JURISDICTION	**:**	MINING WARDEN
LOCATION	**:**	PERTH
CITATION	**:**	ANGELO LEVISSIANOS v HEINZ-GUENTER ELLERMAN-VON RAMIN
CORAM	**:**	WARDEN HALL
HEARD	**:**	7 April 2016
DELIVERED	**:**	5 May 2016
FILE NO/S	**:**	APPLICATION FOR FORFEITURE 460908
BETWEEN	**:**	ANGELO LEVISSIANOS (Applicant) AND HEINZ-GUENTER ELLERMAN-VON RAMIN (Respondent)

Catchwords:

Application for Forfeiture of Mining Lease – Non-Substantive Hearing pursuant to Regulation 139 Mining Regulations (WA) – Prima Facie Proof of Non-Compliance with Expenditure Conditions Not Rebutted – Inference drawn regarding expenditure claimed - Whether Breach Sufficient to Order Forfeiture

Legislation:

Ss 82, 98, 100 Mining Act (1978) (WA)
Regs 31, 32, 52, 96C, 139, 144, 154 Mining Regulations 1981(WA)

Result:

Recommendation to Minister that Mining Lease 51/324 be Forfeited.

Representation:

Counsel:

Applicant	:	Mr Gerus
Respondent	:	Not Applicable

Solicitors:

Applicant	:	Gilbert +Tobin
Respondent	:	Not Applicable

Cases referred to in judgment:

Craig v Spargos Exploration NL (unreported, Kalgoorlie Wardens Court, 22 December 1986, noted 6 AMPLA Bull 73)

Nova Resources NL v French (1995) 12 WAR 50

Commercial Properties Pty Ltd v Italo Nominees Pty Ltd (unreported, WASC, FC, 16 December 1988, Lib No 7427, noted 8 AMPLA Bull 62)

Jones v Dunkel (1959) 101 CLR 298

Hodgkinson v Tieriver Pty Ltd [2002] WAMW 23

Pawson v Northwestern Mining PL [2013] WAMW 18

Cases also cited:

Watson v Brosnan [2002] WAMW 26

Savage v Teck Enterprises Ltd (unreported, Coolgardie Warden's Court, 20/09/87, noted 7 AMPLA Bull 2)

Savage v Teck Enterprises Ltd (unreported, WASC, FC, 16 September 1988, noted 7 AMPLA Bull 195)

North v Elazac Mining Pty Ltd [2012] WAMW 42

Telferscot Nominees Pty Ltd v Gulf Western Corp Pty Ltd [2009] WAMW 4

Majeed v Briggs and Schulda (unreported, Warden's Court, 1988, 7 AMPLA Bull 146)

Rose Goldtime Australia Pty Ltd [2004] WAMW 8

Knopke v Stella Blast NL [2005] WAMW 31

Taylor v Calegari [2005] WAMW 2 and 3

Radovanovic v Lee [2001] WAMW 4

BACKGROUND

[1] On 21 January 2015 Angelo Michael Levissianos [the Applicant] lodged an application [the Application] for forfeiture of Mining Lease 51/324[the Mining Lease] held by Heinz-Guenter Ellerman-Von Ramin [the Respondent] on the basis that the Respondent had failed to comply with the expenditure conditions for the year ending 26 September 2014 [the Expenditure Year].

[2] At the time of lodging the Application, the Respondent had not lodged the annual expenditure report [Form 5] for the Mining Lease for the Expenditure Year. The Form 5 was required to be lodged within 60 days of the conclusion of the Expenditure Year, that is by 25 November 2014: section 82(1)(e) of the Mining Act1978 (WA) [Mining Act], regulation 32(1)(a) Mining Regulations 1981(WA) [Mining Regulations].

[3] At 8.30 am on 20 March 2015 the Respondent lodged the Form 5 for the Expenditure Year. At 9.30 am on 20 March 2015 the Respondent filed a Response to the Application stating "the expenditure requirements for mining tenement M 21/324 have been met for the year ending 26 September 2014".

[4] It is conceded between the parties, and the Mining Tenement Registrar Search [MTRS] for the Mining Lease confirms, that the Respondent has held the Mining Lease since 27 May 2009 and that, by operation of

regulation 52 of the Mining Regulations, the Respondent's minimum annual expenditure for the Expenditure Year was reduced to $5,833.00.

[5] The Form 5 lodged on 20 March 2015 claimed total expenditure incurred in the Expenditure Year of $21,849 and summarised it as:

a. $19,626 for mining activities described as "environmental";

b. $1,057 for annual tenement rent and rates; and

c. $1,166 for administration and overheads described as "CSA Global and CGL Legal F".

[6] On 15 May 2015 the matter appeared before the Perth Mining Warden for mention only and orders were made requiring the parties to file particulars of their application and response respectively, pursuant to regulation 144 of the Mining Regulations.

[7] Regulation 144(2) states:

> The statement of particulars shall contain —
>
> (a) a summary of the facts relevant to the application or response; and
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> (b) the legal basis of the application or response; and
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> (c) the basic contentions of the person making the application or response; and
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> (d) a list of any documents that the applicant or respondent might tender in evidence at the substantive hearing of the proceedings.

[8] On 12 June 2015 the Applicant filed Particulars of Application claiming there was a lack of evidence of mining operations on the Mining Lease during the Expenditure Year, denying that the expenditure claimed was in fact incurred and claiming that if expenditure was incurred it was not incurred "on mining or in or in connection with mining". The Particulars of Application filed complied with the requirements of Regulation 144(2).

[9] On 26 June 2015 the Respondent, through his solicitors at the time, filed Particulars in Response. The Particulars in Response generally "did not admit" or "denied" the particulars stated by the Applicant yet failed to provide any actual particulars of the expenditure claimed and failed to list any documents that it might tender in evidence at the substantive hearing of the proceedings. Accordingly the Respondent's Particulars in Response did not comply with the requirements of Regulation 144(2).

[10] On 17 July 2015 the Applicant filed a Request for Further and Better Particulars, which requested, among other things, further and better particulars as to the mining activities and expenditure claimed in the Form 5 and in the Respondent's Particulars.

[11] On 31 July 2015 the Respondent then filed: 1) Substituted Particulars; and 2) Response to Request for Further and Better Particulars.

[12] The Substituted Particulars stated that in relation to the $21,849 claimed by way of expenditure:

a. The $19,626 claimed for mining activities comprised of "environmental rehabilitation obligations" undertaken by Mr Falk Daehn, a consultant, and CSA Global;

b. The $1,057 for annual tenement rent and rates was for rent paid to the Shire of Meekatharra and rates paid to Department of Mines and Petroleum;

c. The $1,166 for administration and overheads was for the provision of administration functions in connection with mining undertaken by CGL Legal and CSA Global and represented 20 % of the minimum expenditure commitment in accordance with regulation 96C(3) of the Mining Regulations.

[13] The Substituted Particulars did not give any more detail about the expenditure though stated that the Respondent may tender into evidence at the substantive hearing the following documents: a) the Form 5's for the years 2010 to 2014; b) the MTRS for the Mining Lease; c) invoice from Falk Daehn; d) photographs taken by Falk Daehn; e) relevant invoices from CSA Global; f) relevant invoices from CGL Legal; f) Meekatharra Shire Rates; and h) relevant invoices from the Department.

[14] In relation to the specific requests contained in the Applicant's Request for Further and Better Particulars, the Respondent in its Response to Request for Further and Better Particulars generally responded by referring to its Substituted Particulars and further stating "the Respondent otherwise objects to the request on the grounds that the request amounts to a request for evidence". In essence the Respondent failed to provide further and better particulars, as requested, of the amounts claimed as expenditure in the Expenditure Year.

[15] On 14 August 2015 the matter appeared before the Perth Mining Warden and further orders were made in relation to the request for further

and better particulars and the non-provision of such particulars by the Respondent. The orders required, inter alia, that the Applicant file and serve within 7 days a further Request for Further and Better Particulars and that the Respondent then file and serve a Response to this within 14 days.

[16] By letter dated 19 August 2015 the Applicant, as ordered by the court, made a further request for further and better particulars. In relation to the $19,626 claimed to be incurred for mining activities, the Applicant requested further and better particulars as follows:

a. "The precise work completed by each of Mr Daehn and CSA Global which your client claims as mining activities in relation environmental rehabilitation obligations;

b. When the work was completed by each of Mr Daehn and CSA Global by reference to dates;

c. The amount invoiced (and paid by your client) by each of Mr Daehn and CSA Global;

d. The occupation and qualifications of Mr Daehn."

[17] In relation to the $1,166 claimed for administration and overheads, the Applicant requested further and better particulars of "the work your client claims as being completed … by CSA Global during the Expenditure Year" and "every fact, act and matter relied on to allege that administrative functions were provided by CGL Legal (and who precisely performed those functions) and why it is said that those administrative functions are on mining or in connection with mining".

[18] On 8 September 2015 an order was made by the Perth Mining Warden extending the time for the Respondent to file the Response to Further and Better Particulars by 21 days.

[19] On 11 September 2015 the Respondent's former solicitors filed a Notice Ceasing to Act and an adjournment was allowed.

[20] On 29 October 2015 the Respondent engaged new solicitors and a further adjournment was allowed. On 6 November 2015 and 4 December 2015 orders were made by the Perth Mining Warden again extending the time for the Respondent to provide a response to the Request for Further and Better Particulars of 19 August 2015. This was not complied with.

[21] On 18 December 2015 by the Perth Mining Warden made further orders that the Respondent file and serve answers to the Request for Further and Better Particulars with failure to comply to result in default determination under Regulation 139 of the Mining Regulations.

[22] The Respondent failed to comply with this order and on 11 March 2016 the Warden ordered that by reason of the Respondent's default, the matter proceed to a "non-substantive hearing" in the absence of the Respondent pursuant to Regulation 139.

THE "NON-SUBSTANTIVE" HEARING

[23] The matter proceeded to a non-substantive hearing which was heard by the Perth Mining Warden on 7 April 2016.

[24] At the hearing, the Applicant relied upon the following evidence in support of the Application, which evidence was filed on 1 April 2016:

1. Affidavit of Angelo Michael Levissianos [Applicant's Affidavit] sworn 31 March 2016.
2. Affidavit of Phillip George Crabb [Crabb's Affidavit] affirmed 31 March 2016; and
3. Statutory Declaration of John Hayes [Hayes' Declaration] declared 31 March 2016.

[25] The Applicant also relied on its Outline of Submissions filed 1 April 2016.

[26] Being a non-substantive hearing and being administrative proceedings under Part IV of the Mining Act, the court is not bound by the rules of evidence and may inform itself as it considers appropriate: regulations 154(1)(c) & (d) Mining Regulations. On that basis, in addition to the evidence filed by the Applicant on 1 April 2016, I have also had regard to the Form 5 filed by the Respondent on 20 March 2015.

THE EVIDENCE AND SUBMISSIONS BY THE APPLICANT

[27] In the Applicant's Affidavit, the Applicant states that he has worked as a mining prospector for 29 years and that since 1997 he has had an interest in the Mining Lease and other adjoining tenements and has closely monitored it [paragraphs 6 to 9].

[28] He states that there has been no mining activity on the Mining Lease since 1999 and that there is no evidence of any rehabilitation, with the land remaining in a disturbed condition, with junk piles, sand piles, drill holes and with collars and old mining machinery remaining unused [paragraphs 12 to 14].

[29] He states that in the Expenditure Year he travelled to the area to work on tenements adjacent to the Mining Lease and stayed in the area for a total of 6 months. During that time he travelled through and observed the Mining Lease and states that he and others saw no activity on the Mining Lease during this time [paragraphs 15 to 23].

[30] In Hayes' Declaration, Mr Hayes states he is a pastoralist and the owner/manager of Youthapina Station. He states that the Mining Lease is contained within the pastoral leases that comprise the station. He states that in the course of his work he has an opportunity to observe the Mining Lease. He recalls observing some drilling and digging on the lease 10 to 15 years ago, however in recent times, and including in the Expenditure Year, he has not seen any signs of activity, including rehabilitation, on the Mining Lease.

[31] The Applicant submits that this evidence of non-activity is contrary to the expenditure claimed by the Respondent in the Expenditure Year (and in recent years as reflected in the MTRS). It is submitted that the $19,626 claimed to be expended on "environmental rehabilitation obligations" is a bare assertion and that if that work had in fact been done then the Respondent had ample opportunity to provide particulars of it but failed to do so. The Applicant submits that the failure of the Respondent to provide particulars when requested to do so allows the Warden to draw an inference that no such mining activities were undertaken.

[32] The applicant also submits there is no evidence presented to show the shire rates were paid, that the MTRS does not show any tenement rental paid in the Expenditure Year and that the Respondent failed to provide particulars to support the $1066 claimed as administration costs.

[33] Accordingly the Applicant submits that, despite what is claimed in the Form 5, the Respondent has in fact failed to meet its expenditure requirement.

[34] The Applicant submits that the breach is of sufficient gravity to recommend forfeiture of the Mining Lease. It refers to a previous application for forfeiture for non-payment of rent in 2010 which resulted

in a fine. It refers to an alleged "friendly plaint" lodged by Veronica Fava (annexure AL-3 Applicant's Affidavit) lodged to reduce expenditure obligations and as an abuse of process and submits that the claimed expenditure in the Form 5 amounts to the lodging of "untrue information", which in itself is sufficient to warrant a recommendation of forfeiture.

[35] The Applicant's Affidavit and the Crabb Affidavit provide evidence of the intentions of the Applicant to use and develop the lease for mining, if it is forfeited.

THE LAW

[36] Expenditure conditions are prescribed in relation to Mining Leases in Regulation 31. The expenditure required to meet the prescribed conditions is expenditure "in mining or in connection with mining on" the mining tenement.

[37] Section 98 of the Mining Act sets out the process for an application for forfeiture for failure to comply with expenditure conditions. It states (as applicable):

"S98. Application for forfeiture on other grounds

(1) Where the requirements of this Act are not being complied with in respect of the expenditure conditions applicable to … a mining lease, any person may apply for the forfeiture of such licence or lease as provided in this section.

(2) An application for forfeiture under this section shall be made, during the expenditure year in relation to which the requirement is not complied with or within 8 months thereafter, in such form and manner as may be prescribed and shall be accompanied by the prescribed fee.

(3) The application for forfeiture shall be heard by the warden.

(4A) When the warden finds that the … lessee of the mining lease has failed to comply with such requirements as are mentioned in subsection (1), the warden may recommend the forfeiture of such licence or lease, or impose a penalty not exceeding $10 000 as an alternative to the forfeiture or dismiss the application.

…

(5) A recommendation shall not be made under subsection (4A) unless the warden is satisfied that the non-compliance with such requirements is, in the circumstances of the case, of sufficient gravity to justify the forfeiture.

(6) As soon as practicable after the hearing of the application the warden shall forward to the Minister the notes of evidence, with a report and the warden's recommendation, if any, on the application and the Minister may, before acting on the recommendation, require the warden to take such further evidence or rehear the application as the Minister directs."

…

[38] Where the Minister decides to forfeit the lease, during the period of 14 days after the publication of the notice of forfeiture, the applicant for forfeiture has a right in priority to any other person to mark out and/or apply for a mining tenement over the whole or any part of the land that was the subject of the forfeited licence or lease: s100.

[39] In Craig v Spargos Exploration NL (unreported, Kalgoorlie Wardens Court, 22 December 1986, noted 6 AMPLA Bull 73) it was held: "The whole policy of the Mining Act is that a tenement holder unable to explore for or exploit mineral resources of a tenement should give way to some other person to do so. The Act encourages exploration and mining activity and discourages a tenement holder from going to sleep on his rights and obligations".

[40] "Hunt on Mining Law of Western Australia" [Hunt, Kavenagh and Hunt; 5th Edition, 2015, The Federation Press] at [10.3.5.2] refers to the forfeiture system as a self-regulating system which seeks to ensure the policy of the Mining Act that tenement holders are able to, and do, work the ground with a view to ultimate recovery of any economic deposit of minerals.

[41] This policy was set out endorsed by the Full Court in Nova Resources NL v French (1995) 12 WAR 50 where it was said:

"The primary object [of the Act] so far as it impacts on this case, is to ensure as far as practicable that land which has either known potential for mining or is worthy of exploration will be made available for mining or exploration. It is made available subject to reasonably stringent conditions and if these, including expenditure conditions, show that the purpose of the grant are not being advanced, then the Act and Regulations

make provision for others who have an interest in those purposes on that land to apply for forfeiture so they may exploit the area."

[42] Regulation 96C(2) of the Mining Regulations provides that "The cost of any rehabilitation activities carried out on land disturbed by mining operations may be used in the calculation of expenditure …": reg 96C(2).

[43] Regulation 96C(2a) provides that "Annual tenement rent … and local government rates … may be used in the calculation of expenditure …".

[44] Regulation 96C(3) provides that "Administration and land access costs … may be used in the calculation of expenditure but only up to 20% of the minimum commitment …".

[45] In Commercial Properties Pty Ltd v Italo Nominees Pty Ltd (unreported, WASC, FC, 16 December 1988, Lib No 7427, noted 8 AMPLA Bull 62) the Full Court confirmed that the onus of proof to adduce evidence of failure to meet expenditure requirements lies with the Applicant. However, upon prima facie proof of non-compliance, the evidentiary burden shifts to the Respondent to satisfy the Warden that the case is otherwise than of sufficient gravity to justify forfeiture

[46] In this case the Respondent repeatedly failed to comply with an order of the court to file a Response to Further and Better Particulars and therefore the matter proceeded in the absence of the Respondent by way of a "non-substantive hearing" under the default provisions of Regulation 139 of the Mining Regulations. The absence of the Respondent however does not relieve the Applicant of the onus to prove its application for forfeiture on the balance of probabilities.

[47] "Hunt on Mining Law of Western Australia" [supra] at [10.3.5.5] states:

> "In Watson v Brosnan [2002] WAMW 26 the defendant did not appear at the forfeiture hearing. The plaintiff produced a certified copy of the register and the Form 5 showing a shortfall of claimed expenditure. The warden held that this was sufficient evidence to establish a prima facie case of non-compliance and the absence of the defendant to show why forfeiture was not justified caused the warden to recommend forfeiture. …
>
> However, it must be remembered that the silence of the defendant in the absence of any evidence is not enough. In Savage v Teck Enterprises Ltd (unreported, Coolgardie Warden's Court, 20 September 1987, noted 7 AMPLA Bull 2) the defendant's failure to call evidence was not sufficient to overcome the plaintiff's failure

> to show that the defendant could not or did not intend to expend money on the tenement over the remaining portion of the tenement year (the plaint was lodged before the expiration of the year). On appeal, the Full Court accepted that the Warden did not have to draw the inference from the defendant's silence that the defendant would not comply: Savage v Teck Enterprises Ltd (unreported, WASC, FC, 16 September 1988, noted 7 AMPLA Bull 195). …
>
> In North v Elazac Mining Pty Ltd [2012] WAMW 42 the warden held that if cogent evidence is produced by a forfeiture applicant that expenditure has not been met in accordance with the expenditure claimed in a Form 5, the tenement holder may be obliged to rebut this evidence.
>
> [In] the case of Telferscot Nominees Pty Ltd v Gulf Western Corp Pty Ltd [2009] WAMW 4 … [t]he respondent tenement holder made a no case to answer submission and elected not to call evidence. The warden accepted the evidence of the plaintiff's witness, found that the Form 5 was not reflective of the physical evidence observed by the Plaintiff's witnesses, determined there was a shortfall in expenditure and the matter was of sufficient gravity to justify forfeiture and accordingly recommended that the mining leases be forfeited. Although the danger in making a no case submission can lead to findings of non-compliance with the expenditure conditions, the danger is more significant in relation to the issue of whether the non-compliance is of sufficient gravity to justify forfeiture. In such a case there is likely to be little or no evidence of past expenditure or future plans to assist the warden in the assessment of whether the matter is of sufficient gravity to justify forfeiture and thus it is more likely to lead to a finding that the matter is of sufficient gravity to justify forfeiture."

[48] Whether non-compliance is of sufficient gravity to justify forfeiture pursuant to section 98(5) is a question of fact to be determined by the Warden in the particular circumstances of the case. "Hunt on Mining Law of Western Australia" [supra] at [10.3.5.6] states:

> Each case turns on its own facts. In Majeed v Briggs and Schulda (unreported, Warden's Court, 1988, 7 AMPLA Bull 146) the warden considered that the filing of untrue and misleading annual report expenditure reports was a factor justifying forfeiture. It seems the warden took a similar view in Rose Goldtime Australia Pty Ltd [2004] WAMW 8 after finding that the Form 5 lodged by the holder was false, a position also adopted in Knopke v Stella

> Blast NL [2005] WAMW 31. Again in Taylor v Calegari [2005] WAMW 2 and 3, the fact of false Forms 5 influenced the warden to find sufficient gravity to justify forfeiture. …
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> In Radovanovic v Lee [2001] WAMW 4 the warden said that
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> "[A]lthough there appears to have been expenditure in the past, there is clearly no expenditure of recent time. In view of the objects and aims of the Mining Act, in my view the failure of any person to either seek an exemption or to comply with the expenditure requirements of the Act creates a situation of sufficient gravity to justify the forfeiture of the tenement."

[49] The High Court case of Jones v Dunkel (1959) 101 CLR 298 is authority that the unexplained failure of a party to give evidence may, in appropriate circumstances, lead to an inference that the uncalled evidence would not have assisted that party's case.

[50] In Hodgkinson v Tieriver Pty Ltd [2002] WAMW 23, the warden recommended forfeiture after the defendant failed to appear and the only evidence for the plaintiff was certified searches of the register showing no Form 5 (expenditure report) had been lodged.

CONCLUSION

[51] The Respondent's minimum annual expenditure for the Expenditure Year was $5,833. The Form 5 was required to be lodged by 25 November 2014. On 21 January 2015 the Applicant lodged an application for forfeiture of the Mining Lease for failure to comply with expenditure conditions.

[52] The Respondent subsequently filed a late Form 5 which claimed a total expenditure incurred in the Expenditure Year of $21,849 made up of: $19,626 for mining activities described as "environmental"; $1,057 for annual tenement rent and rates; and $1,166 for administration and overheads described as "CSA Global and CGL Legal F".

[53] Despite numerous and reasonable requests by the Applicant for the Respondent to provide further particulars of this expenditure, despite orders by the Warden that the Respondent do so and repeated adjournments to enable the Respondent to do so, the Respondent failed to provide such particulars and ultimately, following non-compliance with an order made by the Warden on 18 December 2015, it was ordered that

the matter proceed by default by way of a "non-substantive hearing" pursuant to Regulation 139 Mining Regulations, in the absence of the Respondent.

[54] For the Applicant, the Applicant and Mr Hayes provided evidence that there has been no mining activity on the Mining Lease for at least 10 years and in particular no evidence of any mining activity, including rehabilitation, in the Expenditure Year. This is in contradiction of the Respondent's claim of $19,626 expenditure for such purpose.

[55] Although regulation 96C(2) of the Mining Regulations allows for rehabilitation activities to be claimed, given the Respondent's repeated failure to particularise and substantiate this claim of $19,626 and in the light of the evidence of the Applicant and Mr Hayes, I am satisfied on the balance of probabilities that the only reasonable inference open is that the claim of $19,626 for rehabilitation is not true.

[56] In relation to the $1,057 claimed for annual tenement rent and rates pursuant to regulation 96C(2a) and the $1,166 for administration and overheads pursuant to regulation 96C(3), for the same reasons, being the repeated failure to particularise and substantiate these claims, I am satisfied on the balance of probabilities that these claims are unsubstantiated. Absent direct evidence to the contrary (as is the case with the evidence of the Applicant and Mr Hayes in relation to mining activity) I do not go so far as to say they are not true but rather that they are unsubstantiated.

[56] I am therefore satisfied on the balance of probabilities that the Respondent has in fact failed to meet its expenditure requirement for the Expenditure Year pursuant to section 98(1) of the Mining Act.

[57] Given my finding that the Respondent has been untruthful in relation to the $19,626 claimed for mining activities, I am therefore of the view that the information provided in the Form 5 was false. In this respect, I refer to the decision of Warden Wilson in Pawson v Northwestern Mining PL [2013] WAMW 18 at [90]:

> "In my opinion, the lodgement of false, misleading or untrue Form 5's is a serious matter as it has the real potential to undermine the self policing intentions of the Act. Such conduct should be seen as

> [a] very serious matter and should be regarded as a significant factor in determining whether any non-compliance with prescribed minimum expenditure is of sufficient gravity to warrant a recommendation for forfeiture to the Hon. Minister."

[58] In all the circumstances of this case, I am of the view that the provision of the false information in the Form 5, together with a failure to carry out any mining activity on the Mining Lease in the Expenditure Year and in recent years amounts to non-compliance of sufficient gravity to justify forfeiture pursuant to section 98(5) of the Mining Act.

[59] I therefore recommend to the Minister that Mining Lease 51/324 be forfeited for non-compliance with expenditure conditions.

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Warden Hall