04/2489	\$68,000.00	
		E 15/1502	\$70,000.00	

**Absolute Versus Relative Referencing**

Slide 9.

How to fix: Absolute reference

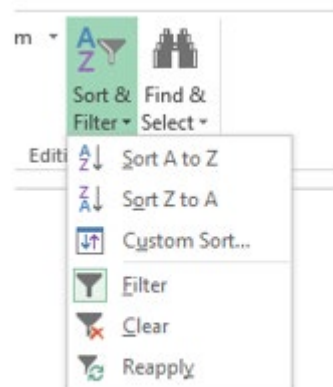
	A	B	C	D	E
1	Admin Allowed	20%			
2					
3					
4	TenementID	Next MTO Commitment	Allowable Admin	Required Spend	
5	E 04/1610	\$126,000.00	=B\$1*B5		
6	E 04/2415	\$20,000.00			
7	E 04/2462	\$28,000.00			

Autofill:

	A	B	C	D
1	Admin Allowed	20%		
2				
3				
4	TenementID	Next MTO Commitment	Allowable Admin	Required Spend
5	E 04/1610	\$126,000.00	\$25,200.00	
6	E 04/2415	\$20,000.00	=B\$1*B6	
7	E 04/2462	\$28,000.00	\$5,600.00	
8	E 04/2489	\$68,000.00	\$13,600.00	
9	E 15/1502	\$70,000.00	\$14,000.00	

Sort and Filter

- Use Sort & Filter on contiguous ranges of data
- Filter using the check marks
- Text
- Date
- Sort on a single field
- Sort using the Custom Sort



Pivot Tables

Slide 12.

Tenement	Code	Status	Commen	Expiry	Current Area	Holders
E 04/1610	E 0401610	Live	4-Sep-07	3/09/2019	42 BL	Metalicity Limited
E 04/2299	E 0402299	Pending			48 BL	Strategic Metals Pty Ltd
E 04/2325	E 0402325	Pending			91 BL	Strategic Metals Pty Ltd
E 04/2415	E 0402415	Live	13-Jun-17	12/06/2022	17 BL	Poz Minerals Limited
E 04/2416	E 0402416	Pending			34 BL	Poz Minerals Limited
E 04/2451	E 0402451	Pending			143 BL	Baracus Pty Ltd
E 04/2462	E 0402462	Live	11-Sep-17	10/09/2022	28 BL	Baracus Pty Ltd
E 04/2488	E 0402488	Pending			23 BL	Poz Minerals Limited
E 04/2489	E 0402489	Live	1-Dec-17	30/11/2022	68 BL	Poz Minerals Limited
E 04/2496	E 0402496	Pending			15 BL	Metalicity
E 04/2506	E 0402506	Pending			55 BL	Kimberley
E 04/2512	E 0402512	Pending			90 BL	Jindalee F
E 04/2516	E 0402516	Pending			18 BL	Ordriver
E 04/2519	E 0402519	Pending			28 BL	Poz Miner
E 04/2520	E 0402520	Pending			45 BL	Kimberley
E 04/2521	E 0402521	Pending			32 BL	Kimberley
E 04/2522	E 0402522	Pending			41 BL	Kimberley
E 04/2523	E 0402523	Pending			21 BL	Kimberley
E 04/2526	E 0402526	Pending			17 BL	Poz Miner

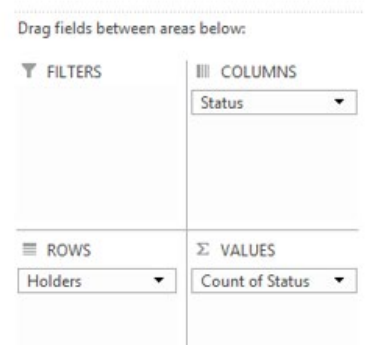
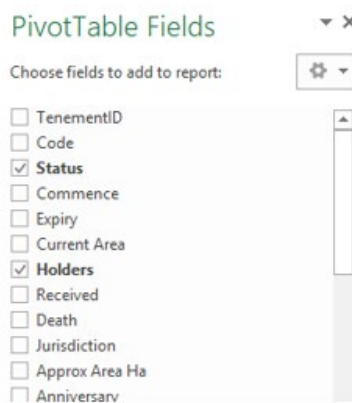
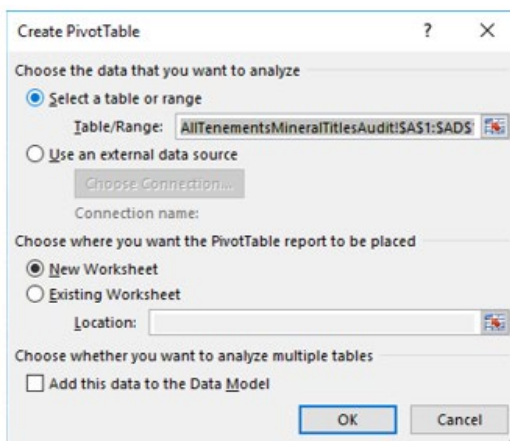
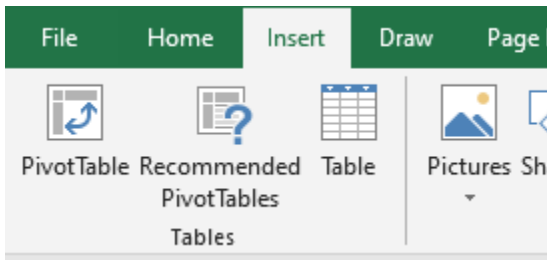
  

Row Labels	Live	Pending
Baracus Pty Ltd	19	11
Doray Minerals Limited (48%); Alloy Resources Ltd (32%); Poz Minerals Limited (20%)	1	
Global Strategic Metals Ltd	1	
Gwr Group Limited (80%); Jindalee Resources Limited (20%)	1	
Jindalee Resources Limited	20	48
Kimberley Alluvials Pty Ltd		6
Metalicity Energy Pty Ltd	9	4
Metalicity Limited	5	1
Oladipo Minerals Pty Ltd		4
Ordriver Mining Pty Ltd	9	6
Poz Minerals Limited	13	11
Strategic Metals Pty Ltd		2

Pivot Tables

Slide 13.

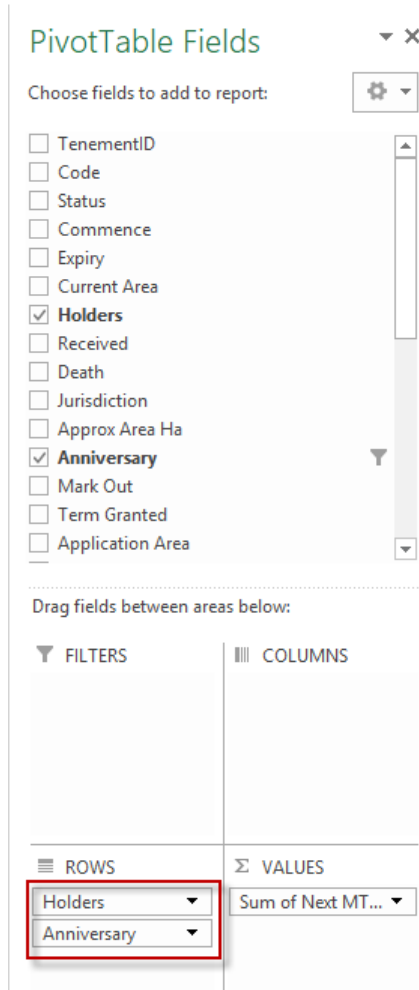
Creating the pivot table structure:



**Pivot Tables**

**Slide 14.**

- Changing source data
- Refresh
- Holder, commitment, 3 months ahead



**Pivot Tables**

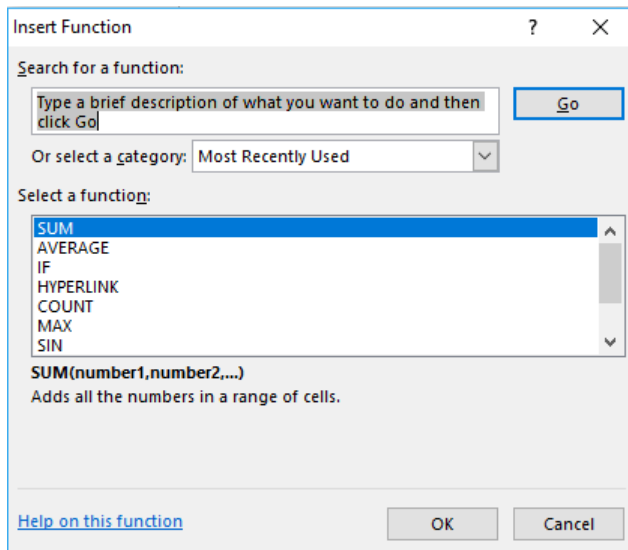
**Slide 15.**

- Create Pivot Table
- Create Chart
- Change order

## Formulas

Slide 16.

Insert Function:



## Formulas

Slide 17.

- Anatomy of a formula
- The equals sign
- Arithmetic
- Function name
- Bracket
- Parameters
- Notes:

## Formulas

Slide 18.

- Complex formulas
- IF statement  
=IF(Test this, Yes: do this, No: do this)
- Protip:  
=IF(Test this,1,0)
  - Nesting – build piece by piece
  - Alt+Enter is your friend

## Formulas

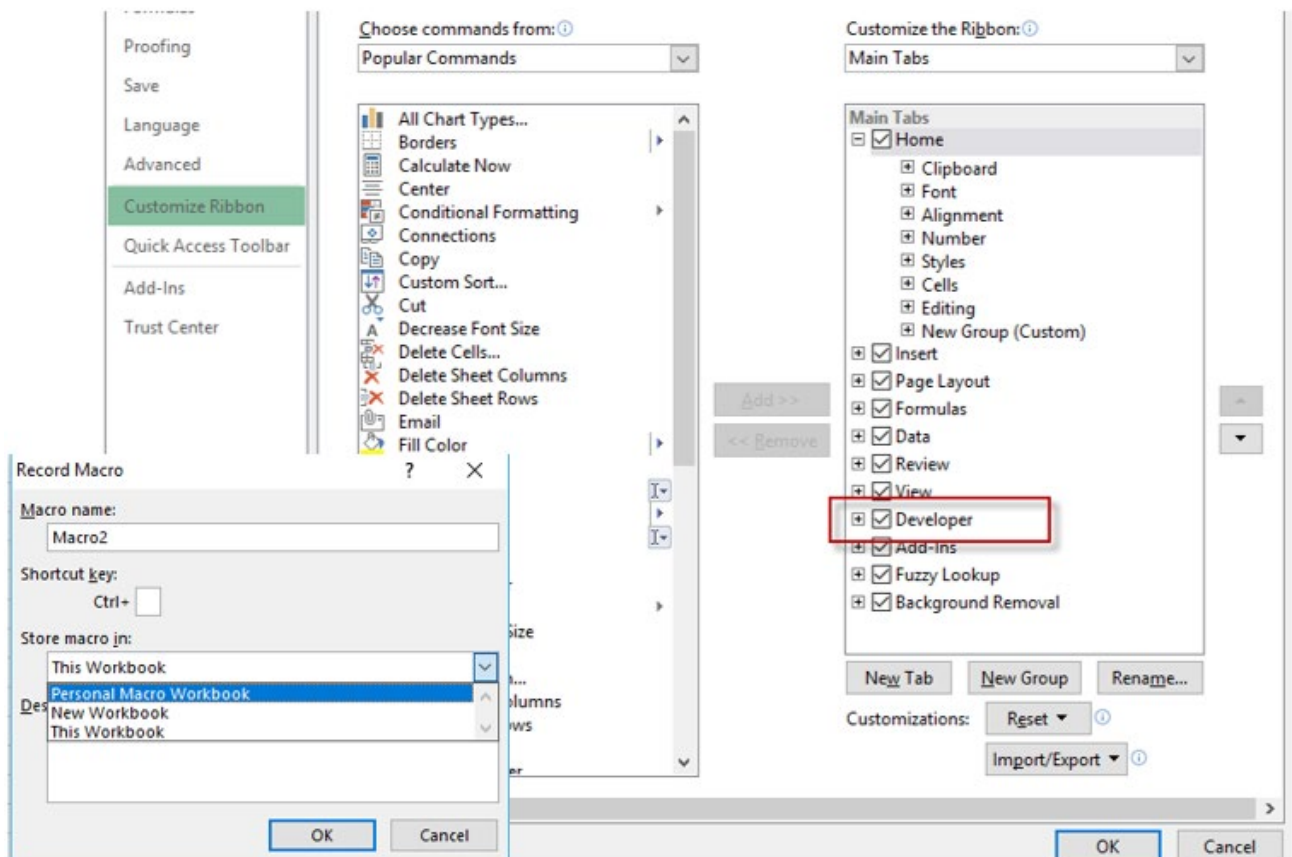
Slide 19.

- VLOOKUP
- =VLOOKUP(Look this up, In table, Return column, Near enough?)
- Named Range!
  - Protip:
  - Use IFERROR
  - Notes:

## Macro Recording

Slide 20.

- Save repeated steps
- Protip:
- Jot down notes
- Developer Tab
- Protip:
- Personal Workbook



## **Data Massaging**

**Slide 21.**

- Text to Columns
- Take this column, massage like an import
- Remove Duplicates
- Take this data set, give me unique

## **Conditional Formatting**

**Slide 22.**

- Colour coding based on criteria
- Highlight cells
- Top and Bottom rules
- Can filter for formatted colour

## **Outcomes**

**Slide 23.**

- Absolute versus relative cell referencing
- Sort and filter
- Pivot Tables and charts
- Formulas
- Left
- If, nested if, iserror
- Vlookup
- Macro Recording and add to button
- Text to columns
- Remove duplicates
- Conditional formatting



## Reducing Stress With Time Management

Slide 2

### Outcomes

- Recognising stress and why it happens
- Describe several time management reduction techniques you can apply in your workplace
  - Time Management Matrix
  - Priority List System in Outlook
- Managing workplace stresses
- Describe several stress management techniques

[To Do List zip file](#)

### Work Related Stress

Slide 3.

- Work-related stress
  - Arises where work demands exceed the person's capacity and capability to cope.
  - Is the second most common compensated illness/injury
  - Accounts for the longest stretches of absenteeism.
- One person's stress may be another person's challenge
- Work-related stress depends on:
  - the job
  - the person's psychological make-up
  - personal life
  - general health

### Symptoms of Work Related Stress

Slide 4.

- Symptoms can be:
  - Headaches
  - Insomnia
  - Depression
  - Anxiety
  - Discouragement
  - feelings of being overwhelmed and unable to cope
  - cognitive difficulties, such as a reduced ability to concentrate or make decisions.
  - an increase in sick days or absenteeism
  - aggression
  - diminished creativity and initiative
  - a drop in work performance
  - mood swings and irritability
  - lower tolerance of frustration and impatience

## Potential Stressors

Slide 5.

- Organization's culture, long hours, work load
- Bad management practices – lack of autonomy, disorganised
- Job content and demands - tight deadlines, heavy workload
- Physical work environment
- Poor relationships with colleagues or bosses
- Lack of support

## Organise your day

Slide 6.

- Set clear boundaries: designate specific work hours to create a distinct separation between professional duties and personal time.
- Think about the changes you need to make at work in order to reduce your stress levels and then act.
- Make sure you are well organized. List your tasks in order of priority.
- Schedule the most difficult tasks of each day for times when you are fresh, such as first thing in the morning.
- Limit multitasking: focus on completing one task at a time to improve concentration and reduce the stress of juggling multiple responsibilities.
- Implement efficient time management: use tools and techniques to prioritise tasks, reducing last-minute pressures and enhancing productivity.

## Adaptation

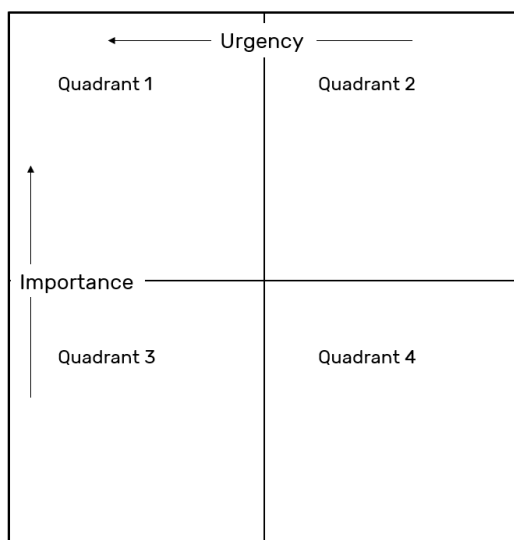
Slide 7.

A couple of tools to assist as well as your tenement management system

- Time Management Matrix
  - This is a great tool to help you with time management and prioritisation.
- Priority List System in Outlook
- The Pomodoro Method

## Time Management

Slide 8.



**TO DO LIST**

Subject: TO DO LIST

Location: [Dropdown]

Start time: Sun 3/06/2018 12:00 AM  All day event

End time: Sun 3/06/2018 12:00 AM

---

**Things to do today**

- Lodge Objection to Top Iron's L
- Lodge Form 5
- Lodge Application

---

**Things to do this week**

- Write annual report
- Notify Geo of MRF data due

---

**Things to do eventually**

- Draft and Lodge the Native Title Agreement
- Summarise JV agreement and enter into LandTracker

---

**Things Completed**

- 20180518 - Send Deed to Matt
- 20180517- lodge P application in Yilgarn

In Shared Folder | Calendar - peter@landtrack.com.au

- Work in 25 minute bursts and take 5 minutes off
- This technique is also useful to avoid multitasking since you are only supposed to focus on one single task for 25 minutes.
- This technique is also useful to avoid multitasking since you are only supposed to focus on one single task for 25 minutes.
- Great method is a great tool to help you beat procrastination
- Restrict phone calls
- Don't check emails, social media or the news in the 25 minutes
- Keep and Interruption log for 3 days and review

## **Managing Up – Communication**

**Slide 11.**

- Clear and open communication tools
  1. Meetings – regular and frequent
  2. Share your tenement management system, for openness
    - Access to data
    - Access to list of tasks
  3. Emails
  4. Alerts
  5. Proactive tasks – in TMS and emails
  6. Forward planning tasks
  7. Escalations points
  8. Quadrant 1 tasks

## **Managing Up – Business Processes**

**Slide 12.**

- Business processes Manual – essential to tenement management
- Risk Management
  - Prepare for the worst before the worst happens
  - Testing your processes
- Class Exercise
  - What can go wrong?
  - How do I prevent it?

## **Managing Stress – by self-reflection**

**Slide 13.**

- Time Management matrix review
  - Every couple of weeks ask yourself.
    - How many Q1 tasks did I have?
    - How did they get they
    - What could I have done to avoid them
    - How many Q3 tasks?
    - Could I avoided them
  - Proactive tasks –were the communication lines open
- Positive reinforcement and reward yourself
- Longer term
  - Goal setting is essential
  - Habits for success

## **Self Help your stress in your life style**

**Slide 14.**

- Take care of yourself. Eat a healthy diet and exercise regularly.
- Consider the benefits of regular relaxation. You could try meditation or yoga.
- Make sure you have enough free time to yourself every week.
- Don't take out your stress on loved ones. Instead, tell them about your work problems and ask for their support and suggestions.
- Drugs, such as alcohol and tobacco, won't alleviate stress and can cause additional health problems.
- Ask for help- Seek professional counselling from a psychologist.

## **Benefits in reducing Stress**

**Slide 15.**

The benefits of preventing stress:

- fewer injuries, less illness and lost time
- reduced sick leave usage, absences and staff turnover
- increased productivity
- greater job satisfaction
- increased work engagement
- reduced costs to the employer
- improved employee health and community wellbeing.

## **Outcomes**

**Slide 16.**

- Recognising stress and why it happens
- Describe several time management reduction techniques you can apply in your workplace
  - Time Management Matrix
  - Priority List System in Outlook
- Managing workplace stresses
- Describe several stress management techniques



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# Thank you for attending Practical Tenement Management

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