Western Australia

Mining Amendment Regulations 2024

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Mining Act 1978

Mining Amendment Regulations 2024

Made by the Governor in Executive Council.

1. Citation

These regulations are the Mining Amendment Regulations 2024.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations on 29 November 2024.

3. Regulations amended

These regulations amend the Mining Regulations 1981.

4. Regulation 2 amended

In regulation 2 insert in alphabetical order:

particulars, in relation to a designated tenement contact, means the following details for that designated tenement contact —

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- (a) name;
- (b) email address;
- (c) postal address;

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5. Regulation 84C amended

In regulation 84C:

- (a) after paragraph (a)(i) insert:
 - (iaa) the particulars of the designated tenement contact for the application; and
- (b) after paragraph (b)(v) insert:
 - (va) the registered holder's business or residential address; and
 - (vb) the particulars of the designated tenement contact for the mining tenement; and

6. Regulation 84G inserted

After regulation 84F insert:

84G. Applicant for or holder of mining tenement to provide address details

- (1) Subregulation (2) applies to
 - (a) an applicant for a mining tenement if the register, in relation to their application, contains neither the applicant's current business nor residential address; and
 - (b) the holder of a mining tenement if the register, in relation to the mining tenement, contains neither the holder's current business nor residential address.

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(2) The applicant or holder commits an offence if the applicant or holder fails to lodge their current business or residential address in relation to the application or mining tenement in the form of Form 30.

7. Division 5B inserted

After Part V Division 5A insert:

Division 5B — Designated tenement contacts

Subdivision 1 — Designated tenement contacts

89AA. Designated tenement contacts (DTCs)

- (1) The designated tenement contact for an application for a mining tenement is, for each applicant, the person who is determined, from time to time, under regulation 89AC to be the applicant's designated tenement contact for the application.
- (2) The designated tenement contact for a mining tenement is, for each holder of the tenement, the person who is determined, from time to time, under regulation 89AD to be the holder's designated tenement contact for the mining tenement.

89AB. Prescribed provisions for DTCs (Act s. 17)

- (1) For the purposes of section 17, the following provisions of the Act are prescribed
 - (a) section 8A(3);
 - (b) section 26A(1);
 - (c) section 41(3);
 - (d) section 46A(4)(b);

- (e) section 55A(4)(b);
- (f) section 55B(1) and (2);
- (g) section 58(3);
- (h) section 63AA(3)(b);
- (i) section 65(4);
- (i) section 68(1) and (2);
- (k) section 69D(4)(b);
- (l) section 69E(1) and (2);
- (m) section 70I(3)(b) (including as applied by section 70IA(3));
- (n) section 70M(1) and (2);
- (o) section 74(2);
- (p) section 74A(2);
- (q) section 79(1);
- (r) section 82(3);
- (s) section 84(4)(b);
- (t) section 109A(6)(b);
- (u) section 115A(2)(b);
- (v) section 115B(2).
- (2) For the purposes of section 17, the following provisions of these regulations are prescribed
 - (a) regulation 4G;
 - (b) regulation 87A(1);
 - (c) regulation 118(3);
 - (d) regulation 118A(1);
 - (e) regulation 118C(2);
 - (f) regulation 120A(3).

89AC. Requirement for applicant to have and maintain DTC

(1) In this regulation —

deemed applicant, in relation to an application for a mining tenement, means a person who is deemed under section 49(3), 56B(4), 67(3), 70C(7) or 70L(3) to be an applicant for the tenement because they are the transferee of another mining tenement or an interest in another mining tenement;

relevant form, in relation to the application of an applicant who is not a deemed applicant, means —

- (a) the application form lodged by the applicant in accordance with regulation 64(1); or
- (b) if the application devolved to the applicant as described in regulation 102 the form lodged in relation to the devolution in accordance with regulation 102.
- (2) Subject to subregulation (3), for the purposes of regulation 89AA(1), an applicant's designated tenement contact for an application is
 - (a) if the applicant is not a deemed applicant in relation to the application the person (if any) named in the relevant form as the applicant's designated tenement contact; or
 - (b) if the applicant is a deemed applicant in relation to the application the person who, under regulation 89AA(2), is the applicant's designated tenement contact for the transferred tenement or interest.
- (3) If an applicant nominates a person as the designated tenement contact for an application, the applicant's designated tenement contact for the application is the person nominated. The nomination must be in the form of Form 30.

- (4) An applicant for a mining tenement commits an offence if the applicant fails to ensure either of the following
 - (a) that there is, under this regulation, a person who is the applicant's designated tenement contact for the application;
 - (b) that the Department has been provided with the particulars of the designated tenement contact.
- (5) An applicant
 - (a) may, at any 1 time, have only 1 person as their designated tenement contact for a particular application; and
 - (b) may themselves be their designated tenement contact.
- (6) If the particulars of an applicant's designated tenement contact change, the applicant commits an offence if the applicant fails to lodge the new particulars in the form of Form 30.

89AD. Requirement for holder to have and maintain DTC

- (1) Subject to subregulation (2), for the purposes of regulation 89AA(2), a holder's designated tenement contact for a mining tenement is
 - (a) if the tenement or an interest in the tenement was transferred to the holder under Division 4 the person (if any) named in the transfer form as the transferee's designated tenement contact; or
 - (b) if the tenement or an interest in the tenement devolved to the holder as described in regulation 102 the person (if any) named as the holder's designated tenement contact in the form lodged in relation to the devolution in accordance with regulation 102; or

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- (c) if the holder became a holder of the tenement on the granting of their application for the mining tenement the person (if any) who, under regulation 89AA(1), was the holder's designated tenement contact for the application.
- (2) If a holder nominates a person as the designated tenement contact for a mining tenement, the holder's designated tenement contact for the mining tenement is the person nominated. The nomination must be in the form of Form 30.
- (3) A holder of a mining tenement commits an offence if the holder fails to ensure either of the following
 - (a) that there is, under this regulation, a person who is the holder's designated tenement contact for the tenement:
 - (b) that the Department has been provided with the particulars of the designated tenement contact.
- (4) A holder
 - (a) may, at any 1 time, have only 1 person as their designated tenement contact for a particular tenement; and
 - (b) may themselves be their designated tenement contact.
- (5) If the particulars of a holder's designated tenement contact change, the holder commits an offence if the holder fails to lodge the new particulars in the form of Form 30.

89AE. Emailing information, document or notice to DTCs

(1) This regulation applies in relation to information, notice or a document permitted to be given to a designated tenement contact for the purposes of a prescribed provision.

- (2) The information, notice or document may be given by sending it in electronic form to an email address of the designated tenement contact.
- (3) In the absence of proof to the contrary, information, notice or a document given in accordance with subregulation (2) is taken to have been given to the designated tenement contact
 - (a) if the email is sent before 4 pm on a working day on that day;
 - (b) otherwise on the next working day after the day on which the email is sent.
- (4) In subregulation (3) —

working day means a day other than a Saturday, a Sunday or a public holiday throughout the State.

Subdivision 2 — Transitional provisions

89AF. Terms used

In this Subdivision —

commencement day means the day on which the *Mining Amendment Regulations 2024* regulation 7 comes into operation;

transitional application means an application for a mining tenement that is pending immediately before commencement day;

transitional holder means the holder of a mining tenement who —

- (a) had the tenement or an interest in the tenement transferred to them under Division 4 if the transfer form was lodged before commencement day; or
- (b) had the tenement or an interest in the tenement devolved to them as described in regulation 102 if the form lodged in relation to the devolution

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- in accordance with regulation 102 was lodged before commencement day; or
- (c) became the holder of the tenement on the granting of their application for the tenement if the application was granted before commencement day;

transition period means the period of 12 months beginning on commencement day.

89AG. Transitional applicants

- (1) Subdivision 1 applies in relation to a transitional application.
- (2) Subregulation (3) also applies in relation to the application if the applicant had, before commencement day, notified the Department of a person who was intended to be the applicant's designated tenement contact for the application.
- (3) Regulation 89AC has effect, for the purposes of regulation 89AA(1), as if the person nominated, or the person most recently so nominated, had been named in the application as the applicant's designated tenement contact.

89AH. Transitional holders

- (1) Subdivision 1 applies in relation to a transitional holder of a mining tenement.
- (2) Subregulation (3) also applies in relation to the transitional holder if the holder had, before commencement day, notified the Department of a person who was intended to be the holder's designated tenement contact for the tenement.
- (3) Regulation 89AD has effect, for the purposes of regulation 89AA(2), as if the person nominated, or the person most recently so nominated, had been

nominated in the form of Form 30 as the holder's designated tenement contact for the tenement.

89AI. Transitional period

- (1) A person need not comply with regulation 84G(2) or 89AC(4) in relation to a transitional application during the transition period.
- (2) If a transitional application is granted before the end of the transition period, the holder of the mining tenement need not comply with regulation 84G(2) or 89AD(3) in relation to the mining tenement during the transition period.
- (3) A transitional holder need not comply with regulation 84G(2) or 89AD(3) in relation to the mining tenement during the transition period.

8. Regulation 89C amended

(1) In regulation 89C(1) in the definition of *JORC Code* delete "December 2004." and insert:

2012.

(2) In regulation 89C(2) delete "classifications provided for in clauses 20, 21 and 22" and insert:

categories provided for in clauses 21, 22 and 23

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9.	Regulation	118A	amended
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(1) In regulation 118A(1) delete "shall serve by post notice of that fact on —" and insert:

must give notice of that fact to —

(2) In regulation 118A(2) delete "shall serve by post notice of that fact on" and insert:

must give notice of that fact to

10. Regulation 120A amended

In regulation 120A(3) delete "shall serve by post on" and insert:

must give

11. Schedule 1 Form 21 replaced

Delete Schedule 1 Form 21 and insert:

Form 21 Application for mining tenement

FORM 21

WESTERN AUSTRALIA *Mining Act 1978* (s. 41, 58, 70C, 74, 86, 91, r. 64)

APPLICATION FOR MINING TENEMENT

TENEMENT DETAILS: (a) Type of tenement (b) Time & Date marked out (if applicable) (c) Mineral Field (b) am/pm / / (c)

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<u>r. 11</u>

	SCRIPTION OF OUND APPLIED FOR:	(d)		
(Fo	or Exploration Licences see	(e)		
For	other Licences see Note 2	(f)		
For	all Licences see Note 3)	(-)		
(d)	Locality			
(e)	Datum Peg			
(f)	Boundaries			
(g)	Area (ha or km²)	(g)		
	ditional information to be vided in an attachment			
(Se	e Note 4)			
(FC	PLICANT(S) DETAILS DR EACH APPLICANT) e Note 5):	(h), (i), (j) & (k)	(1)	(m) Shares
(h)	Full name			
(i)	ACN/ABN (if applicable)			
(j)	Residential or business address (Street, Suburb, State, Postcode, Country)	$\mathcal{L}_{\mathcal{L}}$		
(k)	Optional information (email, telephone)			
(1)	Designated Tenement Contact (see Note 6) (i) Full name (ii) Postal address (Street/Post Box/Locked Bag, Suburb, State,			
	Postcode, Country) (iii) Email (iv) Optional information (telephone)			
(m) No. of shares			

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Γotal No. of shares		(n) Total
Signature of applicant or agent (if agent, state full name and address)	(o) Da	ate
OFFICIAL USE		
A NOTICE OF OBJECTION :	may be lodged at any mining registrar's office on or before 0 (see Note 7).	the
If an objection to this applicati	on is lodged the hearing will take place on a date to be set.	
Received at am/pm on		
1.1		

Mining Registrar

NOTES

Note 1: EXPLORATION LICENCE

- (i) Attachments 1 and 2 form part of every application for an Exploration Licence and must be lodged with this form in lieu of (d), (e), (f) and (g) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:(a) public plan search; (b) register search; (c) ground inspection.

Note 4: <u>ADDITIONAL INFORMATION</u>

An applicant may provide any relevant additional information they wish to provide in respect of this application in an attachment (e.g. that the application is for a special prospecting licence or is the conversion of an existing title, or the effect of the application on private property).

Note 5: APPLICANT(S) DETAILS

Each applicant must include their full name (individual or company) and address. The address must be the applicant's principal place of business or residence (not a postal address).

Note 6: DESIGNATED TENEMENT CONTACT

Each applicant must include the full name (individual or company), postal address and email address of the applicant's designated tenement contact for the application, to be used for correspondence. Each applicant may only have 1 designated tenement contact for the application

(although multiple applicants may have the same designated tenement contact) and may nominate themselves as the designated tenement contact.

Note 7: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgment of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

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		q	r	S	t	u	q	r	S	t	u	q	r	S	t	u	q	r	S	t	u	q	r	S	t	u
	+	v	w	<u>x</u>	у	Z	v	W	x +	y	Z	v	W	x +	у	Z	v	W	x +	y	Z	v	W	x +	у	Z
											1.1	000	000		N N	ΔМΙ	7(\$)							-		

12. Schedule 1 Form 23 replaced

Delete Schedule 1 Form 23 and insert:

Form 23 Transfer

Form 23	WESTERN AUSTRALIA Mining Act 1978 (r. 75, 81, 84)	()	
	TRANSFER No.		
INTEREST BEING TRANSFERRED	Details of Mining Tenement		
(a) Type of tenement	(a)		
(b) Number	(b)		
(c) Mineral Field	(c)		
(d) Number of shares	(d)		
TRANSFEROR (e) Full name (f) ACN/ABN (if applicable)	(e), (f) & (g)		
(g) Residential or business address (Street, Suburb, State, Postcode, Country)	KIII)		
CONSIDERATION	(h)		
(h) In words (see Note 1)	X.Va		
TRANSFEREE (see Note 2)	(i), (j), (k) & (l)	(m)	
(i) Full name			
(j) ACN/ABN (if applicable)			
(k) Residential or business address (Street, Suburb, State, Postcode, Country)			
(l) Optional information (email, telephone)			
(m) Designated Tenement Contact (see Note 3) (i) Full name			

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	(ii) (iii) (iv)	Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country) Email Optional information (telephone)			
(n)	Mort	gage number and gagee or "NIL" Note 4)	(n)		
(* N	. 5)		THE TRANSFEROR for the cons TRANSFERS TO THE TRANSF the abovementioned mining tene accepts the said interest subject hereon and to all terms and cond held.	EREE the interest spenent, and the TRAI to any mortgage sh	pecified in NSFEREE own
(*see No	ote 5)	*	DATED this day of		20
			TRANSFERORS sign here	TRANSFEREES :	
			TRANSFERORS sign here	TRANSFEREES	sign here
(0)	Signa	ture of transferor	Signed (o)	Signed (p)	
(p)	Signa	ture of transferee			
(q)	(incluaddre	ature of witness ade full name and less for witness to feree)	In the presence of (q) (name and address)	In the presence of (q) (name and address)	
			Signed (o)	Signed (p)	
			In the	In the	
			presence of (q) (name and address)	presence of (q) (name and address)	
			Signed (o)	Signed (p)	
			In the	In the	
			presence of (q) (name and address)	presence of (q) (name and address)	
LO	DGING	G PARTY	(r)		

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r . 13			
(r)	Full name and address (for return of documents)		
OF	FFICIAL USE		
		am/pm on	
		Mining Registrar	

Notes:

- 1. If the duty shown on the transfer is not in respect to the full amount of the consideration stated then the documents indicating the full duty must accompany the transfer.
- Each transferee must include their full name (individual or company) and address. The address must be the transferee's principal place of business or residence (not a postal address).
- 3. Each transferee must include the full name (individual or company), postal address and email address of the transferee's designated tenement contact for the tenement, to be used for correspondence. Each transferee may only have 1 designated tenement contact for the tenement (although multiple transferees may have the same designated tenement contact) and may nominate themselves as the designated tenement contact.
- 4. If a mortgage is registered with the Department and will continue after the transfer, insert the required details.
 - If no mortgage, or a mortgage is to be discharged prior to or on the transfer, insert "nil". The consent of the mortgagee to the transfer must be lodged with this form.
- If section 122A(1)(b) of the Act applies, insert "THE TRANSFEROR and THE TRANSFEREE acknowledge that this transfer is subject to the interest claimed by the caveator in caveat no." and the relevant caveat number.

13. Schedule 1 Form 28 replaced

Delete Schedule 1 Form 28 and insert:

Form 28 Devolution

Form 28

WESTERN AUSTRALIA Mining Act 1978 (r. 102)

DEVOLUTION No.

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	Details of Mining Tenement (or application therefor)
(a) Type	(a)
(b) Number	(b)
(c) Mineral Field	(c)
(d) Number of shares	(d)
(e) Document from which title derived	(e)
EXECUTOR OR ADMINISTRATOR (see Note 1)	(f), (g), (h) & (i)
(f) Full name	
(g) ACN/ABN (if applicable)	
(h) Residential or business address (Street, Suburb,	
State, Postcode,	
Country) (i) Optional information	
(email, telephone)	X
(j) Designated Tenement Contact (see Note 2)	
(i) Full name	
(ii) Postal address (Street/Post	8. V 2
Box/Locked Bag, Suburb, State,	
Postcode,	
Country) (iii) Email	
(iv) Optional	
information (telephone)	
*Copy of document to be attached	hereby applies to be registered as the holder of the above mentioned interest and *attached hereto is a copy of the document referred to in (e) above.
V	DATED this day of 20
(k) Signature of executor or administrator	(k)

r	1	4
		-

LODGING PARTY	(1)	
(1) Full name and address (for return of documents)		
		6

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Received at	am/pm on	20
with fee of \$		
	Mining Regist	rar

- Notes: 1. The executor or administrator must include their full name (individual or company) and address. The address must be the executor's or administrator's principal place of business or residence (not a postal address).
 - 2. The executor or administrator must include the full name (individual or company), postal address and email address of their designated tenement contact for the tenement or application, to be used for correspondence. The executor or administrator may only have 1 designated tenement contact for the tenement or application and may nominate themselves as the designated tenement contact.

14. Schedule 1 Form 30 replaced

Delete Schedule 1 Form 30 and insert:

Form 30 Application to amend

Form 30 WESTERN AUSTRALIA Mining Act 1978 (r. 84E, 89AC, 89AD)

APPLICATION TO AMEND N

OR A	JILS OF TENEMENT PPLICATION JEFOR	
(a)	Type	(a)
(b)	Number	(b)
(c)	Mineral Field	(c)
HOLE DETA	DER/APPLICANT IILS	
(d)	Full name	(d)
(e)	Residential or	(e)
	business address	
		THE A STATE OF THE PROPERTY AND A STATE OF THE PROPERTY AN
		The abovementioned HOLDER/APPLICANT hereby applies to amend the particulars on the register at the Department.
		FROM
(f)	Present particulars shown in register or enter "NIL" if none	(f)
	119	TO
(g)	Amended particulars (see Note 1) If amending details for the Holder/ Applicant, the following information	(g)

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	must be provided for the Holder/Applicant: (see Note 2)			
	Full name			
	ACN/ABN (if applicable)			
	Residential or business address (Street, Suburb, State, Postcode, Country)			
	If providing or amending details for the Holder's/ Applicant's designated tenement contact, the following information must be provided for the designated tenement contact: (see Note 3)			
	Full name			
	Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country) Email			
(h)	Optional information (see Note 4)	(h)		
		10		
	2	DATED this	day of	20
(i)	Signature of holder/			
	applicant	(i)		

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Received at	am/pm on .		20
	Mining Registr	rar	

NOTES:

- A statutory declaration setting out the reasons for the requested amendments must accompany the application.
- The holder or applicant must include their full name (individual or company) and address. The address must be the holder's or applicant's principal place of business or residence (not a postal address).
- 3. This form may be used to lodge particulars of a designated tenement contact for the first time, to change a designated tenement contact, or to change the particulars of a designated tenement contact. The holder or applicant must include the full name (individual or company), postal address and email address of their designated tenement contact, to be used for correspondence. A holder or applicant may only have I designated tenement contact for a particular mining tenement or application (although multiple holders or applicants may have the same designated tenement contact). A holder or applicant may nominate themselves as the designated tenement contact.
- Optional information may be provided such as an email or telephone number for the holder or applicant or the telephone number of the designated tenement contact.
- If this form is signed by a person who is an employee of the holder or applicant, the
 person must state the person's full name and the position in which the person is
 employed.

15. Schedule 1 Form 44 amended

In Schedule 1 Form 44 delete "FIELD BOOK NUMBER" and insert:

FIELD RECORD NUMBER

Clerk of the Executive Council