

Update on Pantoro v True Fella in Western Australian Warden's Court by Jayson Meyers

Last year, Austwide Mining Title Management Pty Ltd on behalf of Pantoro Limited was successful in objecting to WA mineral exploration licence application E63/2149 lodged by True Fella Pty Ltd. Austwide argued that True Fella should have proposed a 5 year work program for the duration of the lease instead of a 1 year work program. Warden Cleary agreed with Austwide's argument and ruled that True Fella's application was deficient and therefore it did not exist (see <https://lnkd.in/gVRGuPeH>). Austwide's objection followed their application for exploration licence E63/2150 lodged on behalf of Pantoro over the same area minutes after True Fella's application.

Warden Cleary's decision sparked a firestorm that swept across the WA mining industry, because exploration licence applications lodged by mineral explorers usually propose 1 to 2 year work programs in their Section 58 statements forming a key part of an application. Suddenly existing exploration licence applications and granted exploration licences were considered to be at risk of becoming invalidated. Tenement managers and lawyers across Australia were inundated with a flood of panicked mining clients lodging new exploration licence applications containing 5 year work programs on top of their existing applications and granted exploration licences, forcing the WA Mining Minister to assure the public that Warden Cleary's decision would not apply to granted exploration licences. Warden Cleary's decision in the True Fella case was later upheld by Warden McPhee in Azure Minerals v D&G Geraghy (see <https://lnkd.in/gdeK672S>), and now 5 year work programs have become a standard for new applications.

During this mayhem, True Fella lodged another application E63/2262 over the same area as Pantoro's application E63/2150 and then objected to Pantoro's application in the hope that Austwide also did not propose a 5 year work program. In an ironic twist of fate, the True Fella objection to the Pantoro application was heard by the same Warden Cleary on the 20th of June and Austwide's solicitor revealed during the hearing that Austwide's Pantoro application E63/2150 had only proposed a 1 year work program in their Section 58 statement, not a 5 year program which was what they had argued to get True Fella's initial application thrown out.

The True Fella objection against Pantoro's application was argued for an entire day and then Warden Cleary reserved her decision, anticipated to be handed down in late July. It will be interesting to see if Austwide and Pantoro fall on their swords for using a hypocritical objection argument against True Fella that also led to panic and uncertainty across the WA mining industry.

Pantoro South Pty Ltd _ Anor v True Fella Pty Ltd [2023] WAMW 22 (1).pdf

Summary Pantoro_v_True Fella