

## Tenement Literacy 101

#### WIFI Log on

Datamine Guest - Password

- go to wiki.landtrack.com.au
- Select 'Training Resources' in side panel then 'Tenement Literacy 101 '
- then open or download "Tenement Literacy 101 Student Handouts (PDF)"

#### **Course Outcomes**

- Understanding the basics of tenements in WA, including key definitions and types
- Overview of various underlying land categories, and requirements of exploring and mining them
- Tenement compliance addressing expenditure, exemptions, partial surrenders, renewals
- Understanding the procedural process
- The Native Title process in WA
- Framework of environmental compliance in the context of tenement management in WA

#### Sessions









#### **Introductions**

Session 1 – Land Areas, Tenement Types and Procedures

Morning Tea

Session 2 – Compliance

Lunch

Session 3 - Native Title and Heritage Environment

Session Times		
1	9.00	10.30
2	10.40	12. 20
3	12.50	3.00

#### Resources

- Hunt on Mining Law of WA 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





## State Land Areas

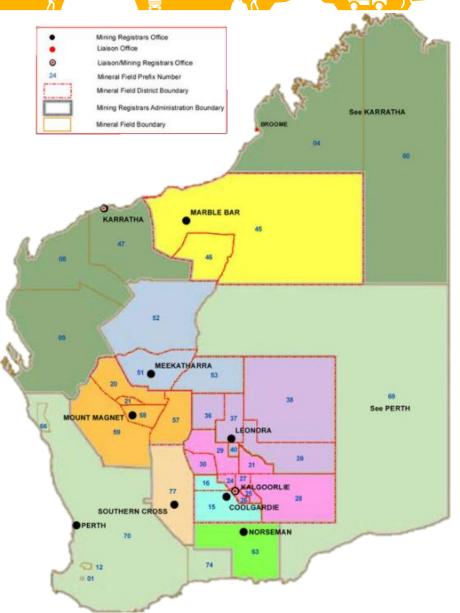
**Tenement Literacy 101** 

## Mineral Fields









#### National Parks and Nature Reserves



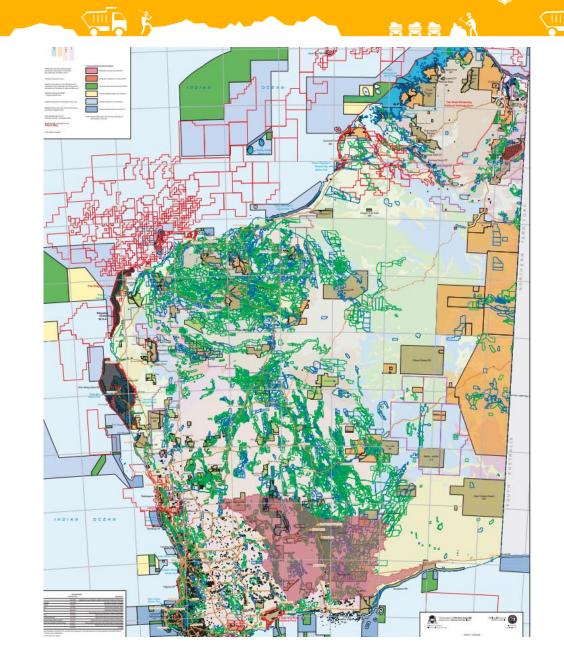
- Minister's Consent
- Both Houses of Parliament for tenement to be granted

#### Class A Reserves

- Ministerial approval
- Conservation Management Plan

#### **Great Western Woodland**

Is not nominated for Reserve



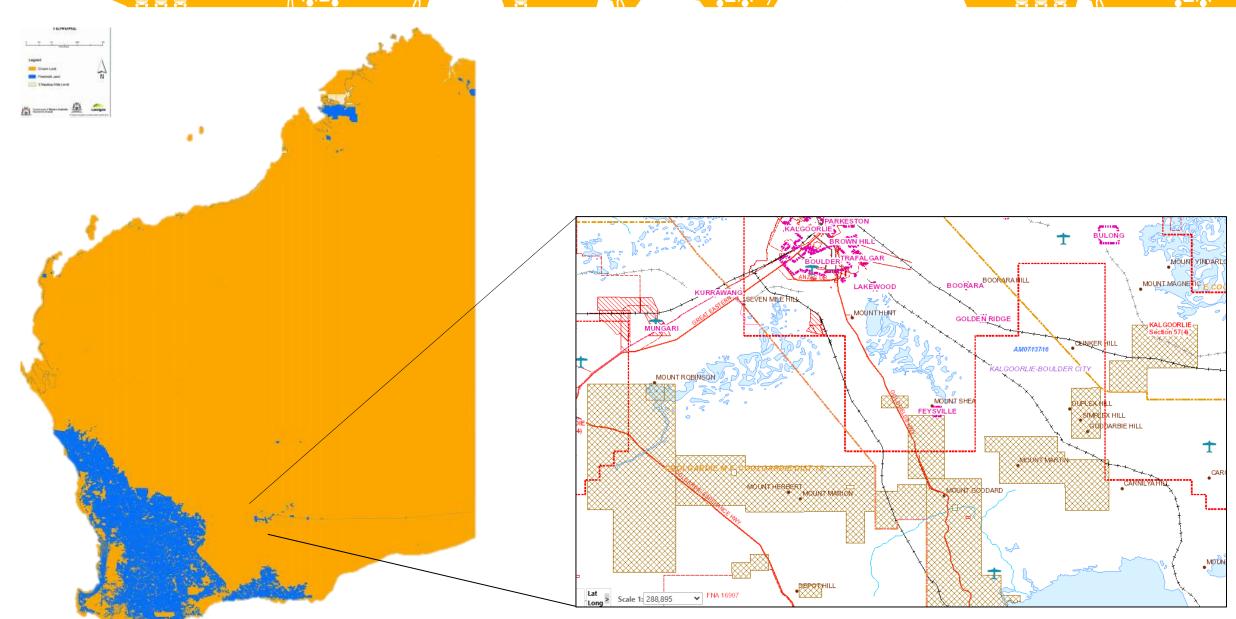
#### Land Area – Reserve Land

#### 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 DMIRS 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

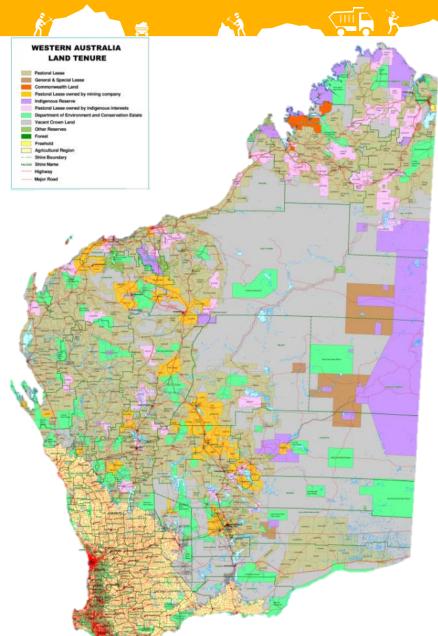
# Freehold Land WA





## Pastoral Leases







#### **Diversification Leases Part 6A**



- Diversification Leases are not concurrent with a pastoral lease.
- A diversification lease will coexist with mining
- 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
- www.wa.gov.au/system/files/2024-04/guidance-for-diversification-lease-proposals.pdf

### **ANCA Wetlands**



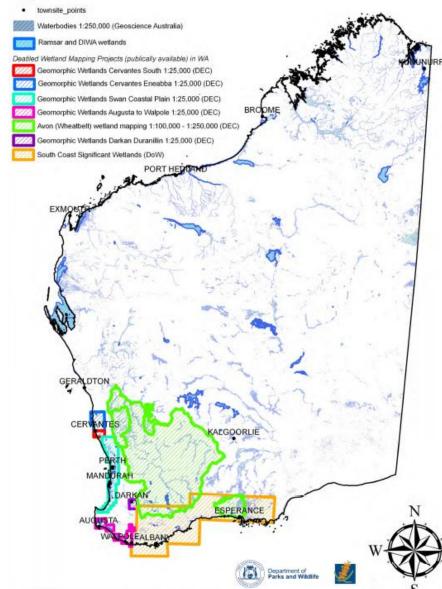






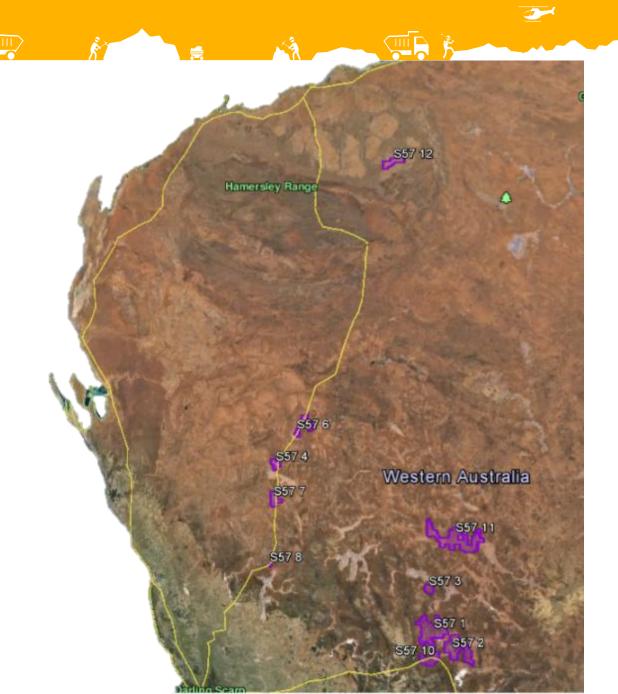






#### S57 4 Areas

• S57 4 areas limited to Prospecting Licences

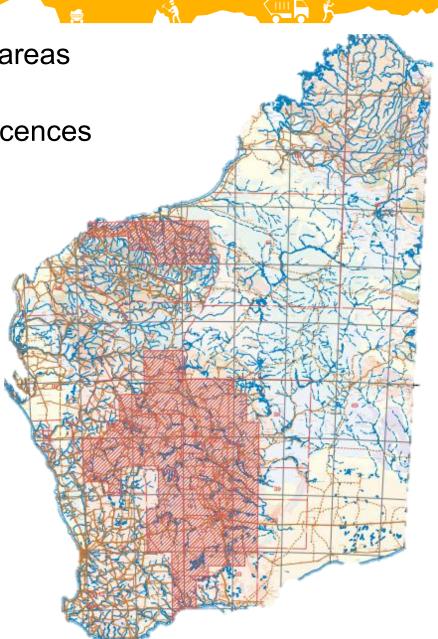




#### Section 57 2aa Area



 Outside that area Exploration Licences can be 200 blocks

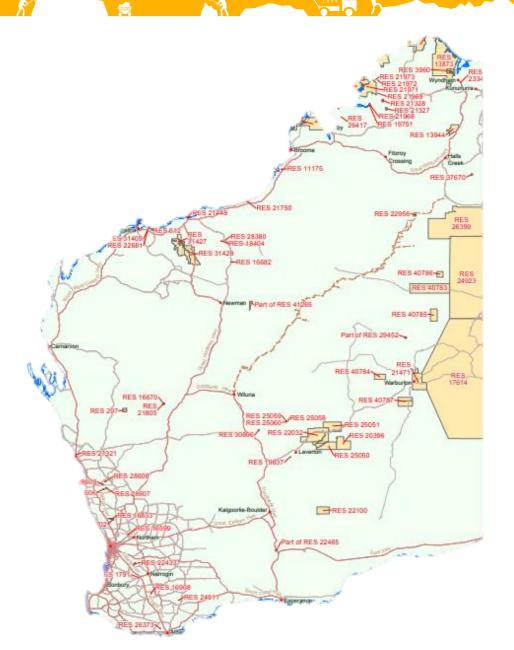


## Aboriginal Reserves











# Tenement Types

**Tenement Literacy 101** 





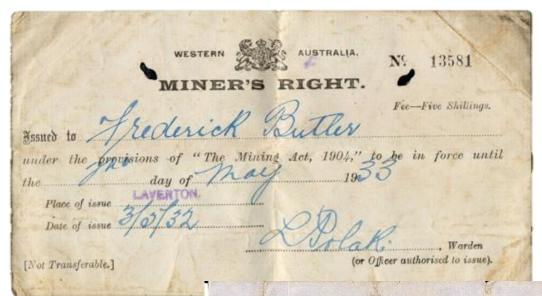




The holder of Miner's Right is authorised to:

- 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 <u>not</u> the subject of a granted mining tenement



SSUED to Ver Con the Control

#### Prospecting Licences (P)

- Maximum area of 200 ha
- 4 year term and can be renewed for another 4 years
- No renewal after 8 years a mining lease application over the top will extend it
- The licence area must be pegged, except for graticular Ps
- Retention status may be applied for, if there is a mineral resource.
- Expenditure commitment \$40 per ha minimum \$2000

#### Advantages

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

#### **Extension of Term Prospecting Licence**

- 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?

#### 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 (discretionally)
- Because rent increases from \$161 per blk in 1st year to \$747 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
- Retention status may be applied for under s69A(2) if there is a mineral resource.
- Maximum of 70 blks in the s57(2) areas and maximum of 200 blks outside that area
- Compulsory Surrender of 40% of the blks in the 6th year under 65(3)
- Holding an E gives priority for the grant of the Ms and Gs

### **Graticular Boundary**





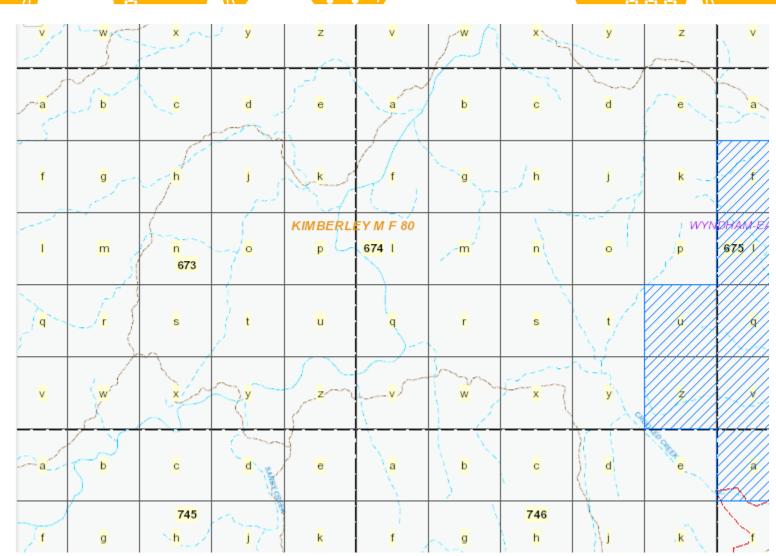






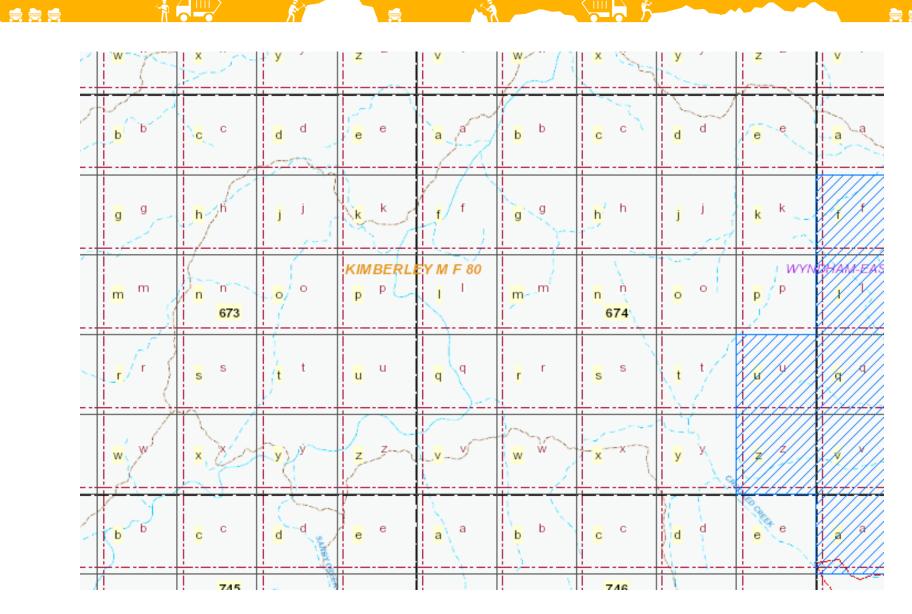


★ LGA (Shire) Boundaries



## Graticular Boundary AGD 84 and GDA 94





#### **Expenditure Commit Exploration Licence**



#### Related Party Applications

- 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 [Partial Surrender], 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), for Ps has similar wording

#### Related Party



- (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

#### 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
- (I) 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

#### **Exploration Licence s58 Statement**

#### s58 Statement to accompany Exploration Licence application must:

- 1. Detail of the programme of work proposed to be carried out;
- 2. State the proposed method of exploration
- 3. The minerals being explored for
- 4. Contain estimated amount of money proposed to be spent on exploration
- 5. Detail the technical resources available to the applicant and
- 6. Financial resources available to the applicant
- 7. The statement must cover the whole 5 years of the proposed application (until the case below it was only 1 year) After the amendments will revert to 1 year)

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

- Marking out on the ground is required
- Are for the purpose of the mining as the DMPE has made it essential to lodge
  - 1. Mine Development and Closure Plan (MDCP) (was called a Mining Proposal)
  - 2. 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 periods 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.
- M's commitment is \$100 per ha minimum \$5000 if 5ha or less otherwise \$10,000



#### Mine Development and Closure Proposals (MDCP)





**STATUTORY** 

Statutory Guidelines for Mining Proposals

Mining Act 1978

Version 3.0 Effective from 3 March 2020 MDCPs (commenced in late 2023) replace Mining Proposals; DMPE 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 Lease Applications

- MDCP v Mineralisation Report
- Use the mineralisation report
  - Only needs to be basic; less work
  - Keeps the details of the resource confidential (not so after the 2025 Amendments)
- Invalid M applications
  - S74(1AA) and r25AA (has been removed) stated 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 17 Aug 2017
  - The 2025 Amendments will correct this and validate all the invalid Mining Leases
  - 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.

#### Marking out Ps and Ms

- 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





Nugget found by retiree

#### Marking out Ps and Ms

- 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 owner names
  - Form 21 not having a registered company (lodged 3 days before the company was registered)

## 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
- 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

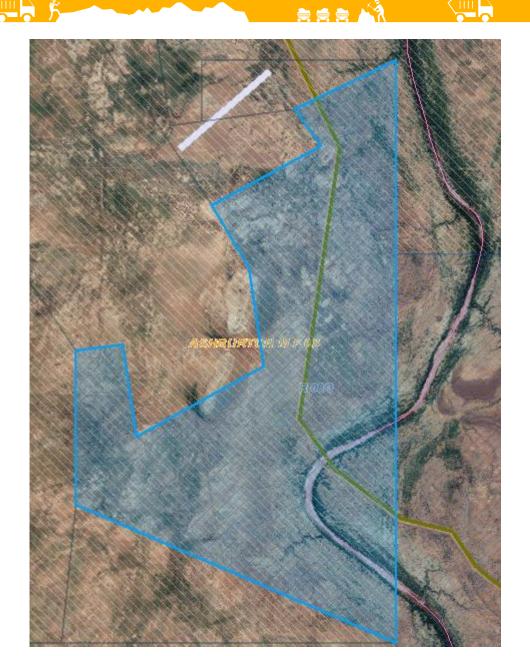
## General Purpose Leases (G)

- 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.



#### Retention Licences (R)

- Is used to hold tenure that cannot be economically mined but has a resource
- No marking out was required
- Only applies to Ps and Es applied for before 10 Feb 2006
- Es and Ps applied for after this date can apply for retention status
- Very few Retention Licences in existence



#### Mining Titles for Prospectors (s40E)

- Permit to Prospect on Crown land (section 40E)
  - Allows Miner's Right holders to apply for a permit to prospect on land within a granted exploration licence.
  - DMPE 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



## Special Prospecting Licences (SPL)

- SPLs are under section s56A, s70, s85B
  - Max size 10ha
  - Can be applied over Es Ps, and Ms (the consent of the underlying tenure 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



#### **Objections**

- Any person may lodge an Objection to the granting of a tenement
- A fee is charged for lodging an objection \$430
- Objections usually made for:
  - Overlapping Tenements
  - Public Interest Grounds
  - Native Title Holders
  - Pastoral Lease 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



#### Objections Public Interest Grounds

- 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
    - If no other legislation governs the applicant's land use or if license conditions do not sufficiently address the land's comprehensive use, public interest objections should be heard by the Warden. (Good summary of the public interest grounds)
  - Australian Vanadium v Cousens [2024] WAMW 2 An objection by the pastoralist to a miscellaneous licence, and the taking of water from an aquifer
  - Polaris v Wilderness Society, Helena Aurora Range Advocate & Wildflower Society of WA [2017] WAMW 21

#### Other Tenements

- State Agreements; Alcoa, BHP, Rio
- Mineral Leases (90 granted under the pre 1978 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

#### **General Conditions on Tenement**

#### 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

#### 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

#### **Excess Tonnage**

- If you know you are going to move a lot of dirt for a drill pad you need to make an application for excess tonnage.
- Material in excess of 500t for Ps and SPLs, 1000t for Es and Rs may be excavated, extracted or removed only with prior written approval (sections 48(c), 56A(6)(d), 66(c), 70(6)(d), 70J(c), and 85B(3)(d)) from the Minister DMIRS
- If the application for excess tonnage exceeds a cumulative total 10,000 tonnes for the specific tenement, the applicant must have the agreement to the disturbance of any

affected native title party



#### Advantages of a Procedure Manual





Preserves corporate knowledge despite staff turnover.



Simplifies transitions during personnel changes.



• Improves data organization and accessibility.



· Facilitates succession planning for future leadership.



Ensures consistent processes for easy data recovery.

#### Shovelanna



- "The junior snared Shovelanna 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 or tenements in the Pilbara region of WA" (Business News WA)



#### Newmont Loses JV Exploration Licence

- 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



#### MRL Tenement Forfeiture

- 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?

#### **Procedure and Mining Law**



- The Minister to request the holder of a mining tenement to file an audit statement;
- verifying the expenditure shown in an operations report (Form 5)
- the audit amount may then be considered the expenditure amount





#### **Documentation Requirements**

- Tenement Application sections 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..."



#### Retaining Records

#### 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

#### **Executing Documents s127 Corps Act**

- (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]



#### **Extension of Time Period**

#### 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**.



#### **Electronic Lodgement**

- 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 Cth Act**

- Electronic signatures are legally recognized in Australia and are provided for by the *Electronic Transactions Act* 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.

#### Interpretation Act 1984

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

- 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

#### **Risk Mitigation**

- Documented & Auditable Procedures
  - Clear, standardized processes reduce errors.
- Multiple Safeguards
  - Built-in fail-safes prevent critical failures.
- Independent Verification
  - Separate checks ensure accuracy and reliability.
- Goal: Minimize risk through structure, accountability, and resilience.



## End of Session 1

**Tenement Literacy 101** 



# Tenement Compliance

**Tenement Literacy 101** 

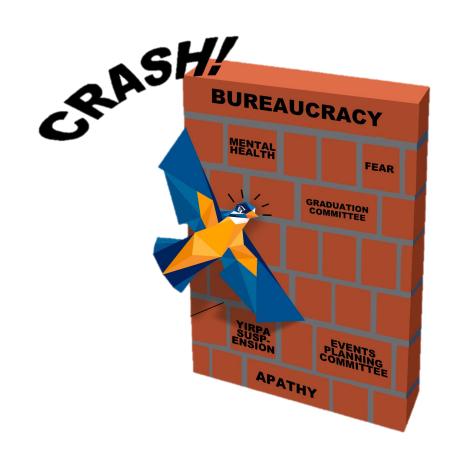






Participants will be able to describe and fulfil the common compliance requirements of tenements in WA.

- Combined Reporting Groups
- Mineral Exploration Reporting
- Rent
- Rates
- Expenditure Reporting
- Exemptions
- Exemption Committee
- Application for Forfeiture
- Compulsory Partial Surrender
- Extension of Term
- Renewal Application



## Types of Mineral Exploration Reporting

4





- E, P, M and R require exploration reporting
- Types
  - Annual Reports
    - Operation Reporting (expenditure)
    - Exploration Reporting
  - 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



# RIO TINTO EXPLORATION PTY LIMITED RIO TINTO WINU PTY LIMITED FINAL SURRENDER REPORT WINU

For the Period

19 November 2019 to 23 October 2024

Mineral Exploration Final Surrender Report for E45/5454

PREPARED BY: Gopal SRINIVAS

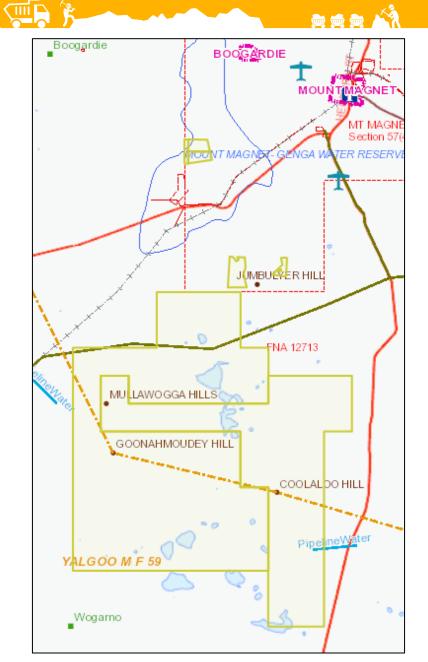
AUTHOR: Hartnady, K. and Palmer, J.

REPORT DATE: 18 November 2024

DISTRIBUTION: DEMIRS, RTX Perth Library

## Combined Reporting Groups (CRG)

- 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

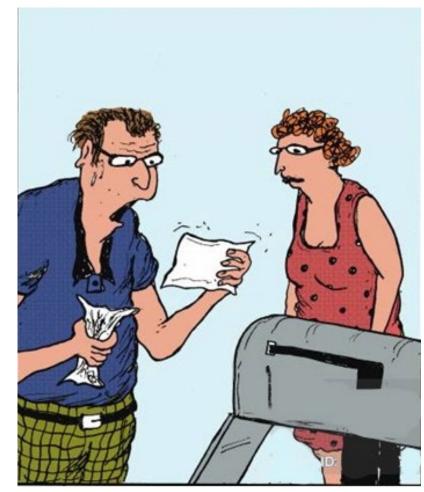


- Rent paid annually within 1 month of anniversary
  - <a href="https://www.dmp.wa.gov.au/Minerals/Mining-acts-fees-and-charges-16494.aspx">https://www.dmp.wa.gov.au/Minerals/Mining-acts-fees-and-charges-16494.aspx</a>
  - Note the increasing rents for Es
  - Less for potash licences
- If not paid listed in Government Gazette
- Monitor Government Gazette
- Rent Rebates for Heritage Surveys
  - For those with < \$600M of annual gross production
  - From 2023 to 2028 financial years
    - Y1 to 3 apply for 50% of annual rent payable
    - Y4 to 5 apply for 25% of annual rent payable
    - Ps have 100% of rent reimbursed
  - Application lodged with the Form 5 lodgment
  - Provide evidence of survey eg invoices



<u>Guidelines – Aboriginal Heritage Survey Assistance Program</u> (dmp.wa.gov.au)

- Based on Unimproved value (UV) for an E is 2.5 X rent
- Each shire charges 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 DMIRS 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 year's 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

THE BELLEVIEW OF THE PROPERTY OF THE PROPERTY





- 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

Form 5 WESTERN AUSTRALIA						
Mining Act 1978						
(Secs. 51, 68, 70H, 82 and 115A) (Regs. 16, 22, 23E, 32, 96B and 96C)						
OPERATIONS REPORT – EXPENDITURE ON MINING TENEMENT (To be completed in accordance with instructions)						
Annual: Final:						
Tenement Type: Numb	er: /					
Reporting Period: From: / /	o: / /					
MINERAL-EXPLORATION AND/OR MINING ACTIVITIES						
nd						
A. MINERAL-EXPLORATION ACTIVITIES:	S					
B. MINING ACTIVITIES:	S					
of C. ABORIGINAL HERITAGE SURVEYS:	s					
D. ANNUAL TENEMENT RENT AND RATES:	s					
E. ADMINISTRATION/OVERHEADS: \$						
F. (OTHER) LAND ACCESS/NATIVE STITLE COSTS:	S					
Jointly not to exceed 20% of the minimum commitment or expenditure on the activities shown above, whichever is the greater (see instructions).						
TOTAL EXPENDITURE:	S					
N.B. Full details and results of mineral-exploration activities must be submitted in the annual mineral-exploration report in accordance with section 115A of the Act and the guidelines published under regulation 90B.						
OR						
PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES						
TOTAL EXPENDITURE:	S					
(A 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(3).

Full name and address of holder's.	NAME: ADDRESS:		SUMM	MARY OF MINERAL EXPLORATION AND/O (Complete in accordance with instructions	
				Tenement Type:	Number: /
Full name and address of operator manager (if	NAME:		j	Reporting Period: From: / /	To: / /
mining tenement under option or joint venture).	ADDRESS:			A. Mineral-Exploration Activities	
List here details of the related annual mineral-	Mineral-exploration report (for single tenement)		ĺ		
exploration report.	Combined mineral-exploration report (for group	of two or more tenements)		B. Mining Activities (Development and Production)	s
	Combined reporting number for tenement group:  Combined reporting date for group:	C /			
	I certify that the information on pages 1 and 2 and in Attac Mining Activities" or Attachment 2 "Summary of Prospec a true statement of the operations carried out and monies e period specified.	ting and/or Small Scale Mining Activities" constitutes	out if	C. Aboriginal Heritage Surveys	s
Signature of or agent (if a name and ac agent)	f holder agent, fall	Date: / /	ссяжу.		s
(Tick appropriate box and show	MINERAL COMMODITY SOUGHT ON TENE	MENT Diamond S		D. Annual Tenement Rent and Rates	
expenditure. If more than one commodity sought, tick	Iron ore S	Mineral Sands S		E. Administration and Overheads	S
appropriate boxes and allocate expenditure for each one).	Nickel/Cobalt S  Copper/Lead/ Zinc/Silver	Other (specify) \$		F. Land Access/Native Title	s
Note:	not to be copied in conjunction with regulation 96(3).		1	F. Land Access/value line	
OF MINERAL AND/OR MIN	NT 1 — SUMMARY ATTACIMENT 2 — SUMM. LEXPLORATION OB PROSPECTING AND/OR SM MNG ACTIVITIES SCALE MISSING ACTIVITIES ununits to the Form 5 are to provide a summery of the activities carri	S D			s
the cost of separate si	f each activity. For Attachment I you may either use the pro-forma short with the suggested headings as shown under 4(A) and (B) in the nss. For Attachment 2 the pro-forma short available from the Depart	sheet or a F C C C C K		TOTAL EXPENDITURE	\$
(B) A copy of the Form :	Attachment 1 or 2 will be provided together with a copy of the front 5 to any person on payment of the prescribed fee.	page of E		A copy of this page can be obtained by any person on the payment or regulation 96(3).	f the prescribed fee in accordance with

## Expenditure Reporting and Exemption Application

- Holder required to meet expenditure commitment
- An exemption allows the holder not to meet the expenditure commitment
- An exemption can only be requested for specific reasons under s102

# AS MY ACCOUNTANT, PO YOU THINK I CAN PEOLICE MY SWORD AND SHIELD AS A BLISINESS BUSINESS BUSI

#### 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.)

Costeaning: 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. ABORIGINAL HERITAGE SURVEYS

Evidence that a survey has been conducted must be provided to the Department.

#### 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.

## **Expenditure Reporting**

- r96C lists as Allowable 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
- The courts have further defined:
  - Definition of Expenditure
  - Definition of Administration Expenditur
     See the Focus Case



- 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 rule the following as not expenditure
  - Depreciation of plant and equipment
  - Caretaker's expenses
  - Loss on sale of fixed assets
  - Research by the holder
  - Food and accommodation that are normal living expenses
  - Expenses relating to use of the mineral after production eg marketing and freight



- An exemption allows the holder not to meet the Tenement's 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)
- A statutory declaration supporting the exemption must be lodged within 28 days of the application
- A fee is required to be paid with the exemption application (see link below) in 2024 was \$591 for a E



#### Reasons for Exemption

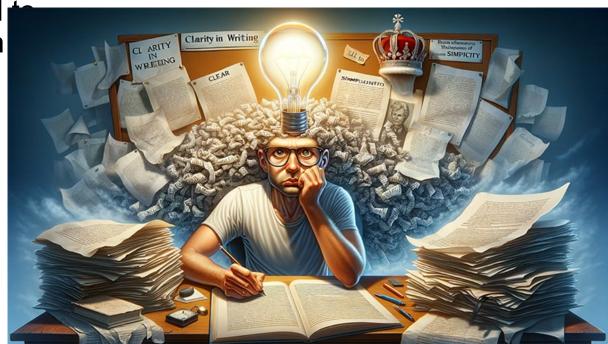
- The title to the mining tenement is in dispute:
- Time is required to evaluate work done, to plan future exploration or mining or to raise capital
- Time is required to purchase and erect plant and machinery
- The ground of the tenement is for any sufficient reason unworkable
- The ground of the mining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



## Reason for an Exemption continued

- **F**

- Political, environmental or other difficulties in obtaining requisite approvals prevent or restrict mining
- The tenement is part of a CRG and the expenditure of the tenements is greater than CRG group
- The Minister may grant an exemption for any other reason (rarely granted under this section)
- The holder of an exploration licence authorised explore for iron ore may apply for an exemption



## Tips for an Exemption Application

- 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.

Form 18 WESTERN AUSTRALIA Office Use Mining Act 1978 (Sec. 102 Reg. 54) APPLICATION FOR EXEMPTION Details of Mining Tenement/s Mining Lease (or Exploration Licence/Prospecting Licence) (b) (b) Number (c) Mineral Field (complete) Holder Company name (d) Full name and Company ACN address of each holder. Company address (e) Amount of Exemption Details (for each tenement affected) expenditure (\$) (complete with current minimum commitment for exemption year) for which exemption is sought. (anniversary date) (f) Expiry date/s In accordance with Sections 102(2)(e), 102(2)(f), 102(2)(h) and 102(3) of the Mining Act of period to which exemption 102(2)(e) M / contains a mineral deposit which is currently uneconomic but which may be expected to become economic in the future. Brief reason: M / hosts an in ground (mineral) (q) Reasons for resource. Refer to supporting statutory declaration for details. application 102(2)(f) M\_\_/\_\_ contains mineral ore which is required to sustain the future operation of an (include relevant existing mining operation. Brief reason: M\_/\_ hosts an in ground (mineral) resource. Refer paragraph/s of to supporting statutory declaration for details. section 102(2) of 102(2)(h) The aggregate exploration expenditure for the combined group reporting tenements the Mining Act exceeds the aggregated minimum requirement of the group. Brief reason: aggregated 1978 if applicable) expenditure is exceeded in approved combined group C / and had that expenditure been (see Note 1) apportioned amongst the combined group tenements M\_/\_\_\_ would have met its commitment. Refer to supporting statutory declaration for details. 102(3) For reasons which in the opinion of the Minister are justified. Brief reason: (company name)is a mineral explorer and producer of minerals in Western Australia, (company name) contributes to the wealth of the State, it is to the benefit of the State that this application be granted. Refer to supporting statutory declaration for details. APPLICATION is made for exemption for the period specified from the expenditure conditions applicable to the abovementioned mining tenement/s. Dated this Day (h) Signature of applicant/lawyer/ agent (if agent, Signatories name, C;- Company name and company address state full name and address) The Company, GPO Box U1988, Perth, WA, 6845 Address for Service Ref (if any): M\_\_/\_\_\_ YE\_ OFFICIAL USE A NOTICE OF OBJECTION may be lodged at any Mining Registrar's office on or before With fee of \$ 343.00.

Mining Registrar

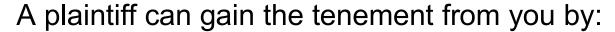




- Jutta Pagel of GSWA
- Exemption Officer (Peter Cahill)
- Manager Compliance Unit Mineral Titles Division
- If an Exemption is refused DMPE can either:
  - Commence Forfeiture Proceedings
  - Ask for another submission for the Minister
  - Impose fine of 20% shortfall of expenditure
  - In the second instance 40% then third instance 60%
    - see M29/270 for an example
  - Usually refused after 3 exemptions
  - Ps referred to the Warden
- Applicant's submissions should list proposed exploration





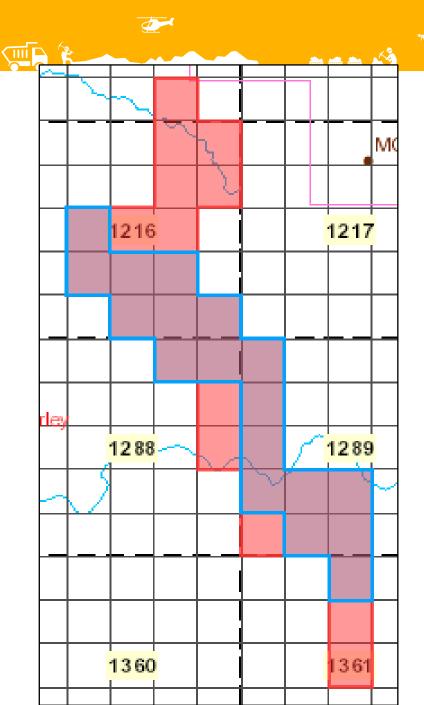


- Lodging an Objection to Exemption Application (must be lodged within 35 days; can be lodged electronically)
  - 14 day to serve notice of the Objection
- Then an Application for Forfeiture (must be lodged before 8 months after anniversary)
- Serve the Defendant the Application for Forfeiture
- Warden hears the Objection and Application for Forfeiture
- Then 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

- Es of 11 blocks or more applied after 10 Feb 2006 reduced 40% in 6th year
- Remaining E must not be more than 6 discrete areas
- Previously surrendered areas count
- Can be lodged online, though the Form14 must be executed







- 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 DMPE makes a decision about extension application
- r23AB Grounds for Extension of E on next slide



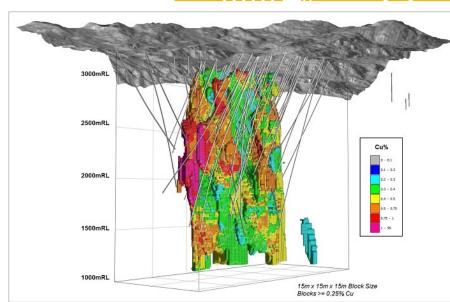
### Reasons for Extension of Term Es r23AB

- (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 now required can lodge up to 30 days after the anniversary)
- 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





# Tenement Literacy 101 End of Session 2















# Aboriginal Heritage & Environmental Processes

**Tenement Literacy 101** 









### Participants will understand:

- Aboriginal Heritage Act
- Short History of Native Title
- The Influences of Native Title in WA
- Tenement applications under Native Title
- Exploring under Environmental Legislation
  - Programmes of Work
  - Native Vegetation Clearing
  - Mine Rehabilitation Fund (MRF)

. **&** 



- Conditions on tenure
  - 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

- Aboriginal Heritage Act 1972 protects
- (s5) 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..."
- (s6)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 "





- Department of Planning Lands and Heritage (DPLH) has a register of Heritage sites:
  - Be careful not all sites are registered
  - DMPE provides guidelines
- Penalties for disturbing a site
  - Individuals \$20,000 and 9 months' imprisonment for a first offence and \$40,000 and 2 years' imprisonment for subsequent offences
  - Body Corporate \$50,000 for first offence and \$100,000 for subsequent offences
- Only ever been 4 prosecutions under the AHA



- The Owner of the Land (tenement) gives notice in writing to the Committee
- That it is likely to harm an Aboriginal Site
- The Committee 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
  - Publishes 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







- 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.



### s18 Supporting Documents



- Committee may deem it necessary to seek further information from
  - the landowner
  - and any relevant Aboriginal people.
- This will extend statutory period of notification to the Minister
- The Committee must submit notice to Minister within 70 days
- Minister has 28 days to make a decision
- An appeal to SAT must be made within 28 days



# Change of Tenement Holder with a s18

- \* F
- 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

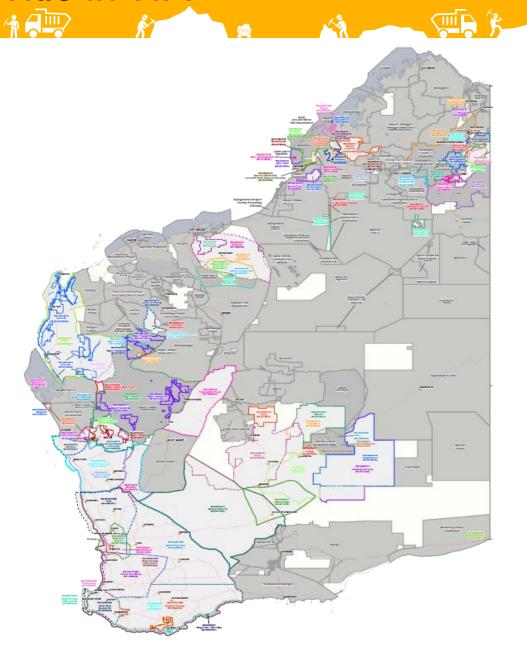
- 1992 Mabo Case- the High Court decided that Mer Island was not terra nullius as the natives cultivated the land and the common law doctrine of Native Title did exist
- Native Title "the recognition by Australian law that Indigenous people have rights and interests to their land that come from their traditional laws and customs"

However it could be extinguished by the government



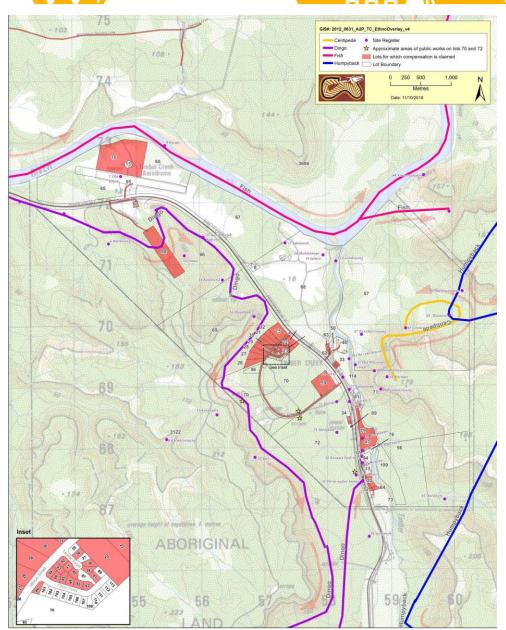
### **Development of Native Title**

- 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 NT
    - placed a monetary value on Native Title Rights 50% of Freehold Rights
  - 2025, Clth v Yunupingu -native title constitutes property, and afirmed extinguishment by the Clth must be compensated on just terms





- Northern Territory v Mr A. Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples
- Native Title Right 50% 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



- 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 paid by tenement holder is 7% of Exploration Expenditure



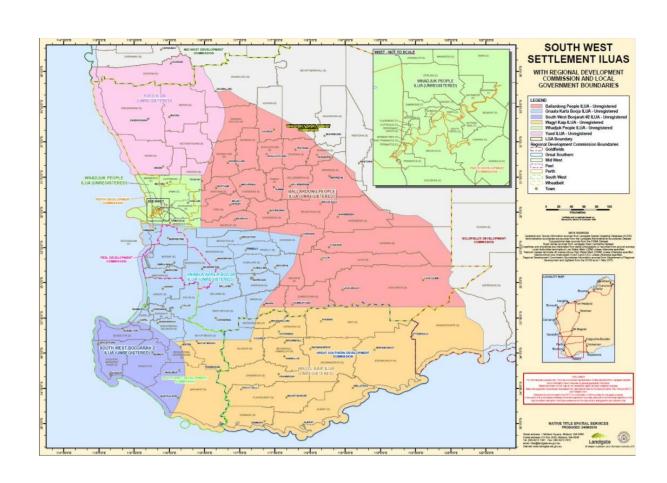
### Native Title Act Process

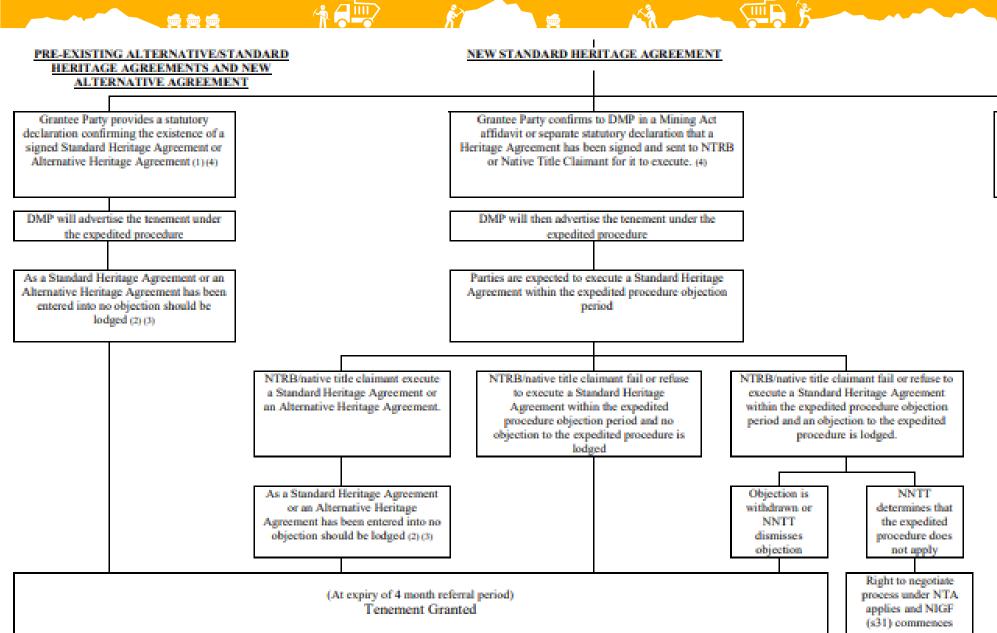
- Once DEMIRS processes the tenement it is referred to the NTA process
- Grant of a tenement is a "future act"
- A grant of tenement must follow the future act process, by either:
  - The expedited procedure
  - Right to negotiate
  - The Infrastructure procedure s24MD
- Require the signing of an ILUA or RSHA
- Or DMPE will deem the tenement is invalid.

### 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

18/10/2018 – Noogar and WA ILUA Formally accepted to be registered





NO HERITAGE AGREEMENT

If the Grantee Party refuses to enter into or fails to advise DMP of its intention to enter into a Standard Heritage Agreement or an Alternative Heritage Agreement (1), DMP will not process the application and consider refusal action being instigated under \$111A of the Mining Act 1978.

- Where it is planned an L or G has infrastructure (see s253) located on it
- 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





# **Environmental Processes**

**Tenement Literacy 101** 

# **Environmental Legislation WA**



Contaminated Sites Act 2003



**Ground Disturbance** 

Pollution

Contamination

Rehabilitation

Primary Environmental Legislation

Part V (Div 2): Native Vegetation

Part IV:

Impaot Assessment

Environmental

Clearing

Environmental Proteotion Act 1986 & Environmental Proteotion Amendment Act 2020

- Part V (Div 3): Identification of Prescribed Premises
- Works Approval
- Operating Licence

Secondary Environmental Legislation

Mining Aot 1978

EMA - POW

Mine Development and Closure Proposal Mining Aot 1978

Mine Development and Closure Proposal

Mine Rehabilitation Fund Aot 2012

Anoillary Legislation

Water Resources Legislation

Biodiversity Conservation Act 2016

Aboriginal Heritage Aot 1972



- Need approval before undertaking any ground disturbing activity on a tenement
- Exploration activities are authorised via the programme of work (PoW) process.
- A PoW list
  - 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.





- Approvals are valid for 4 years (from the date of the approval letter).
- Extensions of time needs to be made prior to expiry

### **Obligations**

- Meet conditions per approved PoW
- Notify the Landholder/Pastoralist
- Notify or consent of relevant Government Departments
- Rehabilitation to be done within <u>6 months</u> of disturbance or as specified in the Conditions

### Reporting

- Rehabilitation Report (Pro Forma)
- EARs

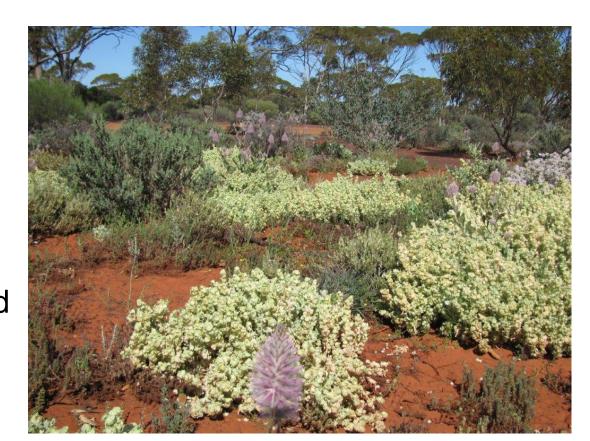
### Data Management

- 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



# Exploration Phase: Eligible Mining Activity (EMA)

- Exploration activities can be 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





A clearing Permit is required when there will be substantial damage to the land

By killing and removing native vegetation

Two types of Permit Area Permit only for Ms and Gs

- Applied for by an applicant who is the owner of the land, or likely to become the land owner
- Clearing of defined areas specified in the permit
- Granted for two years
- Purpose Permit for all tenure
  - 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
  - Granted for five years

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

# Mine Development and Closure Proposals (MDCP)



**STATUTORY** 

Statutory Guidelines for Mining Proposals

Mining Act 1978

Version 3.0 Effective from 3 March 2020 MDCPs (commenced in late 2023) replace Mining Proposals; 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

- EPBC is a Cth Act
- Administered by the Department of Environment and Energy
- 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 and are likely to be assessed under the EPBC Act when there is
  potential to have a significant impact on any of the nine Matters of National Environmental
  Significance (MNES):
- World Heritage Properties
  - 5

Great Barrier Reef Marine Park

• National Heritage Places

• Migratory Species

Nuclear Actions

 Wetlands of International Importance  Nationally Threatened Species and Ecological Communities

Commonwealth Marine Areas

• Water Resource, in relation to coal seam gas and large coal mining development

# Mining Rehabilitation Fund Act 2012 (MRF)

4

- The Mining Rehabilitation Fund (MRF) is a pooled fund that WA mining operators contribute to
- In 2012 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 \$42.8 M in contributions for 2022/23 Fund at June 2023 totals \$291.2M
- 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.

# Mining Rehabilitation Fund Categories

### 4

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	В	\$30,000
Workshop Mining void (with a depth of at least 5 metres) — below ground water level Landfill site Diversion channel or drain		
Dam — fresh water		

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	C	\$18,000	
Core yard Borrow pit or shallow surface excavation (with a depth of less than 5 metres) Borefield Processing equipment or stockpile associated with Basic Raw Material extraction Land (other than land under rehabilitation or rehabilitated land) that is cleared of vegetation and is not otherwise described in this Table			
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	No rate applicable	

### **Annual Environmental Report**

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



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

Land Under Dehabilitation (ba)

Total Area of Activity (ba)

- - Footors and Objectives
- 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, nongovernment 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 is the basis for assessing whether the environmental impact of a proposal is acceptable.

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.		



# The End Thankyou