

LEGISLATIVE COUNCIL
Question On Notice

Thursday, 25 May 2017

28. Hon Robin Chappie to the Minister for Regional Development representing the Minister for Mines and Petroleum

I refer to the Department of Mines and Petroleum (DMP) guidelines for applicants appertaining to the section 58(1)(b) statement to accompany applications for all exploration licences within Western Australia, and ask:

- (a) can the Minister advise why the DMP insists that all the information data within the section 58(1)(b) statement must relate directly to the land comprised within the exploration licence application;
- (b) if no to (a), why not;
- (c) why are generic statements within the section 58(1)(b) statement not acceptable when the DMP Mining Registrar assesses all applications before the Minister grants or refuses each application;
- (d) can the Minister explain what is the functional purpose for the DMP insisting that the section 58(1)(b) statement must demonstrate to the Mining Registrar or Mining Warden that the full area is applied for as opposed to only part or various parts being effectively explored within the term of the licence;
- (e) if no to (d), why not;
- (f) can the Minister explain why is it so important that the section 58(1)(b) statement must specify the goals, the outcomes the exploration program of work intends to accomplish, the objectives, the steps the program will take to attain the goal, the activities including the specific activities to be undertaken to meet the objectives and ultimately fulfill the goal and how this is relevant with compliance with the *Mining Act 1978* when the Mining Registrar or Mining Warden looks at these before the Minister grants or refuses each application;
- (g) if no to (f), why not;
- (h) can the Minister explain why the DMP insists that for financial resources in terms of compliance with the *Mining Act 1978* that the applicant must have regard to their total annual commitment for all granted titles and all other pending mining tenement applications for which they are responsible either in their own name, the name of related entities or as a joint venture/farm in partner;
- (i) if no to (h), why not;
- (j) does the proposed exploration work program need to specify the estimated full amount of money to be expended in each respective year on each stage of the proposed exploration program for the full term of the exploration licence;
- (k) if yes to (j), can the Minister explain why;
- (l) if no to (j), can the Minister explain why not;
- (m) can the Minister explain why is it so important that the section 58(1)(b) statement must specifically contain and include the names, qualifications and experience of the personnel managing and implementing the proposed exploration work program being assessed as opposed to an application having no names, qualifications and experience of the personnel and how this is relevant for the DMP assessing compliance with each application under the *Mining Act 1978*; and
- (n) if no to (m), why not?

Answer

- (a) Section 58(1)(b) expressly provides that the accompanying statement must specify the proposed method of exploration of the area in respect of which the licence is sought, and the details of the programme of work proposed to be carried out in such area, and the estimated amount of money proposed to be expended on the exploration, as well as providing the technical and financial resources available to the applicant.
- (b) Not applicable
- (c) Generic statements are not acceptable in order to comply with section 57(3) of the Mining Act 1978. Section 57(3) expressly provides that the mining registrar or the warden shall not recommend the grant of an exploration licence unless he is satisfied that the applicant is able to effectively explore the land in respect of which the application is made.
- (d) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (e) Not applicable
- (f) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (g) Not applicable
- (h) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (i) Not applicable
- (j) Yes
- (k) In assessing the applicant's ability to effectively explore the land in respect of which an application is made, the mining registrar or warden must be satisfied that the exploration licence applicant proposes to expend at least the minimum annual statutory requirement on the exploration programme.
- (l) Not applicable
- (m) Section 58(1)(b) expressly provides that the statement accompanying the application must specify (inter alia) the technical and financial resources available to the applicant. In giving consideration to recommending the determination of an application for exploration licence, section 59 expressly provides that the mining registrar or warden must be satisfied that the applicant has complied in all respects with the provisions of the Mining Act 1978. A non-conforming statement, one that does not specify the technical resources available to the applicant, does not satisfy the strict Mining Act compliance test that the mining registrar or warden must apply to the application.

The purpose of the accompanying statement is to enable the exploration licence applicant to demonstrate that it has the methodology, programme, and commitment to expenditure, as well as the technical and financial resources available to effectively explore the land applied for.
- (n) Not applicable

