

Prospecting WA



A quick reference guide for visiting prospectors

Introduction

Prospecting in WA can be a rewarding experience if done the right way. This quick reference guide produced by the Department of Industry and Resources (DoIR), is designed to provide visiting prospectors with a summary of their rights and obligations under the *Mining Act 1978* (the Act) and *Mining Regulations 1981*.

It is essential that anyone intending to prospect in WA take all necessary steps to familiarise themselves with the requirements of the Act. If you are found to be in breach of the Act you may face severe penalties.

To avoid breaching the Act, it is important that at all times you understand the location and area in which you are prospecting. The DoIR's Tengraph[©] mapping system provides an accurate listing and coordinates of all major land features, current tenement boundaries and vacant Crown land. DoIR staff at Mining Registrar Offices can assist you with generating a map of the area you intend to prospect on. Tengraph[©] is also accessible through the DoIR Website.

The information provided on this guide is not exhaustive and you should obtain further detailed information from DoIR prior to commencing prospecting.

Rights

To be able to prospect in WA you are required to possess a Miner's Right. This enables you to prospect on:

- Vacant Crown land that is not covered by a granted mining tenement;
- A pastoral lease or any other Crown land that is under lawful occupation and not covered by a granted mining tenement (see "*Rights and obligations on occupied Crown land*" below);
- A mining tenement, provided that the prior written consent of the tenement holder has been obtained;
- An exploration licence for a period of three months provided the person possesses a Section 20A Permit (in addition to the Miner's Right).

The possession of a Miner's Right does not authorise you to prospect on private land or generally on Reserve land.

While prospecting you have the right to carry out the following activities:

- Prospect and conduct tests for any minerals including gold;
- On each occasion, extract up to 20 kilograms of samples of rock, ore or minerals, using only hand held equipment (including metal detectors);
- Fossick for rocks and gemstones;
- Mark out mining tenements;
- Take water subject to the *Rights in Water and Irrigation Act 1914*;
- Camp on Crown land for the purpose of prospecting.

A Miner's Right can be obtained from any Mining Registrar's Office.

Obligations

As a prospector you are required to:

- Minimise damage to the surface of the land;
- Fill in any holes or any other disturbances that have been

caused to the surface of the land in the course of prospecting;

- Not undertake surface scraping activities or strip mining;
- Take all necessary steps to prevent fire and damage to trees, property or livestock;
- Pay compensation to the owner or occupier of the land for any loss or damage they have suffered as a result of the prospecting.

Rights and obligations on occupied Crown land

As a holder of a Miner's Right you should make contact with pastoralists and other occupiers of Crown land and notify them of your intention to:

- Enter or prospect on that land; or
- Pass and repass over that land in order to gain access to other land for the purpose of prospecting, provided the prospector complies with the additional requirements set out under the Act.

While permission to prospect on Crown land is not generally required; you should take all reasonable and practicable steps to give the pastoralist prior notification in order to ascertain whether your presence will interfere with the pastoralist's activities.

Exception occurs should you wish to prospect close to specified areas that are listed under the Act; this includes watering holes, dwellings and cultivated lands. In these cases, consent is required and for your own protection this should be in writing.

Further information on prospecting on pastoral leases and other occupied Crown land can be obtained from Information Pamphlet No 5, *Prospecting, exploration, mining on pastoral leases*. If in doubt you should make enquiries with the nearest Mining Registrar's Office. These offices can also provide you with the contact details of pastoralists, upon request.

Powers of authorised DoIR officers

You should be aware that authorised DoIR officers (or a police officer) may:

- Enter any mining tenement or land where mining activities are being carried out;
- Require a person to produce documentation or evidence of their name, address and authority of that person to mine on the land;
- Direct a person to cease mining (which includes prospecting) on the land;
- Use necessary force to remove a person and any machinery being used for the purpose of mining from the land if a direction to cease mining is not complied with;
- Arrest a person who does not comply with their request or direction, or who obstructs them in making such a request or direction.

Penalties

Penalties for breaches of the Act can be substantial, for example:

- The penalty for committing the offence of mining (this includes prospecting) without authority is up to \$100,000 and if it is a continuing one, a further fine of up to \$10,000 for every day during which the offence has continued.
- The penalty for removing any mineral or other mining product from the mining tenement of any other person, without that tenement holder's authority is up to \$10,000.
- The penalty for assaulting, obstructing, hindering or insulting any DoIR officer or member of the police service in the performance of their duties is up to \$10,000.
- The penalty for refusing or failing to comply with a lawful request or direction made by an authorised DoIR officer or member of the police service is up to \$10,000.
- The penalty for re-entering a mining tenement that a person has been lawfully evicted from is up to \$10,000.

Further assistance

Further information is available in the following publications, which can be obtained through contacting DoIR or from the website

www.doir.wa.gov.au:

- *Prospecting in Western Australia*;
- Information Pamphlet No 2 - *Miner's Rights*;
- Information Pamphlet No 5 - *Prospecting, exploration, mining on pastoral leases*;

Other sources of information include:

- *Series 5 Paper and You* - A guide for a better relationship between pastoralists and miners produced by the Pastoralists and Graziers Association of WA;
- *Code of conduct for mineral exploration on pastoral leases* published by the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies and the Pastoralists and Graziers Association of WA.

DoIR Mining Registrars or the Investigation Services Unit can be contacted, if you need any further assistance.

You can also obtain helpful advice from industry and support groups such as the Amalgamated Prospectors and Leaseholders Association of Western Australia or bodies such as the Prospectors and Miners Association of Victoria and the North Queensland Miners Association.

Investigation Services Unit

DoIR has created an Investigation Services Unit to investigate offences and to take appropriate action including prosecution action for those breaches.

Phone: (08) 9222 3093

E-mail: isu@doir.wa.gov.au

Website: www.doir.wa.gov.au

Mining Registrar Offices of the Department of Industry and Resources

Perth

Level 1, Mineral House,
100 Plain Street
EAST PERTH WA 6004
Telephone: (08) 9222 3111

Coolgardie

40 Bayley Street
COOLGARDIE WA 6429
Telephone: (08) 9026 6066

Kalgoorlie

Brookman Street
KALGOORLIE WA 6430
Telephone: (08) 9021 3066

Karratha

Welcome Road
KARRATHA WA 6714
Telephone: (08) 9186 8888

Leonora

Rochester Street
LEONORA WA 6438
Telephone: (08) 9037 6106

Marble Bar

Bohemia Road
MARBLE BAR WA 6760
Telephone: (08) 9176 1044

Meekatharra

Main Street
MEEKATHARRA WA 6642
Telephone: (08) 9981 1008

Mt Magnet

Richardson Street
MT MAGNET WA 6638
Telephone: (08) 9963 4040

Norseman

Prinsep Street
NORSEMAN WA 6443
Telephone: (08) 9039 1082

Southern Cross

Canopus Street
SOUTHERN CROSS WA 6426
Telephone: (08) 9049 1107