



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**



Excess Tonnage Procedure

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Contents

Foreword.....	1
Legislation.....	2
Programme of Work.....	2
Relevant activities for excess tonnage applications.....	3
Calculation of excess tonnage	3
Applications for excess tonnage	3
Assessment process.....	4
Timeframes	4

Foreword

The Department of Mines, Industry Regulation and Safety (DMIRS) regulates activities under the Mining Act 1978. Activities approved under a Programme of Work have limits of the amount of tonnage that may be disturbed; this procedure identifies how authorisation may be provided to disturb excess tonnage to support prospecting or exploration activities.

These applications are assessed by the Resource and Environmental Compliance Division of DMIRS.

An application for excess tonnage must demonstrate:

- the excess tonnage is for the purposes of approved prospecting or exploration only, and is not for mining purposes; and
- it does not interfere with the rights of others with an interest in the land.

This document clarifies the assessment process and requirements for excess tonnage applications.

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Legislation

The *Mining Act 1978* (Mining Act) confers the holders of prospecting licences, special prospecting licences, exploration licences and retention licences the rights to excavate and extract or remove materials within prescribed limits.

The Mining Regulations 1981 prescribe the tonnage limit for each type of mining tenement:

Tenement	Tonnage
Prospecting Licence	500 tonnes
Special Prospecting Licence	500 tonnes
Exploration Licence	1000 tonnes
Retention Licence	1000 tonnes

Material in excess of these limits in respect of prospecting licences, special prospecting licences, exploration licences and retention licences 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 for Mines and Petroleum (the Minister).

This document sets out the procedure for applying for this excess tonnage authorisation to support prospecting and exploration. The actual ground disturbance must first be approved via a Programme of Work (PoW) before undertaking work.

Programme of Work (PoW)

The approval process for an excess tonnage application is separate to the approval process for a PoW.

Approval of an application for excess tonnage does not give the licensee the right to disturb the ground. Prior to disturbing the ground, the licence holder must have an approved Programme of Work (PoW). The assessment of the environmental impact of prospecting and/or exploration activities, which includes the scale and nature of the activity, is undertaken during the PoW approval process.

The department currently approves a PoW for a period of four years. If the approved excess tonnage is not fully excavated, extracted or removed within the relevant PoW, if appropriate, it can be used on a subsequent approved PoW.

The tenement holder is responsible for tracking the tonnage of material excavated, extracted or removed during exploration and prospecting activities. Applicants need to inform DMIRS in their PoW application if they are carrying forward approved tonnage into a new programme.

Relevant activities for excess tonnage applications

Holders of prospecting, special prospecting, exploration and retention licences can apply for excess tonnage where it is needed to support activities associated with either prospecting or exploration, not mining.

DMIRS determination of whether an activity is prospecting and exploration will assess whether it is the process of searching for and testing to establish the presence of mineralisation in economic concentrations. The extraction of minerals for the purpose of sale will be determined as mining.

Approval for excess tonnage is restricted to the need to continue prospecting or exploring under the licence where further sampling is required to test the existence of a mineable orebody, or where a bulk sample is required for testing or analysis. Approval can also be granted in situations where excavations are required in certain environments to make standard exploration/prospecting activities safe to undertake.

The following are examples:

- Costeaming for all types of minerals to take samples for analysis.
- Bulk sampling alluvial material for treatment e.g. diamonds, heavy mineral sands.
- Iron ore - bulk sampling for testing the best method for mining, crushing, screening concentration.
- Gold - treatment of alluvial material to establish whether grades would support gold mining.
- The construction of 'cut and fill' access tracks and drill pads on a steep surface to ensure they are fit for purpose and safe.

Calculation of excess tonnage

Tonnage amounts cumulatively accrue on the specific tenement over the life of the tenement, and do not reset to zero when rehabilitation or restoration works are completed.

DMIRS provides an online calculator tool to assist with the [calculation of hillside tonnages](#).

Applications for excess tonnage

Excess tonnage applications are lodged through [Mineral Titles Online](#).

Applications are required to provide the following information:

- The tenement number.
- Tenement holder name and address.
- Excess tonnage amount required per tenement.
- Summary of the work to be carried out.
- Applicants name and contact details (if not the tenement holder).
- Letter of authorisation by the tenement holder (where required).
- Agreement from affected native title party (where required).

Tenement holder authorisation

An application for excess tonnage should be lodged by the tenement holder. Where the application is lodged by a third party, this application will be required to be supported by a letter of authorisation by the tenement holder.

Native Title party authorisation

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. A copy of this agreement must be lodged with the application.

This does not apply if the tonnage is for hillside drill pads or access tracks.

There is no limit on the amount of excess tonnes that can be applied for and each application is assessed on its merits.

Assessment process

Excess tonnage applications up to a cumulative 50,000 tonnes per tenement are assessed by the Resource and Environmental Compliance Division of the department under delegation.

Each application is assessed individually on its merits and licence holders are required to demonstrate that:

- the excess tonnage is for the purposes of prospecting or exploration and is not for mining purposes; and
- the activity does not interfere with the rights of others with an interest in the land.

Where an application for excess tonnage would result in greater than 50,000 tonnes being authorised on that tenement, the application is required to be determined by the Minister. For example, if the current approved excess tonnage total for a tenement is 45,000 tonnes, and an excess tonnage application for an additional 7,000 tonnes is lodged, that subsequent application must be determined by the Minister.

Timeframes


Non contentious applications

Applications for excess tonnage less than 50,000 tonnes which are non-contentious and capable of determination under delegation will be processed within 20 business days.

DMIRS will deem an application for excess tonnage to be 'non-contentious' where the application contains all required information and supporting documents and DMIRS considers the proposed activities to be genuinely for the purposes of continuing to explore or prospect for minerals.

Contentious applications and applications for more than 50,000 tonnes

Applications for excess tonnage greater than 50,000 tonnes per tenement, as well as contentious applications, require Ministerial determination.



An application for excess tonnage will be deemed to be 'contentious' where DMIRS considers that the proposed land disturbance activities may constitute actual mining activities. This determination is based upon the application as a whole, i.e. the location of the activities, the activities proposed, the volume of excess tonnage requested and the justification that the proposed activities and tonnage is for exploration or prospecting purposes.

It is important to note that excess tonnage may only be applied for the purposes of continuing to explore or prospect for minerals and the application will be referred for Ministerial approval where DMIRS considers the proposed activities to be contentious.

All timeframes can be drastically reduced if the application is supported by other necessary land user consents, a spatial file of the locality and reference made to any relevant PoW application.

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