

**LEGISLATIVE COUNCIL**  
**Question On Notice**

**Tuesday, 16 May 2017**

**13. Hon Robin Chappie to the Minister for Environment representing the Minister for Mines and Petroleum**

I refer to previously granted exploration Licence E28/1634, which I understand has been surrendered, and ask:

- (a) is it correct that exploration Licence E28/1634, prior to the surrender, had a mortgage on this tenement for up to \$2 million dollars based on a discovery deed executed by the parties;
- (b) if yes to (a), on what specific date was this mortgage lodged;
- (c) if no to (a), what is specifically correct with respect to the amount of monies that was registered as a mortgage on E28/1634;
- (d) did the mortgagor or the party lodging the surrender provide written consent to the Department of Mines and Petroleum (DMP) for the surrender to be registered on E28/1634 with a written letter on 27 September 2016 at least 15 days prior to 12 October 2016;
- (e) if no to (d), what is the specific date that the mortgagor notified the DMP with a written letter addressed to the DMP notifying, agreeing, and consenting to the registration of a surrender;
- (f) is it correct that a surrender was lodged for E28/1634 on 12 October 2016 at 14.40pm in Perth;
- (g) if no to (f), what is specifically correct in terms of the time and date;
- (h) did the DMP initially identify any potential defects with the surrender which was lodged for E28/1634, resulting in provisional lodgement;
- (i) if yes to (h), what were those specific defects identified by the DMP; and
- (j) on what specific date and time were any potential defects rectified by the holders of E28/1634 for the surrender which was lodged?

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**Answer**

The Department of Mines and Petroleum (DMP) advises:

- (a) Yes, however the mortgage was not accompanied by the Pinjin Discovery Deed between the Mortgagor and Mortgagee dated 13 September 2010, therefore DMP cannot confirm the amount of the mortgage.
- (b) Mortgage 388971 was lodged and registered against Exploration Licence 28/1634 on 10 January 2012.
- (c) Refer to answer (a) above.
- (d) No
- (e) The written consent accompanied the lodgement of the surrender on 12 October 2016.
- (f) Yes
- (g) Not applicable
- (h) Yes

**LEGISLATIVE COUNCIL****Question On Notice****Tuesday, 16 May 2017****14. Hon Robin Chappie to the Minister for Environment representing the Minister for Mines and Petroleum**

I refer to the Mining Wardens Court decision titled, *Lake Hillman Mining Mining P/L v HB Brady CO P/L and ANOR*, delivered on 31 August 2012 concerning Mining Lease 77/39, and I ask:

- (a) does the Minister agree and support the position outlined in paragraph 62 of the above referred to decision;
- (b) if yes to (a), why;
- (c) if no to (a), which specific parts from paragraph 62 does the Minister not agree and support;
- (d) does the Minister strongly support the 'use it or lose it' principle on all mining tenure under the *Mining Act 1978*;
- (e) if no to (d), why not; and
- (f) if yes to (d), can the Minister explain how the public of Western Australia benefits from having a strong 'use it or lose' position in terms of utilisation of resources owned by the State of Western Australia towards all mining tenure under the *Mining Act 1978*?

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**Answer**

- (a) The Minister agrees with the principle outlined in the referred to decision.
- (b) The prime objective of the *Mining Act 1978* is to encourage exploration and mining activity and to discourage holders from simply acquiring a tenement and not performing their statutory obligations in relation to it.
- (c) Not applicable
- (d) Yes, but any specific matter will need to be dealt with on its individual merits.
- (e) Not applicable
- (f) See answer (b).



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**MINISTER FOR MINES AND PETROLEUM**