**BEFORE THE WARDEN**

**AT [LOCATION]**

**Application**

**Objection**

**Forfeiture**

**Plaint**

**BETWEEN:**

**XXXXXXXXXXX Applicant/Plaintiff**

**-and-**

**XXXXXXXXXXXX** **Objector/Respondent**

**MINUTE OF PROGRAMMING DIRECTIONS BY CONSENT**

|  |  |
| --- | --- |
| Date of Document: | XXXXXXX |
| Filed on behalf of: | The |
| Date of Filing:    Prepared by: | XXXXXXX |
| [FIRM] | Tel: |
|  | Email: |
|  | Ref: |

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BY CONSENT the parties seek the following orders:

1. Subject to clause 2 and 5 below, application for [LICENCE TYPE] [FIELD NUMBER] / [TENEMENT NUMBER] (***the Application***) is to be determined in chambers without further evidence or submissions from either the Applicant or Objector in relation to Objection/s number/ed [NUMBER/S].
2. For the purposes of these directions the Applicant and Objector agree to the following facts :
   1. The Applicant has in all aspects complied with the provisions of the *Mining Act 1978* (WA) (***the Act)*** and the *Mining Regulations 1981* (WA) (***the Regulations***) in respect of the Application.
   2. The Application encroaches onto the following tenure held by the Objector:
      1. [NUMBER] as to [NUMBER] hectares;
      2. NUMBER] as to [NUMBER] hectares;
3. The Mining Warden will give consideration to recommending the imposition of the Department of Mines, Industry Regulation and Safety Standard Conditions / Endorsements, which the parties agree ought be imposed (the ***Standard Conditions)***, and a copy of which are annexed hereto as Schedule 1.
4. Further, the Mining Warden will give consideration to recommending the imposition of the further conditions which the parties agree ought to be imposed (the ***Further Conditions)***, and a copy of which are annexed hereto as Schedule 2.
5. The Mining Warden will forthwith provide a copy of this Minute with the proposed Further Conditions to the Department of Mines, Industry Regulation and Safety, with a direction that any view held by the Department of Mines, Industry Regulation and Safety as to the lawfulness or otherwise of any of the said Further Conditions is to be provided in a written report to the Warden, and the parties, within 14 days of the date of this Minute.
6. If the Mining Warden determines that the Application is to be recommended for grant with a recommendation that those Standard Conditions set out in Schedule 1 and the Further Conditions set out in Schedule 2, be imposed, no further hearing is required, and the matter may be determined accordingly.
7. If the Mining Warden forms a preliminary view that the Warden may:
   1. not recommend the grant of the Application; and, or
   2. recommend the grant of the Application without the imposition of one or more of the Standard Conditions set out in Schedule 1; and, or
   3. recommend the grant of the Application without the imposition of one or more of the Further Conditions set out in Schedule 2: and, or
   4. to recommend the grant of the Application but with a condition or endorsement being imposed that is not a Standard Condition as set out in Schedule 1, or Further Schedule as set out in Schedule 2: or
   5. to list the Application for hearing in relation to any objection associated with it for any other reason;

then in any such case the Mining Warden will give the Applicant and Objector notice, and an opportunity to be heard prior to the Mining Warden making a determination or providing any such recommendation to the Minister, or taking any further step.

1. Subject to clause 6, the Objector is excused from further attendance at any listing of the Application.
2. In the event that the Mining Warden makes a recommendation pursuant to this Minute of Programming Directions, Notice will be provided to the parties.
3. In the event that the Mining Warden makes a recommendation pursuant to this Minute of Programming Directions, the matter will be determined accordingly, with no order as to costs and the objection dismissed.

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[FIRM] [FIRM]

Solicitors for the Applicant/Plaintiff Solicitors for the Objector/Respondent

**SCHEDULE 1**

**DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY STANDARD CONDITIONS AND ENDORSEMENTS**

**Annexe a copy of the Draft Standard Conditions and Endorsements obtained from the Department of Mines, Industry Regulation & Safety.**

**SCHEDULE 2**

**FURTHER CONDITIONS**

**List such further bespoke conditions that the parties seek to be imposed.**