JURISDICTION	**:**	MINING WARDEN
TITLE OF COURT	**:**	BEFORE THE WARDEN IN CHAMBERS
LOCATION	**:**	PERTH
CITATION	**:**	IN THE MATTER OF COMPETING APPLICATIONS FOR EXPLORATION LICENCES BY SHEFFIELD RESOURCES LTD & ors [2012] WAMW 29
CORAM	**:**	WILSON M
HEARD	**:**	ON THE PAPERS
DELIVERED	**:**	22 OCTOBER 2012
FILE NO/S	**:**	RELEASE NUMBER 10/151 (SECTION 1-NORTH) & (SECTION 1 – SOUTH)
TENEMENT NO/S	**:**	APPLICATIONS FOR EXPLORATION LICENCES 47/2345 & 47/2346, 47/2347 & 47/2348, 47/2351 & 47/2352, 47/2353 & 47/2354
BETWEEN	**:**	In the matter of Competing Applications for Exploration Licences by:

Sheffield Resources Ltd (E 47/2345 – Section 1 - North)
(E 47/2346 – Section 2 – South)

&

Iron Ore Holdings Ltd (E 47/2347 – Section 1 – North)
(E 47/2348 – Section 2 – South)

&

Cazaly Iron Pty Ltd (E 47/2352 – Section 1 – North)
(E 47/2351 – Section 2 – South)

&

Brockman Exploration Pty Ltd (E 47/2353 – Section 1 – North)
(E 47/2354 – Section 2 – South)

(Applicants)

Catchwords:

Application – Exploration Licence – Competing applications over same ground - Initial Requirements – Compliance with s. 58(1)(b)(iv) – Financial Resources – Adequacy of Statement of Financial Resources – Ballot – Exclusion from Ballot

Legislation:

Mining Act (1978) WA: s. 58(1)(b)(iv), s. 57(3), s. 58(3), s. 105A(1) &(3)

Result:

Application for Exploration Licence 47/2347 by Iron Ore for land located in Release Number 10/151 (Section One – North) and applications for Exploration Licence 47/2348 by Iron Ore for land located in Release Number 10/151 (Section Two – South) each complied with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are eligible for inclusion in any ballot to determine priority.

Application for Exploration Licence 47/2345 by Sheffield, application for Exploration Licence 47/2352 by Cazaly and application for Exploration Licence 47/2353 by Brockman for land located in Release Number 10/151 (Section One – North) did not comply with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are not eligible for inclusion in any ballot to determine priority.

Application for Exploration Licence 47/2346 by Sheffield, application for Exploration Licence 47/2351 by Cazaly and application for Exploration Licence 47/2354 by Brockman for land located in Release Number 10/151 (Section Two – South) did not comply with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are not eligible for inclusion in any ballot to determine priority.

No ballot is necessary as only applications for Exploration Licences 47/2347 by Iron Ore located in Section One – North and application for Exploration Licence 47/2348 by Iron Ore located in Section Two – South complied with the initial requirement of the Act at the time of lodgement.

Representation:

Sheffield	:	Gilbert & Tobin
Cazaly	:	DLA Piper Australia
Brockman	:	Austwide Mining Title Management Pty Ltd

Case(s) referred to in judgment(s):

In The Matter of Applications for Exploration Licences by Central Pilbara Iron Ore P/L & ors [2012] WAMW 1

Clayton v Heffron (1960) 105 CLR 214

In the Matter of Competing Applications for Exploration Licences by Hamersley Iron P/L and Brockman Exploration P/L [2012] WAMW 22

In the Matter of Competing Applications for Exploration Licences by Cazaly Iron P/L [2012] WAMW 23

Jackson Gold v Murchison Exploration [2002] WAMW 27

Jindalee Resources Ltd v Blackham Resources Ltd & ors [2008] WAMW 7

Aberfoyle Resources Ltd v Eldorado Resources NL & ors (unreported decision, Coolgardie Wardens Court, delivered 13 October 1988)

Background

1. On 30 April 2010 at 0830 hours, certain land contained within Release Number 10/151 was released for mining pursuant to s. 65 of the Mining Act ("the Act"). The land comprised within release number 10/151 comprised of two sections of land identified as "Section 1 – North" and "Section 2 – South".

2. Simultaneously, at 0830 hours on 30 April 2010, Sheffield Resources Ltd ("Sheffield"), Iron Ore Holdings Ltd ("Iron Ore"), Cazaly Iron Pty Ltd ("Cazaly") and Brockman Exploration Pty Ltd ("Brockman") each lodged one application for the grant of an Exploration Licences in each of Section 1- North and Section 2 – South over land wholly or in part identical to the land the subject of Release Number 10/151.

3. For the sake of completeness the applications for exploration licences and their respective registration number is as follows:

Sheffield Resources Ltd	(E 47/2345 – Section 1 - North) (E 47/2346 – Section 2 – South)
Iron Ore Holdings Ltd	(E 47/2347 – Section 1 – North) (E 47/2348 – Section 2 – South)
Cazaly Iron Pty Ltd	(E 47/2352 – Section 1 – North) (E 47/2351 – Section 2 – South)
Brockman Exploration Pty Ltd	(E 47/2353 – Section 1 – North) (E 47/2354 – Section 2 – South)

4. On 4 April 2012, the Warden identified certain issues with the applications for Exploration Licences lodged by Sheffield, Cazaly and Brockman concerning the content of the statement specifying the financial resources available to Sheffield, Cazaly and Brockman that were lodged in purported compliance with the requirements of s. 58(1)(b)(iv) of the Act ("the Statement").

5. On the same date, the Mining Registrar at Karratha, on behalf of the Warden, wrote to Sheffield, Cazaly and Brockman and advise in the Warden had identified that there applications for exploration licences in both Section 1 - North and Section 2 – South appeared not to comply with the initial requirements pursuant to s. 58(1)(b)(iv) of the Act. Specifically, Sheffield was informed the Financial Resources Statement and the accountant's letter was considered to be insufficient to comply with the provisions of s. 58(1)(b)(iv) of the Act. Cazaly was informed by the Mining Registrar that no Financial

Resources Statement was lodged that is considered to be sufficient to comply with the provisions of s. 58(1) (b)(iv) of the Act. Further, the Statement of Cazaly Resources Ltd is considered to be insufficient to comply with the requirements of with the provisions of s. 58(1)(b)(iv) of the Act. Brockman was informed the Financial Resources Statement that was lodged was considered to be insufficient to comply with the provisions of s. 58(1)(b)(iv) of the Act and the 2009 Financial Statement of Brockman Resources Ltd is considered to be stale and insufficient to comply with the requirements of s. 58(1)(b)(iv) of the Act.

6. The Applications for Exploration Licences 47/2347 and 47/2348 by Iron Ore are considered to be complaint with the provisions of s. 58(1)(b)(iv) of the Act and therefore comply with the initial requirements at 0830 hours on 30 April 2010 and are each eligible to be included in any ballot necessary to determine priority pursuant to s. 105A(3) of the Act.

Submissions by Sheffield for Applications for E's 47/2345 & 47/2346

7. The Statement lodged by Sheffield in purported compliance with s. 58(1)(b)(iv) of the Act are in almost identical terms for each of application for Exploration Licences 47/2345 & 47/2346 and state as follows:

> *"**Technical and Financial Resources***
>
> *The applicant has the necessary technical ability, financial capacity and resources to undertake the abovementioned work programme. Suitably qualified personnel have and will be contracted to assist with the abovementioned program.*
>
> *The applicant has the necessary financial resources, asset backing and funds to undertake the abovementioned work programme.*
>
> *Therefore as evidenced by the attached and stated above, the applicant has the necessary technical and financial resources to undertake the above work programme."*

8. Attached to the Statement is a letter from VA Ilarda the Managing Partner of Prosperity Accountants dated 28 April 2010 that states:

> *"**Re: Tenement Application: "Twenty Mile"***
>
> *We act as accountants for Sheffield Resources Pty Ltd and confirm that to the best of our knowledge, the directors of Sheffield Resources Pty Ltd have the financial resources to meet and exceed the minimum expenditure commitments for the abovementioned Tenement Application.*
>
> *If you require and further information, please do not hesitate to contact me."*

9. Sheffield lodged written submissions in respect to the issues identified by the Warden with the Statements lodged pursuant to s. 58(1)(b)(iv) of the Act. In summary the written submissions are that the letter from the Chartered Accountant specified the financial resources available to Sheffield and did not require the Warden to infer or deduce the amount of the financial resource available to Sheffield. The Chartered Accountants letter was written in compliance with the 2003 Guideline and had been previously accepted as

compliant with s. 58(1)(b)(iv) of the Act. Further, Sheffield submits that at the time of the application it had some $299,000 in the bank and has since raised a further $10,000,000 in funds. That was evidenced by a copy of a bank account in the name of Sheffield lodged at 1330 hours on 10 December 2010 with the Mining Registrar at Karratha. Sheffield submits it is complaint with the requirements of s. 58(1)(b)(iv) of the Act and should be included in the ballot to determine priority.

10. No further documents have been lodged by Sheffield.

Submissions by Cazaly for Applications for E's 47/2351 & 47/2352

11. The Statements lodged by Cazaly in purported compliance with s. 58(1)(b)(iv) of the Act are in almost identical terms for each of applications for Exploration Licences 47/2351 & 47/2352 and comprise of a table outlining the activity Cazaly proposes to carry out on the land. Attached to each of the applications is a photocopy of a Balance Sheet for Cazaly Resources Ltd as at 30 June 2009 marked 'Financial Ability Statement' and a photocopy of a document marked with 'Information on Directors' and 'Technical Ability Statement'. Both documents have also been marked in handwriting 'Cazaly Iron Pty Ltd is a wholly owned subsidiary of Cazaly Resources Ltd.

12. Cazaly has submitted through its counsel two written submissions dated 24 February 2012 and 27 April 2012 ("the Submissions").

13. The submissions by Cazaly address both issues that have been raised by the Warden in respect to the currency of documents used by Cazaly in support of the Statement and the use of financial statements of a parent company in support of the Statement. In summary, the Submissions state the following:

    a. The proper approach to the interpretation of the construction of the provisions of s. 58(1) of the Act is the purposive approach which takes into account the purpose and object of the section;

    b. The purpose and object of s. 58(1) of the Act is to obtain sufficient information that will assist the mining registrar or warden in assessing whether the applicant is able to effectively explore the land as required by s. 57(3) of the Act.

    c. To determine whether the initial requirements are satisfied it is not necessary or appropriate for a Warden to assess the financial information provided, consider whether the financial resources are indeed available, determine whether the financial resources are sufficient or form of view as to whether the applicant is therefore able to effectively explore the land.

    d. Whether an applicant is able to effectively explore the land including whether it has sufficient financial resources occurs when a mining registrar or warden considers the application to the purposes of making a recommendation to the Minister at which time the material is likely to

have been supplemented by evidence led by the applicant or an objector and/or a request by a mining registrar or warden the provision of further information pursuant to s. 58(3) of the Act.

e. An exploration licence application satisfies the initial requirements if the applicant lodges a statement which 'specifies' (claims) that the applicant has certain financial resources available and is not necessary that the applicant prove that it has those financial resources available in order to be included in the ballot.

f. The provision of financial information in response to a statutory obligation to 'specify' financial resources available is achieved by specifying the financial resources available (either expressly or implicitly) and it is not necessary to the applicant to expressly assert that it has a specified sum of money available to explore the land because no other inference is reasonably available.

14. Cazaly says it relies upon the content of the purported Statement pursuant to s. 58(1)(b)(iv) of the Act lodged on 30 April 2010 with applications for Exploration Licences 47/2351 and 47/2352 that comprises of the following:

a. A balance sheet of its parent company (Cazaly Resources Ltd) and is controlled entities as extracted from its parent company's annual report; and

b. The First Year at Work Program which specifies expenditure which Cazaly proposes to incur during the first year of the term of the licence.

15. The balance sheet includes the following hand written annotations 'financial ability statement' and 'Cazaly Iron Pty Ltd is a wholly owned subsidiary of Cazaly Resources Ltd'. The balance sheet also identifies the assets of an 'economic entity' comprising Cazaly Resources Ltd and its controlled entities (including Cazaly) and summarises the net assets of the groups of companies and the cash and classic cash equivalents of the group of companies. The information contained within that information is the financial resources available to Cazaly and it submits that by providing this financial information in accordance with its statutory obligation to 'specify' the financial resources available it plainly specifies (either expressly or implicitly) the financial resources available to it and no other inference is reasonably available

16. Cazaly submits in determining whether it has complied with the initial requirements in providing financial information that does not relate solely to Cazaly it is necessary to focus on the requirements of s. 58(1)(b)(iv) of the Act that requires an application for an exploration licence to be accompanied by a statement specifying the *'financial resources are available to the applicant.'* Cazaly notes that s. 58(1)(b)(iv) of the Act does not require the applicant to specify the financial resources <u>of the applicant.</u> That it says was recognised by the decision of Warden Roth in ***In The Matter of Applications for Exploration Licences by Central Pilbara Iron Ore P/L & ors [2012] WAMW 1 at [16] –***

[17] and [43] in that the financial resources that are available are those that are *'capable of producing a desired result'* or *'within the applicant's reach'* or *'at the applicant's disposal.'* Accordingly, Cazaly submits the availability of financial resources is never absolute and always will be a question of degree depending on the liquidity of the financial resources and other factors. Cazaly gives a number of examples it says are available financial resources that are subject to other factors including cash within the safe that is available unless the combination is forgotten, funds invested in an ASX listed company might constitute available financial resources unless the company share price deteriorates significantly and funds held or owned by a spouse of the applicant might constitute available resources unless the couple separate or divorce.

17. Assets and certainly liquid assets as at such as cash and cash equivalents of a parent company of an applicant or a group of controlled companies related to the applicant may constitute available financial resources of the applicant. Cazaly says that it is not necessary or appropriate in determining whether the initial requirements are satisfied for the warden to consider or determine whether the financial resources specified by an applicant as being available are indeed sufficiently available for the warden to be satisfied the applicant is able to explore the land.

18. Cazaly submits it has disclosed in the statements it has lodged in support of the application that it is a wholly-owned subsidiary of Cazaly Resources Ltd with common directors and is therefore controlled by Cazaly Resources Ltd. An obligation exists upon Cazaly Resources Ltd to prepare and lodge consolidated financial statements for a parent company and its controlled entities pursuant to the provisions of s. 9 & s. 295(2)(b) of the Corporations Act and Australian Accounting Standards AASB 127. Such reporting submits Cazaly reflects the fact that consolidated financial reporting is more accurate because, common control enables the fluid transfer of financial resources between companies in the group. In the context of exploration expenditure, Cazaly states members of a group of companies will inevitably be dependent on the financial resources of the parent company and in effect the financial resources of the group are 'available' to each member of the group. Accordingly in those circumstances, Cazaly says to specify the financial resources it has would significantly understate the financial resources ***available*** to it.

19. Cazaly maintains it has satisfied the initial requirements such that it has specified the financial resources available to it and should be included in any ballot. The question of whether it is able to effectively explore the land is an issue that will be considered and determined at either a hearing of the application by which time it says further information is likely to be available by reason of evidence that may be led or may be supplemented by any request from a mining registrar or warden for the purposes of s. 58(3) of the Act. In any event Cazaly submits there are no objectors or competing applicants who have taken issue with the financial resources or technical ability to explore the land.

20. On 8 December 2010 at 1022 hours, on 8 March 2012 at 1605 hours and on 13 April 2012 at 1405 hours, Cazaly lodged with the Mining Registrar at Karratha further documents in purported compliance with the provisions of s. 58(1)(b)(iv) of the Act.

Submissions by Brockman for Applications for E's 47/2353 & 47/2354

21. The Statement lodged by Brockman in purported compliance with s. 58(1)(b)(iv) of the Act are in almost identical terms for each of application for Exploration Licences 47/2353 & 47/2354 and state as follows:

> *"**3. Technical and Financial Resources***
>
> *3.1 The applicant company is a wholly owned subsidiary of Brockman Resources Ltd a publically listed mineral explorer and developer. The Applicant has the necessary technical and financial resources to effectively explore the ground and mine any resource defined from exploration. The senior geological staffs of the Company have over 40 years experience in mineral exploration. Attached are extracts of the Company's 2009 Annual Report as evidence of this.*
>
> *3.1 Where necessary, contractors will be engaged to perform exploration where particular skills are required in the exploration programme."*

22. The written submissions by Brockman for applications for Exploration Licences 47/2353 & 47/2354 are in similar terms.

23. Attached to the Statements were various copies of financial reports for Brockman Resources Ltd as at 30 June 2009 and Brockman maintains these documents are sufficient to be compliant with the provisions of s. 58(1)(b)(iv) of the Act..

24. Brockman states it has lodged hundreds of applications for exploration licence using similar Statements and has not been challenged in the past and it would be contrary to the intention of the Act and would undermine the operation of the Act if the Statement was rejected as being non-compliant with the Act. Brockman submits it has lodged the Statement in accordance with the DMP Guideline dated 6 August 2003 ("2003 Guideline"), a copy of which was attached to the submissions, and it would be unfair to change the manner in which the Statement was accepted without notice to the potential explorers.

25. Further, Brockman submits the strict interpretation of the requirements of s. 58(1)(b)(iv) of the Act by Warden Roth ***In the Matter of Applications for Exploration Licences by Central Pilbara Iron Ore P/L & ors (supra)*** as to the date and manner in which the Statement is to be prepared is impractical and an impossible task to meet given the nature and operations of some of the larger companies. Brockman submits that regard should be had to the case of ***Clayton v Heffron (1960) 105 CLR 214*** in which it was held that relevant consideration should be whether holding a provision of an Act to be mandatory would work to inconvenience or worse on a section of the public as it would impose on applicants for mining tenements an inconvenience and be construed as unfair on those parties who have relied in good faith on the DMP Guidelines.

The Law

26. The statutory law and decisions of various courts dealing with the provisions of s. 58(1) and s. 105A of the Act have been considered ***In the Matter of Competing Applications for Exploration Licences by Hamersley Iron P/L and Brockman Exploration P/L [2012] WAMW 22*** and ***In the Matter of Competing Applications for Exploration Licences by Cazaly Iron P/L [2012] WAMW 23*** and it is unnecessary to re-visit both the law and the decisions of the various courts relevant to these proceedings.

Conclusion

Applications for Exploration Licences 47/2345 & 47/2346 by Sheffield

27. Applying the principles of law expressed in ***In the Matter of Competing Applications for Exploration Licences by Hamersley Iron P/L and Brockman Exploration P/L (supra)*** and ***In the Matter of Competing Applications for Exploration Licences by Cazaly Iron P/L (supra),*** I find the Statements pursuant to s. 58(1)(b)(iv) of the Act lodged by Sheffield at 0830 hours on 30 April 2010 with its applications for Exploration Licences 47/2345 and 47/2346 are not in compliance with the initial requirements of the Act and are ineligible to be included in any ballot that may be conducted to determine priority.

28. The conclusions contained within the Accountant's Letter as to the financial resources available to Sheffield has previously been the subject of a decision in the Warden's Court in ***Jackson Gold v Murchison Exploration [2002] WAMW 27.*** That decision has been the subject of comment in previous decisions relative to the 2003 Guideline. The 2003 Guideline issued by DMP in August 2003 is simply that, a guideline. The 2003 Guideline has no legislative or regulatory basis, nor is it DMP policy. The 2003 Guideline was issued to assist applicants in completing Statements pursuant to s. 58(1)(b)(iv) of the Act and are not, nor do they express, an interpretation of the law.

29. The various decisions of the Supreme Court and the Warden's Court referred to above a reflection of the number of cases that in fact existed to aid in the interpretation of the requirements of the law in respect to s. 58(1)(b) of the Act that has been only slightly amended since the Act was first proclaimed.

30. The Statements pursuant to s. 58(1)(b)(iv) of the Act are bold conclusionary statements that do not specify the financial resource available to Sheffield. No other documentation was attached to the purported Statements by Sheffield.

Applications for Exploration Licences 47/2351 & 47/2352 by Cazaly

31. Applying the principles of law expressed in ***In the Matter of Competing Applications for Exploration Licences by Hamersley Iron P/L and Brockman Exploration P/L (supra)*** and ***In the Matter of Competing Applications for Exploration Licences by Cazaly Iron P/L (supra),*** I find the Statements lodged at 0830 hours on 30 April 2010 by Cazaly in purported compliance with the provisions of s. 58(1)(b)(iv) of the Act fail to specify the financial resources it

has available to it at the time of lodging applications for Exploration Licences 47/2351 & 47/2352.

32. With the greatest of respect to Cazaly, the material it has provided is not *'accompanied by a statement specifying the financial resources available to the applicant.'* The material provided by this Cazaly is incapable of addressing the very purpose and object of section 58(1)(b) of the Act that Cazaly says in its submissions the information is required to do, *'to procure the provisions of information which will assist the mining registrar or warden in assessing under s. 57(3) whether the applicant is able to effectively explore the land.'* The material provided by Cazaly does not specify the availability of the financial resources of Cazaly Iron Pty Ltd in respect to the application for Exploration Licence 47/2351 and 47/2352. In fact, the material provided outlines the financial circumstances of Cazaly Resources Ltd as at 30 June 2009, names three directors of Cazaly Resources Ltd provides their brief CV and informs the reader that Cazaly is a wholly owned subsidiary of Cazaly Resources Ltd.

33. The applicant for Exploration Licences 47/2351 and 47/2352 is in fact Cazaly Iron Pty Ltd and the statement it is required to lodge to comply with the requirements of s. 58(1)(b)(iv) of the Act must specify the financial resources available to it and not to Cazaly Resources Ltd. If Cazaly has an arrangement for funds to be made available to it from Cazaly Resources Ltd it should say so.

34. The submissions by Cazaly asks the Warden, and for that matter the Mining Registrar, to assume, infer and speculate that both Cazaly and Cazaly Resources Ltd have an arrangement to make available financial resources to Cazaly to effectively explore the land comprised in applications for Exploration Licences 47/2351 and 47/2352. That is not the role of the Warden or the Mining Registrar as noted in ***Jindalee Resources Ltd v Blackham Resources Ltd & ors [2008] WAMW 7***. In any event, I find the material provided by Cazaly is insufficient, even if the Warden or the Mining Registrar was permitted to do so, to enable such assumptions, inferences or speculation to be drawn.

35. I find the material provided by Cazaly in purported compliance with the Statement required by the provisions of s. 58(1)(b)(iv) of the Act falls well below the statement accepted by Warden I Brown in ***Aberfoyle Resources Ltd v Eldorado Resources NL & ors (unreported decision, Coolgardie Wardens Court, delivered 13 October 1988*** **at page 15**).

36. I am not required to consider the effect of the further Statements lodged by Cazaly on 8 December 2010, 8 March and 13 April 2012. Section 105A(3) of the Act requires a warden to consider who first complies with the initial requirements of the applications for Exploration Licences 47/2351 & 47/2352 for the purposes of conducting the ballot.

Applications for Exploration Licences 47/2353 & 47/2354 by Brockman

37. Applying the principles of law expressed in ***In the Matter of Competing Applications for Exploration Licences by Hamersley Iron P/L and Brockman***

Exploration P/L (supra) and ***In the Matter of Competing Applications for Exploration Licences by Cazaly Iron P/L (supra),*** I find the Statements pursuant to s. 58(1)(b)(iv) of the Act by Brockman do not comply with the initial requirements of the Act and are ineligible be included in any ballot to determine priority. The Statements in purported compliance with the provisions of s. 58(1)(b)(iv) of the Act are bold conclusionary statements of ability that do not specify the financial resources Brockman has available. Further, Brockman appears to confuse the financial resources of its parent company, Brockman Resources Ltd, with that of its own. If financial resources are to be made available by the parent company, Brockman Resources Ltd, to Brockman it should say so.

38. It is not for the Warden to imply, infer or speculate from the financial documents provided establishes the financial relationship that may exists between Brockman and Brockman Resources Ltd.

Conclusion

39. I find application for Exploration Licence 47/2347 by Iron Ore for land located in Release Number 10/151 (Section One – North) and applications for Exploration Licence 47/2348 by Iron Ore for land located in Release Number 10/151 (Section Two – South) each complied with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are eligible for inclusion in any ballot to determine priority.

40. I find application for Exploration Licence 47/2345 by Sheffield, application for Exploration Licence 47/2352 by Cazaly and application for Exploration Licence 47/2353 by Brockman for land located in Release Number 10/151 (Section One – North) did not comply with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are not eligible for inclusion in any ballot to determine priority.

41. I find application for Exploration Licence 47/2346 by Sheffield, application for Exploration Licence 47/2351 by Cazaly and application for Exploration Licence 47/2354 by Brockman for land located in Release Number 10/151 (Section Two – South) did not comply with the initial requirements pursuant to s. 105A(3) of the Act at the time of lodgement being 0830 hours on 30 April 2010 and are not eligible for inclusion in any ballot to determine priority.

42. I find no ballot is necessary as only applications for Exploration Licences 47/2347 by Iron Ore located in Section One – North and application for Exploration Licence 47/2348 by Iron Ore located in Section Two – South complied with the initial requirement of the Act at the time of lodgement.