

A win against Forrest for recently merged legal team

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HopgoodGanim Lawyers represented Cauldron Energy Limited in the WA Court of Appeal dismissal of an appeal by Forrest & Forrest Pty Ltd.

The dismissal means that HopgoodGanim's client Cauldron can progress its applications for exploration licences over Forrest's Minderoo Station, east of Onslow.

In dismissing the appeal, the Court confirmed that the Minister does not need to consider the most current financial information about an applicant for an exploration licence to be able to validly grant the licence.

HopgoodGanim Partner, James Hunt emphasises how important this is for the industry. "The significance of this decision should not be taken lightly. If the Court had found otherwise, a large number of exploration licence applications would be significantly delayed and/or invalidly granted."

By dismissing this appeal, the Court has also provided clarity regarding the submissions process before the Minister in relation to the grant of a mining tenement.

The Court held that the Minister may set out a reasonable submissions process for information and submissions to be provided, and any information provided outside of this process does not need to be considered by the Minister.

James hopes that this decision might encourage other Western Australian resources companies in their bid for similar exploration licences.

"Of course it's always very rewarding winning cases for our clients and this one was particularly important given the current state of the industry and some of the uncertainty surrounding exploration licences and mining tenements."

"We hope this decision gives other resources companies the confidence to push forward with their own applications."

"In our view the time has come for legislators to set out a formal process for the lodgement of submissions with the Minister to provide certainty and clarity to the parties involved."

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