



Mining Amendment Regulations 2024 - Designated Tenement Contact

Overview

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) is seeking public comment on the draft Mining Amendment Regulations 2024.

The purpose of the draft Mining Amendment Regulations 2024 is to amend the Mining Regulations 1981 to:

- insert regulation 84G, to require applicants and holders of tenements to provide physical address details;
- insert Division 5B, with specific rules relating to designated tenement contacts (DTC);
- make consequential changes to various forms under the Mining Regulations 1981; and
- make small administrative amendments.

The use of a DTC will facilitate communication (including electronic), digital records management, and service of documents when required.

Optional DTC fields were added to online tenement applications following 2016 legislative amendments. Industry has responded positively, with the indicative voluntary provision of DTC details at 90 per cent and authorised use of DTC email addresses provided at 85 per cent as at February 2024.

New mandatory requirements

Under the proposed regulations, the applicants and holders of a mining tenement will need to:

- provide physical current business or residential address details (r84G);
- have a DTC and provide details, including email address (r89AC, r89AD, r89AE); and
- ensure that DTC details are kept up to date (r89AC).

For existing applicants and holders there will be a 12-month transitional period starting from the commencement of the regulations.

No action is required if a DTC was voluntarily nominated and holder address details were provided previously, provided that the details have not changed.

There are penalties of up to \$20,000 if the applicant or holder fails to provide or maintain the required information.

Providing address details and nominating a DTC

For new applications and dealings

When the Mining Amendment Regulations 2024 come into force, mandatory DTC and tenement owner (including prospective owner) address fields will appear on online and legislated forms for tenement applications, transfers, and devolutions.

For pending applications and dealings and existing tenement holders

A Form 30 Application to Amend must be lodged within 12-months of the commencement date in any of the following circumstances.

- A DTC was not nominated during the voluntary DTC opt-in period.
- The tenement owner wishes to nominate a new DTC.
- Any DTC details have changed.
- The tenement owner, or prospective owner, address was not provided.
- The tenement owner, or prospective owner, address is not current.

Updating a DTC

Changes to DTC or DTC details must be lodged with the department using a Form 30 Application to Amend. Tenement holders are responsible for ensuring their DTC and address details are up to date.

Prescribed provisions

Regulation 89AB specifies Mining Act correspondence provisions that will apply to DTCs – that is, where correspondence relating to a tenement will be sent to a DTC. A table of these is provided as Appendix A.

Other minor changes

Regulation 89C will be amended, updating the definition of JORC Code to refer to the latest version.

The requirement for notification to be sent by post is removed from regulations 118A(1), 118A(2) and 120A(3).

Consultation

The draft Mining Amendment Regulations 2024 is available for comment until close of business **27 September 2024**.

The consultation and draft documents are [available on the DEMIRS website](#).

Any comments or feedback can be emailed to RTD.Consultation@dmirs.wa.gov.au

Appendix A – Table of prescribed provisions

Provision	Detail
s8A(3)	Minister may in writing confer rights in respect of oil shale or coal
s26A(1)	Notice to holder to surrender land
s41(3)	Request from mining registrar or warden for further information from prospecting licence applicant
s46A(4)(b)	Notice from mining registrar, warden or Minister imposing conditions on holder of prospecting licence
s55A(4)(b)	Notice from Minister imposing conditions on holder of prospecting licence with retention status
s55B(1), s55B(2)	Notice to prospecting licence holder to (1) show cause and (2) required to apply for mining lease
s58(3)	Request from mining registrar or warden for further information
s63AA(3)(b)	Notice from Minister imposing conditions on holder of an exploration licence
s65(4)	Notice to holder to lodge surrender for registration
s68(1), s68(2)	Request from Minister to holder of an exploration licence to provide survey records
s69D(4)(b)	Notice to holder of imposition of condition
s69E(1), s69E(2)	Notice to exploration licence holder to (1) show cause and (2) required to apply for mining lease
s70I(3)(b)	Notice from Minister imposing conditions on holder of a retention licence
s70M(1), s70M(2)	Notice to retention licence holder to (1) show cause and (2) required to apply for mining lease
s74(2)	Request from mining registrar or warden for further information
s74A(2)	Request from Director Geological Survey for further information
s79(1)	Issue of mining lease to holder
s82(3)	Written notice of the penalty
s84(4)(b)	Notice from Minister imposing conditions on holder of a mining lease
s109A(6)(b)	Notice in writing to holder to pay
s115A(2)(b)	Notice in writing to holder to file exploration report
s115B(2)	Notice in writing to holder to file audit statement
s122A(4)(b)	Notice stating caveat has been lodged to holder sent by certified mail
r4G	Issuing officer to give a copy of a permit to the exploration licence holder
r49(2)(a)	Warden to provide written notification of intended hearing date to be forwarded by post to the tenement holder
r50(a)	Minister may cause written notification of intended forfeiture to be posted to holder
r87A(1)	The Minister to give a notice of the determination under r. 87 to be served on the person by whom the royalties are payable
r118(3)	Director to give written notice to the tenement holder to carry out a survey
r118A(1)	Director to serve by post notice to carry out a mining survey
r118C(2)	Director to serve by post notice to carry out a mining survey
r120A(3)	Director to serve by post copy of surveyor's report (Form 44)