



## eNews of the

**Amalgamated Prospectors & Leaseholders Association. WA**



**Representing Prospectors  
Since 1904**

March is training month!

APLA are again running training through the month of march on Geomap, GPS/Navigation.

If you are interested please find on page 26 the flier with locations and dates!

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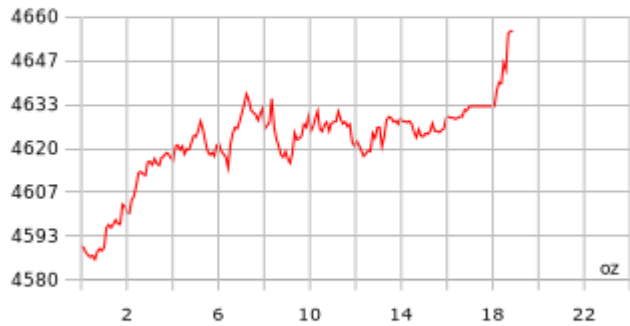
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**4,653.25 ▲ +72.54 +1.58%**

Gold ▼ AUD ▼ oz ▼

**Gold Price** AUD4655.72 ▲ 96.14 2.11%



Gold ▼ USD ▼ oz ▼ 1 Day ▼

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APLA is made up of individual members in 5 Branches throughout the State of WA.

Perth, Mandurah, Goldfields, South West and Albany.

It can only run as effectively as its input from the members. Your contribution at meetings, articles to the Datum Post and help at Open Days and annual camps is much appreciated.



**APLA  
NEEDS  
YOU**

# **From the President's Desk, February 2025**

## **State President's report**

During the Christmas/ New Year break APLA have proposed several meetings with politicians and other stakeholders to voice our concerns on issues that have an impact on the activities of prospectors in Western Australia.

The below is a summary of those meetings,

### **Mellisa Price – Federal Liberal member for Durack**

APLA has informed Mellisa that prospectors contribute over \$354million into regional WA economies each year and this amount has been confirmed by a detailed survey carried out by Minelab/ BDO in 2019-20 and now published in the public domain.

Prospectors are at the forefront for nearly every mineral deposit found in WA over numerous years and with this in mind, APLA has participated in the numerous meetings during the early stages of the drafting of the now repealed ACH Act, continually attended meetings with DEMIRS as they update and change the rules and regulations around prospecting and we are working with DEMIRS and other stakeholders on the safety in the bush programme, to name a few.

APLA and our members have fought for over 120 years to have our voice heard, maintain a level playing field with the big miners and have access to ground for prospecting. We see more and more land being locked up under the banner of "aboriginal heritage" with Native Title claimants having over 40% of the Australian land mass being granted to them to date, which impacts on the economic viability of regional towns causing a withdrawal of government services.

Prospectors and small miners don't have deep pockets full of money but eek out a living through hard work in remote locations under arduous conditions and we are not in a financial position to enter into long, protracted negotiations with native title holders just to get access to small plots of land to try and find a mineral resource.

We face an uncertain future with more and more government red tape, more objections through the Warden's court and constant pressure from pastoralists and environmental groups to lock us out of potential mineral rich ground.

As you are aware, Western Australia's economy is resourced-based, and the big miners rely on prospectors to be in the field searching for the next big find.

We are now in election mode, and I would like to discuss with you face-to-face some of the issues facing prospectors and how we see the Liberal/ Coalition government helping us to continue our livelihood in the search for undiscovered resources.

## **Michaela Cash – Federal Opposition Attorney General**

APLA's financial members (2,000+) are not the big miners with pockets full of shareholders money, but small 1-2 man/woman operations who have a gold lease and use a machine to scrape and detect. They have to comply with a whole range of government rules and regulations and now may be forced to enter into access agreements to allow our members to prospect on land that was once open. The Tjiwarl Palyakuna Indigenous land use agreement and the Nyalpa Pirniku Native Title holders were to allow prospectors and small mine operators continued access to ground in the Leonora, Leinster and Wiluna area. This has now been rescinded completely, and our members are being denied access or pay exorbitant access agreement fees. The big miners can get access by paying large sums of money to a shadowy native title corporation, which is way beyond the reach of everyday prospectors.

APLA is requesting, at a federal and state level, an investigation into the operation of these native title corporations to determine if any misappropriation of funds has occurred and bring those responsible before the courts. Further, that the land use agreements signed by the state government at fully complied with and allow prospectors access to potentially resource rich grounds.

All West Australians can benefit from any new discoveries, which boasts the local economies that come from the mining royalties, which the current Labor government keep boasting about through the various media outlets.

## **Eastern Goldfields Prospecting Association (EGPA)**

APLA and EGPA have combined our collective knowledge and are working together on a working format for the revised Mine Development Closure Plan for Small Mine Operators (MDCP) that DEMIRS is trying to introduce changes to the environment outcomes, which collectively we have deemed as onerous at best. APLA/EGPA have stated to DEMIRS that the current MDCP document is and has been used for numerous years without any issues. The current problem lies with the incorporation of the environmental reporting section in line with the Mining Amendment Bill 2024. APLA/ EGPA have pointed out that the current document uses wording that is easy to understand and practical in nature, i.e. reasonable, practicable, appropriate and minimal. The new environmental and closure outcomes use wording such as, cultural values, growth media, agreed preference vegetation communities and target ecosystem. APLA/ EGPA are now finalising the MDCP, with our changes to make the document user friendly, then it will be submitted to DEMIRS for further discussion.

### **Resource Industry Consultative Committee (RICC)**

APLA has the issue relating to the second renewal of mining leases after 42 years that will involve the engagement with native title parties before any further extension is granted. Applications for renewals can be lodged 1 year before the due date and CME and AMEC, although raising concerns over prolonged delays, have requested to extend that period to 2-3 years to allow for sufficient time to engage with native title parties. APLA understands that once you've applied for the renewal, operations can continue until the Mines Minister has made a final decision. APLA is seeking confirmation if the Minister has the final say on the renewal or would that decision be made by the Aboriginal Affairs minister. From verbal information received so far, ALL extensions are under Mines Minister and he would make the final recommendations.

### **Department of Planning, Lands and Heritage (DPLH)**

APLA has been advised that a departmental contingent will be visiting the Goldfields between 24 and 27 February and among their itinerary they are keen to meet with prospectors to discuss what can be done to address/assist the issue of the challenges we face with regards to the Heritage requirements, and in particular heritage surveys, that are being experienced by prospectors.

At this stage it looks like it will be an open meeting with the hope that as many prospectors as possible attend to give direct feedback on issues faced and suggestions for ways forward. The date is yet to be confirmed but possibly late February and it looks like they will try for an evening meeting for us.

### **Pastoral Lands Board (PLB)**

APLA has been requested to participate in an online meeting with Pastoralists and Graziers Association (PGA) to discuss issues affecting prospectors when operating on pastoral leases throughout the state. This will be a great opportunity to raise the issues of locked gates, objections in the Wardens court, denial of access and other obstructions posed by the pastoralists. The online meeting is set down for early March.

### **General**

APLA is continuing to promote Safety in the Bush and APLA has discussed the benefits of a Personal Locator Beacon (PLB) with the mines minister and showed him how small and inexpensive these devices were when compared to offroad 4x4 vehicles, caravans and prospecting gear. As we are now in election mode, APLA intends to request from the mines minister (whoever that will be) if the government is willing to offer a subsidy on the purchase of a PLB. To receive the subsidy, APLA proposes that either a current APLA membership be presented at the time of purchase or an original Western Australian Miners Right.

APLA has been proactive to ensure that the EMA process is workable for all our members and APLA has been engaged through this entire process with the results below. This will allow prospectors, with low-risk operations, to apply online for POW approvals and be granted those POW's approvals instantaneously.

## **New trial to streamline approvals for Eligible Mining Activities (EMA)**

- Trial of the eligible mining activity framework set for launch
- Trial will allow government to evaluate the operation of the EMA criteria
- Process looks to streamline approvals that pose a low risk to the environment

A trial to assess a new authorisation process for low impact mining activities in Western Australia's mining sector has started today.

The eligible mining activity (EMA) framework trial is seen as a responsible way for the Cook Government to evaluate a significant change to its environmental assessment regime in the mining sector.

The Government's intent is to streamline the approval of eligible mining activities that pose a low risk to the environment and do not occur in sensitive areas. This will ensure the activities remain subject to a robust regulatory framework.

As another deliverable from the Fast-Tracking Mining Approval reforms introduced in 2022, the trial will run until the framework is implemented later this year.

During this time, the Department of Energy, Mines, Industry Regulation and Safety will assess Programmes of Work under the Mining Act that meet the eligibility criteria within one business day.

The evaluation of the framework follows an extensive eight-week public consultation in 2024.

Once the trial is over, tenement holders will be able to get an automatic authorisation to undertake eligible mining activities after they lodge a mandatory EMA notice. These notices will be subject to a standard set of prescribed requirements.

### **Comments attributed to Mines and Petroleum Minister David Michael:**

"The Cook Government remains committed to ensuring best-practice regulatory frameworks are in place to facilitate responsible resources development.

"While we are working hard to streamline mining approval processes, at no point will we compromise on environmental and social standards.

"I firmly believe these regulatory reforms for low-impact mining activities will boost mineral exploration across the State without impacting WA's robust environmental protections."

### **Position Paper 14 – Marking Out**

APLA has been engaged with Position Paper 14 from the time when DEMIRS requested submissions. APLA has attended briefing sessions and provided a detailed submission highlighting practical outcomes.

January 2025 DEMIRS issued the jurisdiction to deal with an application requiring marking out and has taken APLA's recommendations on board. The 1<sup>st</sup> recommendation was related to the affidavit stating who the person marking out the lease was, i.e. the actual potential owner of the lease or, a pegging contractor/tenement manager. This allows the mining registrar to question the person if any abnormalities arise during the application process. The 2<sup>nd</sup> recommendation was to make any submission of photographic evidence to be voluntary and not mandatory. Both recommendations have been adopted. The full document is available on the DEMIRS website.

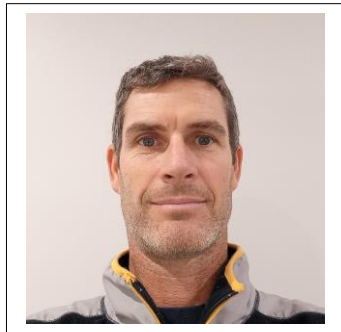
James Allison APLA President

## EDITORIAL

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## From the Editors Desk

### **Carbon is a dirty word!**

In researching articles for this issue, I couldn't help but notice the language used when government organisations talk about carbon capture! Whether it was a "carbon farm" article or an article about wind farms, every one of them quantifies their ideas/plans by comparing it to how many "cars" you are taking off the road! This is strange to me as cars vary greatly in their carbon output and through all my reading there is not a lot of effort to tangibly reduce the number of cars in any way!

Everything I read is about companies, organizations etc, is about reducing their "carbon footprint" or aiming to be "carbon neutral" but what I don't see much of is reduction in pollutants, carbon etc. To say you are now carbon neutral gives no indication to anyone how green you really are. It just means you are able to buy carbon credits to offset the carbon you produce. Maybe we should be questioning this reporting method and request it be a broken down, detailed report showing actual carbon production vs purchased/created credits.

If a carbon neutral company claims to be green and offsets their carbon output by purchasing carbon credits from a pastoral lease company carbon farming, are they still green if the farm is raised to the ground in a bush fire? My logics would suggest they would then need to add the carbon production from the fire to their original carbon production, would they not!

Is carbon even as bad as everyone is reporting? With a recent history of 0.04% carbon dioxide, steadily rising from around 230ppm to current 415ppm, there is a direct correlation in graphs between carbon in atmosphere and global temperature. This being said, water vapour, which varies between 0 & 4% of our atmosphere is the most potent greenhouse gas and contributes up to 65%+ of the greenhouse affect!

I think we as a society, should be looking to not offset our carbon but reduce it, mainly to help preserve our resources, (oil & gas), and reducing our carbon output is only going to be better for us in the long run.

Whether carbon is the devil or just an easy target is not 100% proven! Is it worth destroying our economy by setting unrealistic green targets based on something that's not 100%, I'm not sure either! Are we running out of hydrocarbons, yes! so even if you don't believe in the carbon crisis it is still worth reducing our consumption, (instead of focusing on offsetting carbon). Just food for thought..

## CURRENT INDUSTRY / DMIRS NEWS

Gold miners are basking in the glow of yet another record price high for the precious metal — even as it comes off levels that pushed it close to the \$US3000-an-ounce mark.

The spot gold price rose to a new all-time high of \$US2911.72/oz in the US overnight Monday shortly after US President Donald Trump said he would announce a 25 per cent tariff on steel and aluminium imports.

The uncertainty spooked global financial markets and stoked demand for a safe haven.

Bullion climbed further after Mr Trump officially imposed the tariffs, which are set to start on March 4. Australian Prime Minister Anthony Albanese said after an early morning phone call with Mr Trump on Tuesday that he was hopeful of a carveout for local suppliers.

Bullion rose to \$US2942/oz late Tuesday morning, but the rally was short-lived and most of the gains had been given up by midday.

The precious metal has leapt about 11 per cent so far this year, setting successive records, as trade disruptions and geopolitical tensions reinforce its role as a store of value.

Traders are also trying to get a read on the potential implications for the US economy and monetary policy should the White House's policies reignite inflation and subdue growth, according to Bloomberg.

But the retreat didn't stop Australia's biggest listed gold miners attracting the attention of buyers.

Northern Star Resources had jumped 4.4 per cent to \$18.61 by midday, taking its gains since the start of the year to just over 20 per cent. Evolution Mining was also well up, rising 6 per cent to \$6.28, and up 30 per cent so far this year.

Bellevue Gold rose 3.8 per cent to \$1.22, up 7.2 per cent since the start of January, while Ramelius Resources was a laggard with just a one per cent gain for the day to \$2.66 — but up 25.8 per cent for the year. Newmont added 3.6 per cent to \$74.27, up 23.3 per cent for the year so far, and De Grey Mining soared 4.9 per cent to \$2.16, up nearly 21 per cent over the past six weeks.

Citigroup at the weekend said it expects gold prices to hit \$US3000/oz this year.

"The gold bull market looks set to continue under Trump 2.0," analysts including Kenny Hu wrote in a report, citing risks such as slower growth and high interest rates.

The bank also said that an appreciating US dollar will increase the incentive for central banks from emerging economies to boost gold holdings in order to support their own currencies, while investors will turn both to physical gold and exchange-traded funds.

The bank raised its average price target for the year by \$US100 to \$US2900 an ounce, while leaving its six to 12-month price target of \$US3000 unchanged.

Article care of the West Australian.

## EYE ON IT

DMIRS have on the bottom of their website page a box entitled.

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They are free to the public and cover a wide range of articles and information.

Click and keep yourself informed on the DMIRS web page.



## **Federal support for WA's resources sector welcomed**

The Cook Government has welcomed the almost \$20 billion in funding support for critical minerals processing and resource exploration announced by the Federal Government last night as part of its 2024-25 Budget.

- Production tax credit to provide significant support for critical minerals producers
- Funding support to develop common-user facilities for small and medium players
- Significant investment in data and maps will help industry find new mineral deposits
- New production tax incentive to ramp up renewable hydrogen production

The Cook Government has welcomed the almost \$20 billion in funding support for critical minerals processing and resource exploration announced by the Federal Government last night as part of its 2024-25 Budget.

A 10 per cent production tax credit totalling \$17.6 billion over 14 years for critical minerals producers will support existing downstream processing activities as well as those entering production in future.

The Federal Government's \$10.2 million investment in pre-feasibility studies to develop critical mineral common-user processing facilities and help small and medium-sized aspirants become producers, will also be broadly welcomed by industry.

A further \$566.1 million commitment over 10 years will support industry in finding new deposits of minerals and sources of energy and help build a Future Made in Australia.

This significant funding will deliver data, maps and other tools for use by the resources sector that will point the way to new discoveries, help power the economy and commit to the full mapping of Australia over the next generation.

Western Australian producers will also benefit from a \$5.8 million critical minerals trade enhancement initiative aimed at accelerating trade efforts to realise a premium for Australia's critical minerals that are produced to high environmental, social and governance (ESG) standards.

The Cook Government also welcomed the Federal Government's new \$6.7 billion Hydrogen Production Tax Incentive of \$2 per kilogram to encourage production of renewable hydrogen over the next decade.

Another important initiative is the \$2 billion investment in a new round of the successful Hydrogen Headstart program to provide long-term certainty for the nascent industry, which will be critical for green iron and steel opportunities.

Western Australia is well positioned to play a significant role in Australia's critical minerals strategy as a leading producer and exporter of battery materials with strong environmental, social and governance credentials, and the announcements in yesterday's Federal Budget acknowledge this State's critical role in the global transition to net zero.

### **Comments attributed to Premier Roger Cook:**

"I congratulate the Federal Government for its foresight and vision to assist Western Australia in becoming a world leader in the downstream processing of critical minerals and production of renewable hydrogen that will be essential in transitioning the globe to a low-carbon economy.

"These commitments represent a big vote of confidence in the future of Western Australia's powerhouse resources sector and acknowledge its ongoing importance to the national economy.

"I welcome the inclusion of all 31 critical minerals as qualifying for a production tax credit, which is something that industry has been calling for.

"This news will come as welcome relief - particularly for WA nickel and lithium miners facing extremely challenging market conditions.

"These investments also complement our \$500 million Strategic Industries Fund investment unveiled in last week's State Budget to deliver common-user and other enabling infrastructure at strategic industrial areas (SIAs) across regional and metropolitan WA.

"Collectively, the measures announced in the 2024-25 Federal Budget provide a supportive environment to help underpin future investment decisions for major critical minerals and hydrogen projects moving forward."

### **Comments attributed to Mines and Petroleum Minister David Michael:**

"These are significant investments in the future of Western Australia and Australia's aspirations to become a major global player in the downstream processing of critical minerals.

"A recent report commissioned by the Association of Mining and Exploration Companies found the downstream processing of critical minerals could add \$2.4 billion and 4,220 jobs to Australia's economy by 2035.

"I'd acknowledge the efforts of the sector's peak industry bodies in advocating for a production tax credit and other initiatives to support the downstream processing of critical minerals in Australia.

"I also look forward to working with my Federal counterpart Resources Minister Madeleine King towards securing the balance of funds required for the development of a Critical Minerals Advanced Processing (CMAP) facility.

"The CMAP common user facility will focus on upstream and midstream activities to support mineral processing, high purity metal refining and advanced materials manufacturing.

"It will enable companies a quicker pathway to commercial-scale investment decisions on the downstream processing of battery and critical minerals in Australia.

"The State Government committed \$100 million to the CMAP in its recent State Budget with the facility contingent upon matched funding from the Commonwealth." Article care of the Western Australian Government.

## **Mining Rehabilitation Fund continues to deliver**

10-year review determines fund remains effective in managing abandoned mine risks

Stakeholder feedback from a 10-year review of the Mining Rehabilitation Fund (MRF) has identified that the fund continues to function well as a targeted approach to minimising the environmental, social and financial risk of abandoned mines to the State.

The MRF is a pooled fund that Western Australian tenement holders under the *Mining Act 1978* are required to contribute to through an annual levy. Where a mine operator is unable to meet their rehabilitation obligations and the site is declared abandoned, the MRF can be used.

The independent, 10-year review into the operation of the MRF is a requirement of the *Mining Rehabilitation Fund Act 2012* (MRF Act). Marsden Jacob Associates was engaged by the WA Government to undertake the public consultation and statutory review of the MRF Act.

DEMIRS Resource and Environmental Compliance Executive Director Tyler Sujdovic said the important work being carried out by the department's Abandoned Mines Program shows the positive tangible outcomes the fund can help facilitate.

“The MRF is essential to the State's capacity to manage and rehabilitate abandoned mines, leading to better environmental and community safety outcomes.

“It is encouraging to see that stakeholders were generally supportive of the MRF Act, and that its objectives and purpose remain relevant.

“There is always, however, room for continuous improvement and the department will review the recommendations within the report and investigate potential actions to improve the effectiveness of the MRF.”

The [Review of the Mining Rehabilitation Fund report](#) is available on the DEMIRS website.

[https://www.dmp.wa.gov.au/Documents/Environment/MRF\\_Statutory\\_Review.pdf](https://www.dmp.wa.gov.au/Documents/Environment/MRF_Statutory_Review.pdf)

## Jurisdiction to deal with an application requiring marking out Mining registrars' obligation to consider jurisdiction

### Issue:

The decision of the Supreme Court of Western Australia in *Forrest & Forrest Pty Ltd v O'Sullivan & Ors* [2020] WASC 468 (Forrest 2020 decision) clarifies the mining registrars' obligation to consider whether their jurisdiction has been enlivened, insofar that they must be satisfied that marking out has been completed in strict compliance with the Mining Act 1978 (the Act) and Mining Regulations 1981 (Regulations).

If a mining registrar cannot be satisfied that marking out has been conducted in compliance with legislation, then they will not have jurisdiction to determine the purported application – in fact, there will not legally be an application, and the purported application would be marked as invalid on the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) systems.

As was the case in the Forrest 2020 decision, a statement made in an affidavit or a statement that **'to the best of the applicant's or agent's belief'** the land has been marked out in accordance with the regulations' is unlikely to be sufficient to 'satisfy' a registrar.

It is the position of DEMIRS that an affidavit or statutory declaration **'signed by the person marking out the land or a witness thereto'**, affirming that marking out has been done in strict compliance with the Act and Regulations, would be more appropriate evidence to satisfy mining registrars.

### Background

In the Forrest 2020 decision, two prospecting licence applications made by Quarry Park Pty Ltd attracted objections by Forrest & Forrest Pty Ltd on the grounds that the applicant failed to mark out the land in the prescribed manner.

The mining warden refused the prospecting licence applications as it was determined the marking out provisions were not strictly complied with. It was found the trenches commenced between 25cm and 75cm away from the posts, rather than being cut from each post, in the general direction of the boundary.

Forrest & Forrest Pty Ltd appealed the warden's decision to the Supreme Court, successfully arguing that:

- the marking out requirements are a pre-condition to the making of a valid application;
- the warden, therefore, had no jurisdiction to refuse the applications; and
- consequently, the applicant had no jurisdiction to appeal to the Minister against the refusal of the prospecting licence applications.

The Supreme Court found that the warden committed jurisdictional error in determining the prospecting licence applications as the tenement applicant had failed to mark out the land in strict compliance with the Mining Act and Regulations.

This decision overturned previous interpretations of the law on marking out as a precondition to the making of a valid application.

### **Position**

For prospecting licences, special prospecting licences, mining leases, mining leases for gold and general-purpose leases an applicant must mark out in strict compliance with section 105 of the Mining Act and with Part V, Division 1 of the Regulations.

If the marking out requirements are not met, then mining registrars do not have the jurisdiction to assess applications under Part IV, Division 1, 3 and 4 of the Mining Act.

Before considering an application, a mining registrar must be satisfied that marking out requirements have been met. If the mining registrar is not satisfied, then there is no jurisdiction to determine the purported application and it shall be marked as invalid in the department's systems.

Evidence of marking out should be provided in the form of an affidavit or statutory declaration, which states that the marking out was done in strict compliance with the Mining Act and Regulations, completed by either:

- the person who marked out the land; or
- a direct witness to the marking out of the land.

It is paramount that all of the provisions of the Mining Act and the Regulations pertaining to marking out are strictly complied with to ensure that the application is validly made.

### **What are the marking out provisions that need to be complied with in order to make a valid mining tenement application?**

Part V, Division 1 of the Regulations prescribe how the land is to be marked out. The Mining Act also contains additional requirements.

### **Additional requirements prior to marking out some land**

The Mining Act provides that some land cannot be marked out until certain pre-conditions are satisfied.

The applicant should provide evidence that consent was given in accordance with section 26(2) or section 26(4) to satisfy the mining registrar that the pre-condition for marking out certain reserve land and Commonwealth land has been met.

### **Reserve Land**

Certain classifications of reserved land under Division 2 of Part III of the Mining Act require consent to mark out the land, pursuant to section 26(2) and (4).

- Land to which section 24(1)(a) or (b) refers may be marked out only with the consent of the Minister for Mines and the Minister responsible for the reserved land.
- A marine nature reserve or marine park may be marked out only with the consent of the Minister for Mines and the relevant Minister, as defined in section 24A(9).
- Land to which section 24(1)(d) refers may be marked out only in accordance with such conditions and restrictions, if any, as are lawfully prescribed pursuant to section 128(1)(h) of the Conservation and Land Management Act 1984.

### **Commonwealth Land**

In relation to any application for a mining tenement in respect of Commonwealth land, the Commonwealth land may be marked out only with the consent of the Minister for Mines and the Minister of the Commonwealth responsible for the control and management of the land. The land is to be marked out as a mining tenement in accordance with the Mining Act.

### **Private land**

Section 28 of the Mining Act provides that no person shall enter or remain upon the surface of any private land unless either:

- they are the owner in occupation of that private land; or
- they are authorised to do so, by a permit issued under section 30, or by any other provision of the Mining Act, or by virtue of a mining tenement.

Where private land has been entered for the purpose of marking out, evidence of compliance with section 28 may be required.

### Crown land not open for mining

Crown land is generally open for mining and can therefore be marked out. Crown land that is subject of a mining tenement is not open for mining under section 18 of the Mining Act and cannot be marked out.

Exceptions are where the marking out is to enable:

- an application for a special prospecting licence;
- conversion of the licence; and
- the conditional surrender of a general purpose or mining lease.

### How is the land to be marked out?

An applicant for a prospecting licence, special prospecting licence, mining lease, mining lease for gold or general-purpose lease needs to comply with Part V of the Regulations as to marking out and applying for the tenement.

### Regulation 59 – Manner of marking out tenement

- (1) Land in respect of which a person is seeking a mining tenement shall, except where other provision is expressly made, be marked out —
  - (a) by fixing firmly in the ground —
    - (i) at or as close as practicable to each corner or angle of the land concerned; or
    - (ii) if there is an existing survey mark at a corner or angle of the land concerned, as close as practicable to the survey mark without moving, changing or otherwise interfering with the survey mark, a post projecting at least 1 m above the ground; and
  - (b) subject to sub regulation (3), by either —
    - (i) cutting 2 clearly identifiable trenches; or
    - (ii) placing 2 clearly identifiable rows of stones, each at least 1 m long from each post in the general direction of the boundary lines; and
  - (c) then by fixing firmly to one of the posts as the datum post, notice of marking out in the form of Form 20.
- (2) Where the land adjoins other land in respect of which the same person is seeking or holds a mining tenement, common posts and, if required, common trenches or common rows of stones may be used for the marking out of each parcel of land.

- (3) Where a post is fixed as close as practicable to an existing survey mark under sub regulation (1)(a)(ii), marking out in the manner described in sub regulation (1)(b) is not required.

Neither the Mining Act nor the Regulations provide a definition for the word “post” nor the word trench “trench”.

The department adopts the Macquarie Dictionary definition which describes each as:

- “Post – A strong piece of timber, metal or the like, set upright as a support, a point of attachment, a mark, a place for displaying notices, etc.”
- “Trench – A long, narrow excavation in the ground. A deep furrow, ditch or cut.”

### **Regulation 60 – Stones used to support posts**

Where, because of the nature of the ground, it is not practicable to fix posts firmly in the ground as required by regulation 59(1), stones may be used to support the posts.

Neither the Mining Act nor the Regulations provide a definition for the word “stone”. The decision in *Camin Resources Pty Ltd v Monument Exploration Pty Ltd* [2024] WAMW 24 may provide guidance.

### **Regulation 61 – Marking out surveyed land**

It shall not be necessary to mark out land in respect of which a mining tenement is sought, the boundaries of which are identical with any surveyed land, other than by fixing —

- (a) at a corner of the boundaries; or
- (b) if there is an existing survey mark at a corner of the boundaries, as close as practicable to the survey mark without moving, changing, or otherwise interfering with the survey mark, a datum post to which the notice of marking out in the form of Form 20 is affixed.

The datum post is described at regulation 59, being a post that is firmly affixed to the ground and projects at least one metre above the ground.

Regulation 61 may be relied upon for the purpose of marking out only where the boundaries of the land in respect of which the mining tenement is sought are identical with any surveyed land.



### Regulation 92 – Shape of tenement

The shape of a mining tenement other than a graticular exploration licence, a miscellaneous licence or one marked out pursuant to regulation 61 shall be in the form of a rectangle, but if the presence of boundaries of mining tenements, other boundaries or natural features make it necessary or desirable to vary this shape, each side of the tenement shall be a straight line and where possible at right angles to an adjacent side or parallel to an opposite side.

### **What evidence is required to demonstrate strict compliance with the marking out requirements of the Mining Act and Regulations?**

The applicant needs to provide evidence to demonstrate that the marking out of the land has been carried out in strict compliance with the provisions of the Mining Act and Regulations.

For certain reserve land and Commonwealth land, evidence will be required of consent given in accordance with section 26(2) or section 26(4).

Written information or evidence should describe in detail the sequence of the marking out of the land as set out at regulation 59 of the Regulations. The information and evidence should include:

1. The time for commencement of marking out;
2. The location details of each corner or angle of the boundary of the land marked out;
3. the height that each post projects above the ground;
4. The length and general direction of either any trench cut, or row of stones placed, from each firmly fixed post;
5. The location of the post that the completed Form 20 is attached; and
6. The time that the Form 20 is attached to that post.

If regulation 59(1)(a)(ii) is applicable at any corner or angle of the land that is marked out, information about the existing survey mark should be provided.

Where the boundaries of the land applied for are identical to any surveyed land as per regulation 61, the following information or evidence should be provided:

1. Details of the location of the datum post firmly affixed to the ground and details of the height of the datum post should be included in the information or evidence provided.
2. Information whether the datum post was fixed at a corner of the boundaries as required by regulation 61(a) or as close as possible to the survey mark as required by reg 61(b).
3. Confirmation that the survey mark was not moved, changed, or otherwise interfered with – if the datum post was fixed as close as possible to the survey mark as required by regulation 61(b).

This information and evidence should be provided by a person who was marking out or who had directly witnessed the marking out. If one person did not carry out or witness the entire marking out, then multiple affidavits or statutory declarations are required to attest to the marking out of each post. Each affidavit or statutory declaration needs to specify to which post or posts it applies and reference a plan showing the designated points.

### **What happens if I cannot provide evidence that the land has been marked out in accordance with the Mining Act and Regulations?**

Mining registrars do not have the jurisdiction to assess applications for certain mining tenements where the applicant has failed to mark out the tenement in strict compliance with section 105 and Part V, Division 1 of the Regulations. The mining tenements in question are prospecting licences, special prospecting licences, mining leases, mining leases for gold and general-purpose leases.

The question of jurisdiction to consider an application for a mining tenement is a factual based assessment. If the mining registrar is not satisfied on the facts that the land has been marked out in strict compliance with the provisions of the Mining Act and Regulations, then the purported application is not regarded as an application under the Mining Act and will be disposed of as being invalid. A record of the invalid application will be made in the mining tenement register.

It is very much in the interest of the applicant to ensure that land is marked out in strict accordance with the Mining Act and Regulations, that satisfactory evidence is submitted with the application, and that comprehensive contemporaneous evidence is gathered and retained.

### Suggested practice

Although not required for the purposes of the application, it is good practice to keep photographic evidence of marking out, should there be an objection to the application based on compliance with the marking out provisions.

Apple or Android compatible applications (apps) that record time and date details along with location coordinate details on digital photographs are readily available to download and are useful for the purpose of recording evidence of marking out.

This could include:

- The post firmly affixed to the ground at the corner of the surveyed boundary, clearly showing the survey marker and the post that is firmly affixed to the ground.
- The Form 20 firmly affixed to the datum post.
- A rigid measuring device, such as a metal tape measure or brand mark metric stick, stood next to the secured post and clearly showing the height of the post measured from the surface of the land.
- A rigid measuring device, such as a metal tape measure or brand mark metric stick, lain next to each trench or line of stones, clearly showing the length of the trench or line.

Article care of DMIRS 2025

## Kalgoorlie WA 2024



# APLA'S Floats in the 2024 St Barbara's Parade

2024 marked the 120<sup>th</sup> anniversary of APLA. To mark the milestone, the Goldfields branch of APLA put together some fantastic floats in the St Barbara's parade. I would like to acknowledge the Committee of the Goldfields Branch of APLA for their participation in the parade and hard work to put our floats together?

Thankyou also to James Allison and Greg Young from the Perth Branch for their huge efforts in joining in.















### **Yerilla alluvial Goldfield, Menzies Shire, Western Australia, Australia**

The Mount Catherine Gold Mine was said to contain a rich alluvial gold area when discovered in 1895. The early Queen of the Earth Gold Mine at the western edge of the main gold field, was said to have contained a decent alluvial patch. Small alluvial patches were found in 1897 at the La Tosca Gold Mine.

There was little hope of finding alluvial at the main goldfield, which borders the south of the Kookynie-Yarri Road, and south of the Yerilla homestead. Many nuggets were initially found, but these had been shed from the reefs. Later a small area was located being deep alluvial in cement (a term often used at the time for hardened clay).

This was discovered by the Thomas brothers who located a deep alluvial area in 1906, immediately south of the Yerilla Central mine on the Viola lease and part of the Melba Consols lease. The gold was said to be 10 feet from the surface, in wash 2 to 3 feet thick, dipping 45 degrees south. Gold values increased with depth and could be freely seen in the cement/quartz whitish wash estimated at 500 ounce to the tonne.

Seventy men who were raising stone in the area, immediately pegged surrounding leases. The Thomas's had dug five holes 10 to 20 feet in depth which bottomed on the wash. Three months later, warden P.L. Gibbons and the Inspector of Mines visited, and awarded the Thomas' a one acre reward claim, in addition to the two leases they had already pegged. No alluvial gold was found in the neighbouring claims pegged by the other prospectors. GML 181R.

Several minor gold discoveries occurred in outlying areas both north and south of the main goldfield. It is unclear whether these were alluvial and/or part of a minor reef system. For example in the late 1890's an Afghan cameleer discovered several gold nuggets while taking the post from Kookynie to Yerilla. This was said to be on or near the old telegraph line. After taking the nuggets into town he went back, but for some reason was unable to re-locate the site.

It was rediscovered in 1934 by an aboriginal named Sullivan who worked on the local sheep station. He went into partnership with E. McInnes, T. Barratt, and H. Harris. They let the area as a working option to the Western Mining Corporation, after which the location became lost again.



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Perth is holding two training sessions. There will be no cost to the participant. Training is open to all financial members of APLA.

### **Geomap**

Wednesday, 5th March  
9.00am to 3.00pm

at WA Lapidary & Rock Hunting Club  
31-35 Gladstone Road, Rivervale

### **GPS & Navigation**

Sunday 9th March  
9.00am to 12.00 noon

at Gwelup Lake Reserve  
Huntriss Road Karrinyup

Please email Sue McKenna at  
[aplapersec@outlook.com](mailto:aplapersec@outlook.com)  
stating clearly which or both trainings sessions you  
want to attend.

If you have already sent an email requesting the above  
there will be no need to apply again.

Regards  
Susan McKenna  
Perth Branch Secretary, APLA  
M: 0419 646 656  
E: [aplapersec@outlook.com](mailto:aplapersec@outlook.com)

# BRANCH NEWS

## ALBANY BRANCH UPDATE

Meetings held 3<sup>rd</sup> Saturday of every month.

Each meeting consists of general branch business and a guest speaker to assist members.

Contact Michael McCaffery

Next meeting February 18<sup>th</sup>



## GOLDFIELDS BRANCH UPDATE

Meetings are held at the Regency Room at the Tower Hotel Crn Maritana and Bourke st Kalgoorlie.

Contact R Laing 0418 930 064

Next meeting 27<sup>th</sup> March



## MANDURAH BRANCH UPDATE

Meetings held at 1.30pm, 2 Leslie st Mandurah. See APLA website for dates.

Contact Bob Wilson 0429 001 515

Next Meeting March 9<sup>th</sup>

## SOUTHWEST BRANCH

Meetings Fourth Wednesday of every Second Month at the Capel Golf Club at 7:00pm - \$5 Includes Supper)

Next meeting March 26<sup>th</sup>

Contact Judith, SW Secretary for more information, 0428385457



## PERTH BRANCH UPDATE

APLA Perth Branch is conveniently located for Perth Members and now meets in the WA LAPIDARY AND ROCKHUNTING CLUB.31-35 GLADSTONE ROAD, RIVERVALE WA.

Next Meeting Wednesday 19<sup>th</sup> February

Training days start 5<sup>th</sup> March



## Why you should Join APLA

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- Bush Training and Prospecting Camps
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Importantly, APLA represents stakeholders to Government on Policies that exclude Prospectors from accessing some areas within WA. APLA fight for your rights to go Gold Prospecting. Delegate Representatives from each branch are attending, representing our

members, all 2145 members as at year end 2023. We run training Camps free for Members. Our Branches do fantastic volunteer work to improve your prospecting experience. Your membership includes public liability Insurance. These are the things that are important.

Recently joined **New Members** please **check out**, up and coming events listed on the APLA webpage.

[www.apla.com.au](http://www.apla.com.au) click on your branch and the **events** window in the bottom right corner to find out more. Join our members only APLA Facebook page. A link can be found on the bottom of the webpage.

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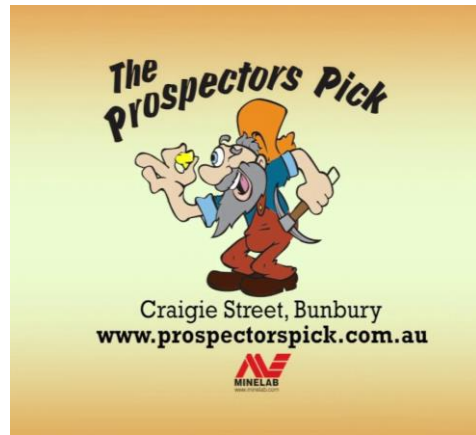
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