



POSITION PAPER 5

SEVERANCE OF GRATICULAR EXPLORATION LICENCE APPLICATIONS

ISSUE

Can an application for an exploration licence be made for graticular sections in more than one discrete area?

BACKGROUND

Section 57 of the *Mining Act 1978* provides:

(2a) Where an exploration licence is granted in respect of 2 or more blocks the graticular sections that constitute those blocks shall —

- (a) constitute a single area; and
- (b) each have a side in common with at least one other graticular section in that area.

(2b) Where —

- (a) an application is made for an exploration licence in respect of 3 or more blocks; and
- (b) before the exploration licence is granted one or more of the blocks applied for becomes the subject of another mining tenement; and
- (c) the exploration licence is granted in respect of 2 or more of the other blocks applied for,

the graticular sections that constitute the blocks in respect of which the licence is granted need not comply with subsection (2a)(a) and (b) if they form 2 or 3 discrete areas each consisting of —

- (d) a single graticular section; or
- (e) a number of graticular sections each having a side in common with at least one other graticular section in that area.

POSITION

The only circumstance where an application for exploration licence in respect of 3 or more blocks will be granted in 2 or 3 discrete areas is when one or more of the blocks applied for is available at the time the application is made but becomes the subject of another mining tenement before the application is granted.

An application for an Exploration Licence of three or more blocks must not be severed into multiple parts by:



- existing granted tenements (that cannot co-exist) ;
- East Locations;
- areas specified in Section 19 of the *Mining Act 1978*; and
- parts touching at a point, or applied for in more than one part.

Separate Exploration Licence applications must be applied for over an area of land that will be severed into multiple parts by existing granted tenements.

REFERENCES

Sections 19, 57(2), (2a) and (2b) of the *Mining Act 1978*