



**Hon Bill Johnston MLA
Minister for Mines and Petroleum; Energy; Hydrogen Industry;
Industrial Relations**

Our Ref: 71-35110

Mr Warren Pearce
Chief Executive Officer
Association of Mining and Exploration Companies
Level 2, Havelock Street
WEST PERTH – WA 6055

Dear Mr Pearce *Women*

**RAMIFICATIONS OF ABORIGINAL CULTURAL HERITAGE ACT 2021 ON
INDIGENOUS LAND USE AGREEMENTS - ACCEPTANCE OF EXPENDITURE
EXEMPTIONS FOR DELAYS IN ACCESS TO LAND**

Thank you for your correspondence of 15 June 2023 seeking my position on the grant of exemptions to expenditure commitments due to the implementation of the new Aboriginal Cultural Heritage Act 2021 (ACH Act) on 1 July 2023.

The Cook Government understands the importance of mineral exploration to the ongoing success of Western Australia's resources sector. The various provisions of the *Mining Act 1978* (the Act) encourage exploration and development, including the need for tenement holders to comply with expenditure commitments.

The Act also recognises that, in some circumstances, meeting these expenditure commitments is not always possible. Section 102 of the Act already provides a mechanism for a tenement holder to apply for exemption from expenditure commitments for a given expenditure year, and the reasons for which an exemption may be considered.

Section 102(2)(g) provides that an exemption may be granted where it can be proved that activities were prevented or restricted during the relevant period by political, environmental or other difficulties. In addition, section 102(3) allows me to consider other matters that I consider sufficient to justify an exemption.

Where an application for exemption is made under either 102(2)(g) or 102(3) and is accompanied by documentation substantiating the difficulties that have affected the tenement during implementation of the ACH Act, I will consider these favourably.

Yours sincerely

**Hon Bill Johnston MLA
Minister for Mines and Petroleum; Energy;
Hydrogen Industry; Industrial Relations**

- 4 JUL 2023