

Uncertainty remains for western Australian mining titles

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The majority of the High Court of Australia in *Forrest & Forrest Pty Ltd v Wilson & Ors* [2017] HCA 30 (Forrest) held that the failure of an applicant to lodge a mineralisation report (a report prepared by a qualified person substantiating the existence of significant mineralisation existing that justifies the grant of mining tenure) contemporaneously with a Western Australia (WA) mining lease application rendered the mining lease application invalid. The Court also held that the protection afforded by 'the curative provision' (section 116(2) of the Mining Act 1978 (WA) (Act)), did not extend to the title holder to cure the non-compliance.

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