

IN THE WARDEN'S COURT)
)
HELD AT KALGOORLIE)

Heard: 17.11.1987
Delivered: 15.12.1987

IN THE MATTER OF Plaintiff
No. 23/878 concerning
Prospecting Licence No.
29/154

BETWEEN:

JEFFERY JONES AND GARRY
PATRICK CONNELL

Plaintiffs

and

SANIDINE N.L.

Defendant

Mr I. Weldon instructed by Bannerman, Ziatas and McKenzie appeared for the Plaintiffs.

Mr R.W. Richardson instructed by Collison Hunt and Richardson appeared for the Defendant.

REASONS FOR DECISION

WARDEN I.G. BROWN S.M.

This Plaintiff was filed at 9.50 am on 11 September, 1987 and the claim was in the following terms:-

"In relation to Prospecting Licence 29/154:-

- (i) the Defendant has not complied with expenditure conditions in respect of the expenditure year ending the 10th September, 1987.
- (ii) the Defendant has not lodged with the Department of Mines the prescribed report for the expenditure year ending 10th September, 1987.

- (iii) the Defendant has not applied for or been granted an exemption from expenditure conditions for the expenditure year ending 10th September, 1987."

The Plaintiffs sought an order forfeiting this Prospecting Licence and priority to allow marking out the ground.

At the hearing of the Plaint paragraph (ii) above was abandoned by the Plaintiffs who acknowledged through their Counsel that the prescribed report in Form 5 for the year ended 10 September, 1987 had been lodged with the Mines Department.

A Notice of Defence was filed on behalf of the Defendant on 27 October, 1987 in the following terms:-

- "1. The Defendant has complied with the expenditure conditions applicable to this tenement pursuant to the Mining Act and Regulations.
2. Alternatively if the Defendant has not complied with those expenditure conditions (which is not admitted) then the Defendant says the non-compliance with such conditions is in the circumstances of the case not of sufficient gravity to justify forfeiture."

I note that the Defendant's address for service was in Sydney, New South Wales and that service of the Summons at that address was achieved on 6 October, 1987. In my view Regulation 111(4) adopts the Local Court Rules in regard to service of notices where a Plaint is to be served interstate. It follows that time for service of the notice of defence was 30 days and did not need to be extended by the Warden pursuant to Regulation 104. (Order 5, Rule 9 of the Local Court Rules).

The relevant provisions of the Mining Act (the Act) when considering a Plaintiff for forfeiture are Sections 50 and 96 which are in the following terms:-

"50. During the currency of a prospecting licence the holder thereof shall comply with the prescribed expenditure conditions relating thereto unless in accordance with this Act total or partial exemption therefrom is granted."

"96. (1) The Warden may upon the application of -

(a) the Minister or any mining registrar or other officer of the Department authorized by the Minister in writing in that behalf; or

(b) any person,

made in the prescribed form and in the prescribed manner, make an order for the forfeiture of any prospecting licence or a miscellaneous licence granted or acquired under this Act or by virtue of the repealed Act.

(2) An order for forfeiture may be made in relation to a mining tenement to which subsection (1) of this section applies if -

(a) the prescribed rent or royalty in respect thereof is not paid in accordance with this Act;

(b) any term or condition to which the mining tenement is subject, including any condition referred to in section 46 or section 50, is not complied with; or

(c) the holder of the mining tenement is convicted of an offence against this Act,

but an order shall not be made under subsection (1) of this section unless the warden is satisfied that the requirements of this Act in relation to such mining tenement have not been complied with in a material respect and that the matter is of sufficient gravity to justify the forfeiture of the mining tenement.

(2A) An application for forfeiture under subsection (1)(b) and made in respect of the expenditure conditions applicable to the mining tenement shall be made during the expenditure year in relation to which the requirement is not complied with or within 8 months thereafter, and not otherwise.

(3) A warden, as he thinks fit in the circumstances of the case as an alternative to making an order under this section for forfeiture of such mining tenement may

- (a) impose a penalty upon the holder of the mining tenement, not exceeding five hundred dollars;
- (b) award the whole or any part of the amount of any such penalty to the applicant if the applicant is not the Minister or an officer of the Department authorized in writing by him; or
- (c) impose no penalty on the holder.

(4) Where an order for the forfeiture of a mining tenement is made under this section, if the applicant therefor was not the Minister or an officer authorized

in writing by the Minister, such applicant shall have, for a period of fourteen days after the date of the order, a right in priority to any other person to mark out a mining tenement upon the whole or part of the land that was the subject thereof.

(5) If the applicant fails to proceed with his forfeiture application the warden may award the holder of the mining tenement such sum for costs and expenses as the warden thinks fit.

(6) Where any penalty imposed as an alternative to forfeiture under paragraph (a) of subsection (3) of this section is not paid within the time specified by the warden or within thirty days of the hearing of the application for forfeiture if no such time is specified by the warden, the mining tenement shall thereupon be forfeited and the rights conferred on the applicant for forfeiture under subsection (4) of this section shall apply as if the warden had made an order for forfeiture on the day on which the mining tenement is forfeited pursuant to this subsection.

(7) No prospecting licence shall be forfeited for non-compliance by the holder thereof with the expenditure conditions, if the holder satisfies the warden that the non-compliance therewith has been occasioned by a strike.

(8) Subject to Section 97A the warden may, for any cause that he deems sufficient and subject to subsection (9) of this section, cancel -

- (a) an order for the forfeiture of any mining tenement made under subsection (1) of this section; or
- (b) the forfeiture arising under subsection (6) of this section of any mining tenement referred to in subsection (1) of this section, and restore the mining tenement so forfeited to the holder thereof.

(9) The warden may, in effecting a cancellation and restoration under subsection (8) of this section, impose on the holder of the mining tenement restored under that subsection such conditions as he thinks fit."

The relevant Regulation in these proceedings is Regulation 15(1) which prescribes as follows:-

"15. (1) The holder of a prospecting licence shall expend in mining on or in connection with mining on the licence not less than \$40.00 for each hectare or part thereof of the area of the licence with a minimum of \$2,000.00 during each year of the term of the licence, but if the holder is directly engaged part-time or full-time in mining on the licence itself, then an amount equivalent to the wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended."

The key words in this Regulation are defined in Section 8 of the Mining Act as follows:-

"mining" includes fossicking, prospecting and exploring for minerals and mining operations;"

"mining operations" means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted or refined or dealt with for the purpose of obtaining any mineral therefrom whether it has been previously disturbed or not and includes -

- (a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral;
- (b) operations by means of which salt or other evaporites may be harvested;
- (c) operations by means of which mineral is recovered from the sea or a natural water supply; and
- (d) the doing of all lawful acts incident or conducive to any such operation or purposes."

The ground which is the subject of Prospecting Licence 29/154 consists of 120 hectares at Yunndaga near Menzies, it is bordered by a railway line on its western boundary and is dissected by the Kalgoorlie-Leonora highway which runs generally north south through this tenement.

The Plaintiffs called only one witness being Jeffery JONES who stated that he had been a part time prospector for 10 years but had become a full time prospector in January, 1987. In cross examination he agreed that his approach to prospecting

was to do a bit of work on each tenement and then dispose of the tenement for a profit. In fact he said he had held an interest in 24 separate tenements during 1987 and had progressively disposed of them.

Mr Jones stated that he had made inquiries with the Mines Department about this particular tenement about 3 years ago and ascertained that Sanidine N.L. was the holder of the tenement at that time. He said he had driven over the tenement three times in total. The first time was "about 3 years ago", the second time was something during July, 1986 and the third time was the day prior to the hearing, ie. 16 November, 1987. His evidence was rather short on detail but in summary he stated there was no evidence of any change from 3 years ago and no recent mining activity. For this reason he sought legal advice following his July 1986 visit to the tenement.

Given that the Plaintiff in actions of this kind does have an obligation to adduce some direct evidence of failure to meet expenditure requirements I consider that the Plaintiff should have inspected the tenement as close in time to the anniversary of the relevant expenditure year as possible (in the present case it would have been just prior to 11 September, 1986 and as soon as possible after 10 September, 1987).

As Warden Reynolds has said in Savage -vs- Teck Explorations Limited "it is open to a tenement holder to comply with the expenditure provisions by expending the whole of the minimum amount on the last day of the year." In the present case the Plaintiffs apparently took a gamble by filing their Plaint

on 11 September, 1987 without a recent check at the tenement. There must be a risk that such tactics may result in an order for costs against a Plaintiff if it is subsequently found that extensive activity at the tenement was taken during the last week of the relevant year.

In the present case however, the Plaintiff was able to give evidence which, although somewhat lacking in detail, (due to not having ever physically walked the tenement) was sufficient in my view to cause a Warden to seriously consider making an order for forfeiture had the Defendant not elected to call evidence. It is unnecessary to further consider the onus of the Plaintiff as the Defendant called three witnesses and once that occurs a Warden is left to assess the whole of the evidence on the balance of probabilities.

The witnesses were:-

- (a) Tim Owen - a senior geologist employed by the Defendant in Sydney, New South Wales, to administer a project named Craig-Y-Nos which included Prospecting Licence 29/154 and other nearby tenements being Prospecting Licences 29/152, 29/195 and Mining Lease 29/32.
- (b) Ian Herbison - a consultant geologist of Perth who had been under contract to the Defendant to carry out work on the Craig-Y-Nos project.
- (c) Robert George Colville - the exploration manager of Julia Mines N.L. which had entered into a joint venture with Sanidine N.L. in April, 1987 (which he referred to as the Yunndaga project) which involved Prospecting Licence 29/154 and other

tenements.

The evidence of Mr Owen involved a detailed description of a computerised expenditure control system operated in Sydney but which purported to reflect actual expenditure on various projects on mining tenements throughout Australia. The computerised accounting system was very similar to most modern unit costing system and I quite accept that in 1987 such systems are a relatively common and usually efficient means of keeping and producing financial records.

Section 79C of the Evidence Act of Western Australia provides for the admission of computer produced records. At the hearing the Defendant sought to have admitted as evidence a computer printout showing expenditure incurred by the Defendant on their project Craig-Y-Nos during the period 01.07.1986 and 30.06.1987.

This document was eventually admitted by consent as Exhibit D6 on the basis that the Warden would need to carefully scrutinise

- (a) whether the expenditure shown was expended on mining or in connection with mining;
- (b) whether the expenditure was within the 12 month period ending on 10 September, 1987; and
- (c) whether the apportionment of expenditure to the particular tenement concerned (PL 29/154) as distinct from other tenements within the Craig-Y-Nos project was reasonable.

Given that the Defendant's computerised accounting system operated on a June to June basis, and did not identify actual expenditure on individual tenements (the project known as

Craig-Y-Nos had an identification code of 0550) it can be seen that as Warden I was faced with a complex and difficult task in determining which, if any, of the expenditure claimed should be taken into account for the purposes of the Mining Act and Regulations.

The Form 5 entitled "Report on Operations on Mining Tenement PL 29/154 for the period 11 September, 1986 to 10 September, 1987" was prepared on 28 October, 1987 by Mr Owen. It was admitted into evidence and disclosed expenditure amounting to \$5,554.00 which was in excess of the minimum expenditure requirement of \$4,800.00. The breakup was as follows:-

"Geological mapping	
Geochemical sampling and analysis	
(includes on site salaries & consultants costs)	\$1,948
Aeromagnetic Survey	\$ 420
Gridding/Surveying	\$ 300
Office Studies, preparation of maps & reports drafting, plan printing, General Administration overheads, Project supervision and management	\$2,431
Travel & accommodation, Vehicle hire and Running costs, field supplies, freight, postage and stationery	\$ 445
	<hr/>
	\$5,544
	===== "

Mr Owen produced in evidence D3) which is reproduced as Decision. He arrived 5,574.60 for Prospecting Licence 2. period by referring to the various compute adding only those items which were expended in ant expenditure year. This exercise was made more difficult to follow at the hearing as the Defendants' computerised accounting system allowed for some 17 separate ledger heads of expenditure which then had to be re-allocated between the 7 specific heads of expenditure on the Form 5 required by the Mines Department.

After giving evidence in chief Mr Owen was cross examined in some detail with a view to attacking firstly the reliability of the expenditure data input to the computer, the apportionment to Prospecting Licence 29/154 as against the three other tenements embraced by the Craig-Y-Nos project and finally the question of whether each item was appropriate to be regarded as expenditure for the purposes of the Mining Act.

In the written submissions provided, at my request, by the respective Solicitors, after the hearing it was stated by the Defendant's Counsel that:-

"Under the Act the Warden's jurisdiction is limited to the monetary value of expenditure and if that expenditure is for "mining" or in connection with mining, then that is the end of the matter. The Warden has no authority to assess the "value" or otherwise of such expenditure."

That proposition goes too far. In assessing each item of expenditure claimed, the Warden must decide whether it has

been expended in mining or in connection with mining. There will be cases where claims for excessive overhead expenses, inappropriate travel expenses and duplication of effort may be disregarded by the Warden in his assessment. See the cases listed by Warden Reynolds at pages 14-18 of his address to the AMPLA (Perth) Conference on 21.11.1986 which illustrates the need for a Warden to make a value judgment on expenses claimed.

In the present case the Plaintiffs' main attack was in regard to the claim of \$2,431 under the heading of overheads which on the Form 5 is further described as "report preparation, office studies etc." By reference to Exhibit D9 I find this sum was made up of:-

1.	Salaries for office staff (technical & scientific)	\$1,099.54
2.	Salaries - oncost	\$ 349.78
3.	Legal fees	\$ 57.00
4.	Maps and reports	\$ 13.20
5.	Plan printing	\$ 45.00
6.	Overheads (15%)	\$ 866.00
		<hr/>
		\$2,430.52
		=====

In regard to Item 1 above I accept the evidence of Mr Owen that each technical employee, including himself, is required to complete a time sheet each day in which units of 15 minutes are allocated to the actual project being worked on that day.

Given that he and other staff were engaged in the preparation of a detailed report on Craig-Y-Nos (which became Exhibit D7) for the Mines Department between September, 1986 and January, 1987 this claim is accepted. The apportionment between this tenement and others within the Craig-Y-Nos project appears to be reasonable.

The claim at item 2 above was described in evidence by Mr Owen as salary loadings paid separate to salary. I consider that the evidence given concerning this item was inadequate for me to be satisfied on the balance of probabilities that this expenditure, being about 1/3 of the claim for salaries, can be regarded as having a sufficient connection with mining. This claim for expenditure is not allowed. The Warden should not be left, as I am, in doubt as to what actual nature of the expenditure was.

The claims at items 3-6 above are small and appear acceptable. This makes a total of \$1,214 which is proven to be expenditure on Prospecting Licence 29/154.

The claim at item 7 above is described as "Overheads (15%)" and in evidence Mr Owen made it clear that from the total expenditure on the project for the 12 month period ending 30 June, 1987 he apportioned the expenditure by Sanidine NL and Julia Mines NL over the various tenements including Prospecting Licence 29/154. On his worksheet (Exhibit D4) Mr Owen had made adjustments to the figures to allow for the expenditure period being 12 months ending 10 September, 1987. Of the total expenditure on the project, \$4,847 was allocated by Mr Owen to Prospecting Licence 29/154 and 15% of that figure was claimed as overheads, ie. \$727. This resulted in a total claim for the expenditure year of \$5,574 which was shown as \$5,544 on the Form 5 submitted

to the Mines Department.

I will defer my final assessment of the claim for overheads until the other claims have been considered, for obvious reasons.

The sum claimed under the heading "general prospecting" on the Form 5 was \$1,948 and by reference to Exhibit D4 (a copy of which is attached to these Reasons) I find this sum was made up of -

1.	Salaries (on site)	\$146.00
2.	Analytical	\$191.00
3.	Geological Services	\$518.00
		<hr/>
		\$855.00
		=====

plus \$780.00 (salaries) and \$312.00 (analytical) expended by Julia Mines N.L.

I accept the evidence of Mr Owen that between 2 September, 1986 and 15 September, 1986 a chinese geologist Mr Y. Zhenmin and a field assistant worked on the Craig-Y-Nos project and prepared a detailed map of the area which became Exhibit D5; other geological maps were also prepared.

As I understand the position Mr Zhenmin was the subject of an exchange between Australian and Chinese mining companies and he was paid by his parent organisation throughout his employment in Australia. Whilst such exchanges are to be applauded it is correct, in my view, to only claim for expenditure actually incurred in regard to the subject tenement. In this case the pro-rata claim for a field assistant between 11-15 September, 1986 is allowed at \$146 as claimed.

I also accept as reasonable the claim for \$191 being the pro-rata cost of assaying sample material obtained by Mr Zhenmin from this tenement.

In his evidence Mr Owen stated that the claim for geological services being \$518 was based on an apportionment of the accounts rendered, over the expenditure year, by Mr Ian Herbison. When Mr Herbison gave evidence he produced documents which confirmed he charged the Defendant \$200 for a full day for his professional time, which I accept as reasonable. However, in the relevant expenditure period he only spent one day at the location of Craig-Y-Nos (being 11 September, 1986) when he held discussions with Mr Zhenmin as to progress with the mapping. Given that he was involved with the whole project the apportionment allowed for Prospecting Licence 29/154 should be only \$65.00.

However, Mr Herbison also told of a report he prepared on 31.10.1986 for the Defendant regarding a drilling programme. His account dated 9 December, 1986 referred to 1 3/4 days spent on the Craig-Y-Nos project, being 31.10.1986 and 02.11.1986. On the basis a pro-rata allowance of \$100 for Prospecting Licence 29/154 is allowed. A further claim for 1/2 day in 1987 at the rate of \$220 per day is allowed as \$35 for Prospecting Licence 29/154.

On the basis of the whole of the evidence given by Mr Herbison, including his role in checking the english in the reports of Mr Zhenmin and reviewing the data and maps he produced, I consider there is a valid claim for \$200 for geological services in respect of Prospecting Licence 29/154.

I found Mr Herbison to be a very impressive and reliable witness who appeared genuinely disappointed that his recommendation for a drilling programme dated 31.10.1986 was not acted upon by the Defendant. I find as a fact that there was no drilling by Sanidine NL on Prospecting Licence 29/154 in the relevant expenditure year.

The evidence of Robert Colville was that he spent 4 days on the Craig-Y-Nos tenements, being 18-21 August, 1987 at times with another employee of Julia Mines N.L. He stated that since April, 1987 Julia Mines had acquired an interest in Prospecting Licences 29/152 and 29/154 plus Mining Lease 29/32 and another Prospecting Licence which was not within the Craig-Y-Nos project. His objective was to familiarise himself with the ground which was to be mined and carted to the Goongarrie treatment plant operated by Julia Mines. He took 148 samples of the ground of which 48 came from Prospecting Licence 29/154 and they were all assayed. I accept the evidence of this witness and on the basis that his time is costed at \$360 per day and slightly more time was spent on Prospecting Licence 29/154 the amounts of \$780 (salaries) and \$312 (analytical - being 48 samples assayed at \$6.50 each) are acceptable expenditure items.

In net terms the expenditure proved on the balance of probabilities under the heading of "general prospecting" is \$1,529.

Under the heading of "Aeromagnetic Survey" on the Form 5 the sum of \$420 was claimed. Mr Herbison produced a receipt dated 05.03.1987 (Exhibit 12) which is proof that the sum of \$1,400 was expended on the purchase of aeromagnetic survey maps for the Craig-Y-Nos project. The allocation of \$420 to Prospecting Licence 29/154 appears to be quite reasonable

and that sum is proven expenditure.

Under the heading of "Ground Surveys" in the sum of \$300 was claimed on the basis of the work done by Julia Mines N.L. Mr Colville gave evidence that a surveyor named Jackson and an assistant were locating the co-ordinates and surveying the tenements at the same time he was there and on the balance of probabilities I accept that the sum of \$300 is a reasonable pro-rata claim for expenditure on Prospecting Licence 29/154.

Under the heading of "Other Costs - Travel and accomodation, vehicle hire, freight" etc the sum of \$445 was claimed for Prospecting Licence 29/154. By reference to Exhibit D9 I find that this sum was made up of -

	Sanidine N.L.	Julia Mines N.L.
1. Airfares & accomodation	\$79.00	\$45.00
2. Field supplies	-	\$40.00
3. Fuel & maintenance	\$ 6.00	\$80.00
4. Vehicle Hire	\$172.00	-
5. Courier & freight	\$13.00	\$ 9.00
	<hr/>	<hr/>
	\$270.00	\$174.00
	=====	=====

Having regard to the documentary evidence produced by Mr Herbison and the oral evidence of Mr Colville I am not satisfied that the full sum of \$445 was expended in connection with mining on Prospecting Licence 29/154. The sum claimed included a pro-rata allowance for the hire of a Toyota Hilux for use by Mr Zhenmin between 08.09.86 and 15.09.86 which actually

cost \$703 for 8 days. It is my view that the proper pro-rata claim should be in the vicinity of \$72 for Prospecting Licence 29/154 and therefore the expenditure allowed on this item is reduced by \$100 to \$345.

In summary I have accepted the following amounts as expenditure on mining or in connection with the mining of Prospecting Licence 29/154:-

General Prospecting	\$1,529
Aeromagnetic Surveys	\$ 420
Ground Surveys	\$ 300
Overheads	\$1,214
Other costs	\$ 345

	\$3,808
	=====

This leaves to be considered the claim for "overheads" which was discussed earlier in these Reasons. The Defendant's approach was included as a separate component of expenditure a figure of \$866 which was derived by calculating 15% of the total of all other expenditure claimed.

As Warden I am aware of the practice of some mining tenement holders claiming an amount of between 10 and 15% of actual exploration expenses as "overheads". When subjected to close scrutiny it is my view difficult to justify this practice, particularly where allowance has already been made for salaries of staff engaged in technical work away from the site of the tenement.

I accept that the policy of the Mining Act and the Regulations and the expenditure conditions in particular, is to encourage activity on the actual tenement. As to policy of the Act and

Regulations [see Warden Reynolds in Craig v. Spargos Exploration N.L. (delivered 22.12.86) and Warden Calder in Smith v. Payne (delivered 27.7.85)]. It follows in my view, that any loading for "overheads" must be very closely scrutinised to ensure that the work has the necessary connection with mining. In the present case it can be seen that the activity on the tenement, being Prospecting Licence 29/154, during the relevant year occurred on about 7 or 8 days only.

I take the view that a loading of \$866 for this tenement to reflect the overheads of Sanidine N.L. and Julia Mines N.L. is quite unreasonable. I have no doubt that Mr Colville was truthful when he stated that Julia Mines N.L. had overheads of \$100,000 per month, however, in the absence of any regular or direct mining activity on this tenement I consider it quite inappropriate to allow the tenement holders to claim a loading for their "overheads" in addition to the sums actually expended. The position may be different if active mining operations are underway.

As a result I find that the expenditure on Prospecting Licence 29/154 for the year 11 September, 1986 to 10 September, 1987 to be \$3,808 which is \$992 below the minimum expenditure requirement.

I am now required to consider whether, having regard to the provisions of sub section 96(2) whether the failure by Sanidine N.L. to comply with the expenditure requirements is a material failure and whether the matter is of sufficient gravity to justify the forfeiture of the Prospecting Licence.

There is no doubt that the failure to comply with expenditure requirements is a serious matter and it is clearly a material failure, given what I have said above about the objective of having minimum expenditure conditions in the legislation.

However, I am quite satisfied that the failure was not intentional. In fact the records maintained by Sanidine N.L. showed a healthy excess of expenditure on this tenement. The application by Messrs Jones and Connell has put the computerised accounting system to the test and it has been found wanting. If such modern systems are to be effective the computer programme will need to be fine tuned so that it can produce a printout for each individual tenement for the relevant expenditure year.

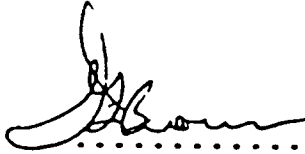
In addition the evidence concerning the active involvement of Julia Mines N.L. since August, 1987 in a report marked Exhibit D4 is of considerable significance in determining whether forfeiture is appropriate. I am satisfied that on the basis of the evidence Mr Colville the ground concerned will be mined in the reasonably near future and is regarded as a valuable and nearby source of supply to the Goongarrie plant. In such circumstances forfeiture of the Prospecting Licence, which is in the centre of the Yunndaga project being operated by Julia Mines N.L. - see plan attached, would not be appropriate.

As to the question of costs I consider that although the Plaintiff has been successful in this Plaint, it was, as I mentioned earlier, something of a gamble by the Plaintiff and accordingly each party should bear their own costs.

After consideration of all the material before me I consider that in the circumstances of this case a penalty of \$300 should be imposed on the Defendant. The formal orders will be:-

1. the Defendant failed to comply with the expenditure requirements for Prospecting Licence 29/154 for the 12 months ended 10 September, 1987 to the extent of \$992;

2. the Defendant pay a penalty of \$300 to the Mines Department within 30 days, as the non compliance is not of sufficient gravity to justify forfeiture; and
3. there be no order as to costs.



.....

IVAN G. BROWN S.M.

WARDEN

KALGOORLIE

