GOVERNMENT OF WESTERN AUSTRALIA

Department of **Energy, Mines, Industry Regulation and Safety**

Response to submissions

Fee for Objections under the *Mining Act 1978*

9 September 2024

Contents

Introduction

Any person can object against applications for mining tenure, applications for exemption from expenditure, and applications for restoration of a tenement following forfeiture and to survey. There is currently no fee to bringing an objection before the warden. There is no other fee-free tribunal or court of such a nature in Western Australia.

In 2021, Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) identified the need for a second Perth mining warden in order to deal with the increased work in progress in objections to mineral title applications. Additional funding to support the second Perth mining warden included the levying of a fee for objections before the warden.

Amendments to the *Mining Act 1978* (Mining Act) to enable a fee to be prescribed for lodgement of objections were made as part of the *Mining Amendment Act (No.2) 2022*. That act received royal assent on 1 November 2022 and came into effect on 2 November 2022.

The amendments provide that a Mining Act objection must be accompanied by a prescribed fee. The act provides the legislative authority for a fee to be prescribed for objections. In order to prescribe a fee, the Mining Regulations 1981 need amendment.

DEMIRS undertook public consultation on the proposed amendments to the Mining Regulations 1981 to prescribe a fee for lodgement of objections under the Mining Act.

The indicative fee, put out for public consultation, was $859 per objection, using a flat fee model. Following consultation, the amount of the prescribed fee is now finalised as $430 with concessions for certain categories of objector. It is expected that the fee will be included in the annual review of fees and charges for the 2024–2025 financial year and will come into effect on 16 September 2024.

Consultation

The proposed “Fee for Objections under the *Mining Act 1978*” was made available for public consultation between 4 October 2023 and 21 November 2023.

DEMIRS was proactive in contacting a wide range of stakeholders at the start of the consultation period, to encourage them to provide submissions on the fee amount and the fee model.

The following stakeholders were contacted:

- Resource Industry Consultative Committee members
- Resource industry stakeholders
- Government agencies
- Community organisations

- Pastoral lease holders
- Local government authorities.

DEMIRS received a total of 340 submissions, noting that some submissions were received late outside of the public consultation period which ended on 21 November 2023.

Calculation of Fee for Objections - Consultation

The calculation of the fee for objections is in compliance with the *Treasurer's Instruction 810* and the Costing and Pricing Guidelines issued by the Department of Treasury WA (Treasury).

The indicative rate per objection is the total cost divided by the estimated number of objections.

Total cost

The total cost consists of two major cost components: the direct costs and overhead costs.

- Direct costs are costs that can be attributed directly and unequivocally to the service. It includes Perth Warden's Court functions, processing of objection applications, and ongoing administration support for the Perth warden.
- Overhead costs are costs that not directly attributable to the service. It includes corporate and administrative support, information technology, accommodation, and deprecation and amortisation expenses.

The total cost relevant to the Service is estimated to be $2.3 million in 2024–25.

Number of objections

A four-year historical average number of objections (from 2019–20 to 2022–23) was used to forecast the number of objections in 2024–25 (scenario 1).

The number of objections applied in the rate calculation is 2,663. The cost recovery of $859.00 is based on cost of service divided by the number of objections.

Outcome from consultation

In order to achieve the balance between the necessity to finance the wardens - a public resource used for the benefit of the public - and reasonableness and fairness, the government has determined to put a differential fee model in place. A general fee of $430, with concessions for certain classes of objector, will be progressed. The headline $430 fee represents approximately 50 per cent cost recovery. The concessions will apply to:

- A concessional fee of $100 for an 'eligible individual[1]';
- Nil fee applicable for a Registered Native Title Body Corporate (RNTBC) overlapping with an application for a mining tenement[2]; and
- Nil fee applicable for a proprietor of land overlapping with an application for a mining tenement[3].

Please refer to *Figure 1* at Key Theme 6 of page 9 which outlines where a nil fee would apply.

A full summary is attached showing each submission with identified *Key Themes* below.

Key Themes

The submissions received fall into three broad categories.

The first are those submissions which disagree with a fee being imposed at all. Most of those submissions disagreeing with the fee being imposed did not submit any alternative suggestions for financing the second warden in Perth.

The second category is those who view the flat fee as being too high.

The third category is from particular categories of objectors (such as pastoralists, non-government organisations, local governments and individuals) requesting that there should be an exemption or concession for a particular category of objectors.

In considering the consultation submissions, DEMIRS has identified a number of consistent themes and issues raised in the submissions.

1. Fee would act as a deterrent for objections to be lodged

The view of DEMIRS is that a fee for objection will not deter objectors who give serious consideration to the success of their objection before the warden. However, it may be possible that fees may serve to reduce the number of objections which are entered into by way of protest or without any serious consideration of the objection being successful.

DEMIRS has not been able to estimate the size of any potential decrease in the objection numbers as a result of the fee. The only comparison that DEMIRS is able to use for this estimation is the increase of a fee for a plaint from $77.50 to $500 on 1 July 2022 (the fee for a plaint is currently $551.00).

The number of plaints that were lodged when the fee was $77.50 was nine in the period 1 July 2021–30 June 2022. The number of plaints fell to three in the period 1 July 2022–30 June 2023 after the fee increased to $500. The plaint fee increased to $525 as of 1 July 2023 and eight plaints were lodged between 1 July 2023–18 December 2023.

The number of plaints in any year is very small, and the fluctuations from year-to-year result in large percentage increases and decreases, albeit with no discernible effect on the number of plaints lodged as a result of the increase in the fee. In contrast, there are generally hundreds of objections every month.

[1] Refer to Key Theme 6 for definition of 'eligible individual'.
[2] Refer to Key Theme 6 for definition of RNTBC.
[3] Refer to Key Theme 6 for definition of proprietor.

2. Fee would affect the right to object

A number of submissions state that the proposed prescribed fee (and indeed any fee) is unfair.

The mere charging of fees is not considered unfair or inequitable. This is evident from the fact that other administrative tribunals and courts charge filing fees and application fees in the nature of the proposed objection fee. The most appropriate comparison is with another specialist administrative tribunal – the State Administrative Tribunal – which has a $2,411 application fee in the tribunal's petroleum jurisdiction (albeit with a $100 concessional fee for "eligible individuals") and then a further fee of $2,411 for each day of a hearing.

DEMIRS provides administrative support for the wardens and does so impartially. The wardens act independently in their administration of the Mining Act.

What is in the interest of both the wardens and DEMIRS is the efficient operation of the process before the wardens. When there was an increase in work in progress, DEMIRS provided funds for a second warden in Perth. That has resulted in decreasing the work in progress since the second warden was appointed. The continued funding of the second warden is dependent on the introduction of an objection fee. The fee is in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions.

The calculations of the fee are done on the basis of recovery of costs of providing the service.

Unlike other jurisdictions such as courts (which require an applicant to have standing to apply to the court and to outline a cause of action) and tribunals (for example, the State Administrative Tribunal only has jurisdiction if there is a specific legislative provision outlining how and in what circumstances applications can be made), there are almost no restrictions on the right to lodge an objection before the warden. Any person can lodge an objection on almost any ground whatsoever. Objections are not limited to persons with an interest in the land or directly affected by the proposed mining or exploration activity (as in some other states).

DEMIRS has noted that some submissions appear to hold the view that every individual needs to lodge a separate objection. However, a single objection with many individuals named as the objector carries the same weight as multiple objections on identical grounds by single individuals. Having multiple individuals as parties to the same objection enables the cost of the objection to be divided between those individuals.

Some submissions suggested that the imposition of a fee would affect procedural fairness that would otherwise be afforded to them. The observation by DEMIRS is that there is no suggestion that the rules of procedural fairness are affected in other courts and tribunals that charge fees. The wardens too, are bound by administrative law rules which require them to afford procedural fairness to the parties.

3. Applicant of the mining tenement being objected to should pay the prescribed fee

Some submissions suggested that the applicants for mining tenure should be charged the fee, or that the application fees should be increased.

Applicants already pay a fee when they lodge an application for a tenement. The application fee differs by tenure type and the size of the tenement applied for. Applications are assessed by the mining registrars and only end up before the warden if there is an objection against an application. It would not be equitable (nor would it be

consistent with the rules of cost recovery) to increase an application fee for an applicant to cover the costs of wardens and support staff. This is more so in a situation where there is no objection so the warden and support staff do not deal with that application.

An application is only transferred to the warden if there is an objection – something that the applicant has no control over and would not be in a position to know at the time of paying the application fee.

There is currently no fee for an objection before the warden. DEMIRS notes that there is no other fee-free tribunal or court of such a nature in Western Australia.

4. Public interest objections will not be made because of an application fee

Other submissions suggested that imposing an application fee will mean that public interest objections will not be heard, including objections made on environmental and community grounds.

As previously set out in Key Theme 2 at page 6, an objection may be lodged on any grounds and by any person whether there is a direct interest or not. The only restrictions as to the grounds of an objection are (1) objections claiming that the application affects an offsets project and (2) objections against the application for a mining lease claiming that there is no significant mineralisation. Neither of these grounds is a public interest ground. However, most objections are made on multiple grounds, and almost all objections are made on the grounds that an application is not compliant with the Mining Act.

There are several points in the process where environmental issues and public interest are explicitly taken into account.

Before the grant of a mining title, the Minister may refuse an application in accordance with section 111A of the Mining Act if the Minister is satisfied on reasonable grounds in the public interest.

After the grant of a mining title, no ground disturbing activity can be undertaken without an assessment by DEMIRS Resource and Environmental Compliance Division and the Environmental Protection Agency, as the case may be.

In addition, the Mining Act provides protections for reserves such as national parks and nature reserves (sections 24-25). There are also protections built in for private land, which includes freehold and leasehold, as well as pastoral leases. These protections contain buffers, prevention of surface access for private land, and compensation.

Mining and exploration activities cannot commence on ground until all relevant approvals and clearances are in place.

5. Fee is too high

Some submissions considered the fee of $859 high when compared to other fees under the Mining Act (such as the $638 application fee for mining leases, general purpose leases and miscellaneous licences) and in other jurisdictions (namely the $18 objection fee in South Australia and the nil fee in Victoria). In consideration of this feedback, the Minister has agreed to a differential fee model with a non-concessional fee of $430 as a general fee, instead of the $859 fee originally proposed. Further information on the differential fee model can be found below at Key Theme 6.

When making a comparison with other jurisdictions, it is important to note that there are significant differences in the powers, functions and jurisdiction of the wardens and other

tribunals in Western Australia and the other states. For example, in Victoria, the wardens are limited to conducting mediations, arbitrations and investigations. In 2021–2022 Victoria had five new matters referred for investigation.[4] When mediation or arbitration fails, the dispute proceeds to the Victorian Civil and Administrative Tribunal which charges fees ranging from $179.60 to $1,371.70. In Victoria, unlike Western Australia, objection rights are restricted to tenement holders, tenement applicants and landowners and community members directly affected by the proposed work.

Similarly, the role of South Australian wardens is different to the Western Australian wardens. The right to object to wardens in South Australia is limited to affected landowners only. The South Australia Environment, Resources and Development Court (ERD) deals with appeals from Warden's Court matters and applications for determinations consequent upon lodging a notice of objection. The ERD fees include an application fee of $284 and a court fee of $311 if the matter proceeds to hearing.

There are other significant differences between states, notably in the volume of applications. For example, in the Northern Territory in the 12-month period ending 31 March 2023, 114 exploration licences were granted. For the same period in Western Australia 1,105 exploration licences were granted. In Victoria in the 2021–2022 financial year, there were 139 licence applications, and 577 licences in total. In South Australia, there were 200 mining tenement applications in the 2021–2022 year, with 2,604 tenements in existence at 31 December 2022, and only one action instigated in the South Australia Warden's Court and one in the Environment, Resources and Development Court for the entire 2021–2022 year.[5] In Western Australia by contrast, in the same period there were 4,571 tenement applications lodged, with 24,957 current tenements in existence. Smaller volumes of applications and objections in other states result in smaller costs of administration and require less resourcing.

6. Flat fee vs differential fee model (exemptions and concessions for one or more groups)

Several submissions have called for the consideration of a differential fee model where some categories of objectors would pay a lesser amount.

The Minister has approved amending the Mining Regulations 1981 to prescribe a differential fee model, with effect from 2 September 2024, consisting of:

a) A non-concessional fee of $430 as a general fee;

b) A concessional fee of $100 for an 'eligible individual';

c) Nil fee applicable for a Registered Native Title Body Corporate (RNTBC) overlapping with an application for a mining tenement; and

d) Nil fee applicable for a proprietor of land overlapping with an application for a mining tenement.

Definitions:

eligible individual means an individual who –

(a) Holds on or more of the following cards issued by Centrelink –

[4] https://djsir.vic.gov.au/__data/assets/pdf_file/0004/2154406/DJPR-Annual-Report-2021-22.pdf, page 295

[5] https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/regulating-mining-activity/Mineral-resources-regulation-report/mineral-tenement-administration

(i) A health care card;

(ii) A health benefit card;

(iii) A pensioner concession card;

(iv) A Commonwealth seniors health card;

or

(b) holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or

(c) is in receipt of a youth training allowance or an AUSTUDY allowance (as those terms are defined in the *Social Security Act 1991* (Commonwealth) section 23(1)); or

(d) is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or

(e) has been granted legal aid the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings under Part IV of the Act in relation to which a fee would otherwise be payable.

proprietor means –

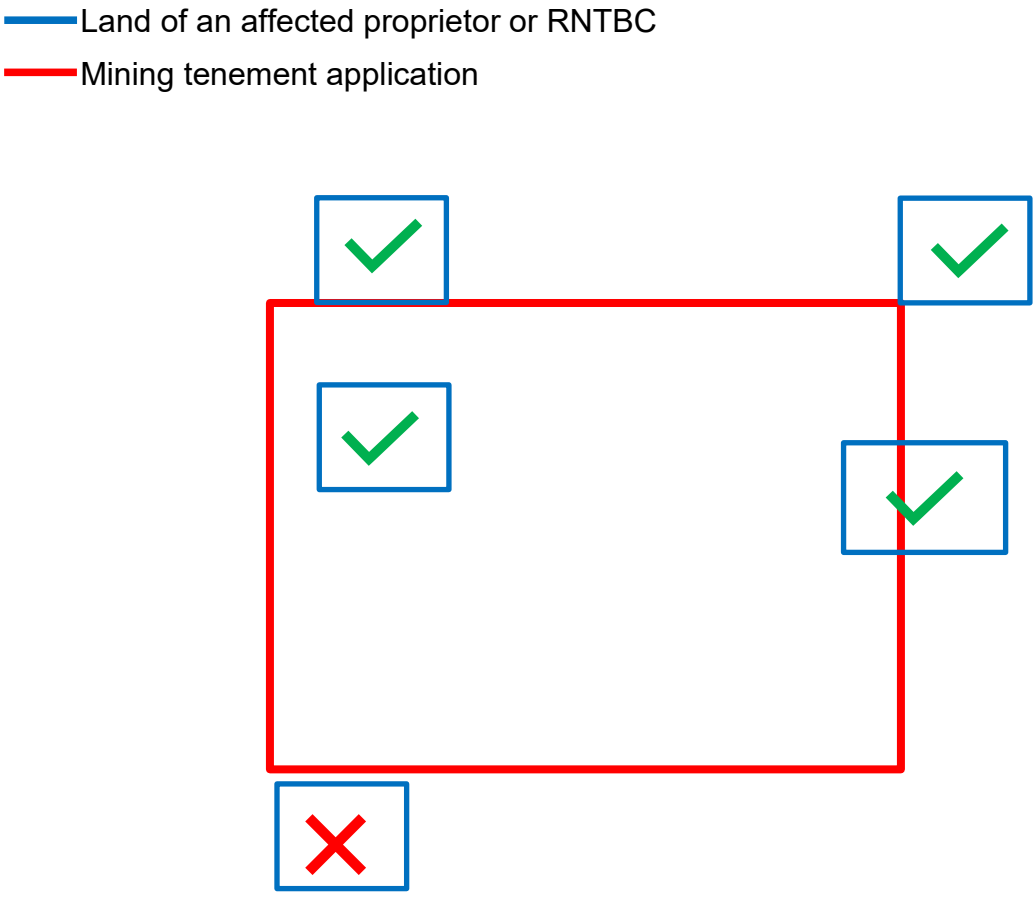
(a) in relation to freehold land under the *Transfer of Land Act 1893*, the owner, whether in possession, remainder, reversion or otherwise, of land whose name appears in the Land Register (referred to in section 48 of the *Transfer of Land Act 1893);* and

(b) in relation to freehold land not under the Transfer of land 1893, the owner of the fee simple in the land or the person entitled to the equity of redemption in the land

registered native title body corporate has the meaning given in the *Native Title Act 1993* (Commonwealth) section 253.

RNTBC's and proprietors would be able to make objections before the warden with nil fee being applied, where the application for a mining tenement directly abuts or overlaps the ground in which the proprietor of land is located on, or which ground is claimed or determined for native title purposes for the RNTBC's as depicted in blue in Figure 1.

Figure 1



This figure shows the position of landholdings of four proprietors who would be entitled to a nil fee (marked with a tick), and the fifth landholder who would pay a $430 fee (marked with a cross).

7. Refund or rebate option

Some submissions raised an option that the prescribed fee could be refunded if the application is withdrawn.

There is no statutory authority to refund fee payments under the Mining Act.

Other submissions raised an option that the prescribed fee could be refunded if the objection is sustained. DEMRIS view is that this is not possible because there is no statutory authority to refund fee payments under the Mining Act.

It is also important to note that if an applicant withdraws its application, there is also no ability for DEMIRS to refund the application fee (except the $100 native title advertising component which is refundable).

8. Prescribed fee to be paid only when objection proceeds to hearing

There have been submissions that call for an objection fee to be paid only when an objection proceeds to hearing. This would in effect be a hearing fee.

There is no statutory authority to impose a hearing fee, therefore in order for a hearing fee to be charged, legislative change would be required.

Other jurisdictions charge both hearing and filing fees. DEMIRS is not proposing such a model.

Costs are incurred as soon as an objection is lodged, irrespective of whether the objection goes to hearing or not. Once an objection is received, the administrative processes commence and costs are incurred as a consequence.

An objection, when received, is recorded by the mining registrar who sets a date for the first mention or hearing. The relevant first mention correspondence is sent to parties by the mining registrar who then refers the objection to the Warden's Court team and updates the relevant records and databases. The Warden's Court team then compiles a case file and ensures all relevant documentation and correspondence is sent to parties within statutory timeframes. Warden's Court team compiles and coordinates relevant documentation for the warden to consider. This includes receiving and responding to submissions by all parties (including minutes, briefs of evidence, notices of representations etc.) in readiness for the first hearing and any further appearances in the Warden's Court as required. The aim of the objection fee is to assist in the recovery such costs.

9. Increasing the budget for the department and the wardens

Some submissions called for additional funding from the State Government to cover the costs associated with dealing with objections.

Other submissions called for the increase of royalties instead of imposing the objection fee.

DEMIRS, with the support of the Department of Justice, previously provided an Expenditure Review Committee (ERC) submission which supported the immediate funding of a second Perth warden and additional resources to support the warden until 30 June 2024. In approving the interim funding, the ERC was informed that an objection fee would be introduced through a legislative amendment to recoup the costs of the second Perth warden and additional resources from 1 July 2024 onwards. As such, there is no facility to increase royalties or obtaining additional funding.

10. Familiarity with the nature of an application for mining tenement and where this fits in the process

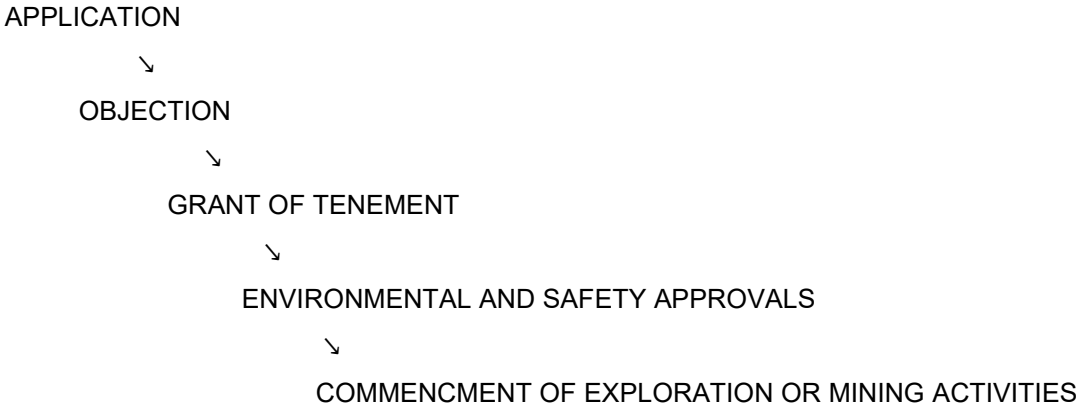
Some submissions reflect a view that an objection to an application can be used to oppose an activity that is occurring on the ground already or that it can be used to oppose mining in general. This misunderstanding may arise from the lack of familiarity with the nature of an application for a mining tenement and where this fits in the process.

Under the Mining Act no mining activity can take place until all approvals are granted – both before mining tenure is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant of mining tenure (compliance with environmental and safety approvals). In other words, no mining or exploration activity can take place before environmental and other approvals are granted – and those approvals may take place after the mining tenement is granted. This means that an objection against an application is not an occasion (or rather not the only occasion) in which environmental or public policy considerations are considered, as some submissions appear to assume.

Lodging an objection under the Mining Act is not a right to protest against mining activities in general. It is an objection against a particular application for the grant of a mining tenement. Typically, the assessment of an objection will be about whether or not the application in question complies with the Mining Act.

Where an objection to an application arises, the application is transferred outside of DEMIRS, from the mining registrar to the warden who acts as an independent decision maker. It is the warden who assesses the application's compliance with the Mining Act and whether or not the application for a mining tenement should be granted.

This process can be illustrated as follows:



11. Concerns that the department did not adhere to its engagement principles.

Some submissions raised concerns that DEMIRS did not adhere to its engagement principles. These submissions state that if DEMIRS adhered to its engagement principles, then keeping the objection fee at nil costs is '*seeking the best outcome for the people of Western Australia*'.

The purpose of DEMIRS engagement principles is to ensure public consultation is transparent and effective. DEMIRS considers that the consultation on fees for objections adheres to its engagement principles. This is reflected by the result of 341 submission being received.

The submissions received and DEMIRS response is set out at pages 12-343.

Fee for Objections under the *Mining Act 1978*

Response to submissions

The department wishes to thank everyone lodging a submission for their interest, time and contributions.

Ref	Stakeholder	Comment	DEMIRS response/action
1	Peter Stevens	I wish to provide the following submission on the proposed introduction of fees to lodge an objection under the Mining Act 1978. As a small landholder in the wheatbelt of Western Australia the proposal to introduce a fee to object to third parties applying for mining tenements over privately held land is grossly unfair. The onus of fees for the court proceedings should be on the applicant not the objector. The landholder, particularly the private landholder, should have the right to object on a fee free basis to enable, where appropriate, an objection to be submitted. Many private landholders have limited income, maybe pensioners or retirees and they will already be up against it in relation to corporates with very deep pockets applying for tenements over private land. A fee would be another impediment to natural justice where a David and Goliath situation may occur. I support mining in WA and recognise the importance of the industry however the rights of landholders and the ability to be able to object to applications that imapct landholders, business or lifestyles need to be preserved in a way that does not impose costs on the incumbent land interest holder.The onus for cost recovery should always be on the applicant and should be recognised as part of them doing business. I strongly object to this proposal and reject the premise the cost recovery should be borne by the innocent land interest holder.	The concessional fee for proprietors of freehold is supported. Applicants already pay an application fee which is determined by tenure type and size. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Theme 3 in the *Response to submissions report.*

Ref	Stakeholder	Comment	DEMIRS response/action
2	Killi Resources	I would like to formally agree and support the Fee for Objections under the Mining Act 1978, that is currently under Consultation.	Support noted.
3	Ashburton Aboriginal Corporation	I wish to engage with this consultation to share our experience from a pastoralist point of via and dealing with the mining companies put in claims that affect our pastoral operations. I have concerns that we would have to put up funds to try to make the mining companies engage with us as landholders.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the *Mining Act 1978*. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land.
4	Caroline and Simon Thomas	As a pastoralist, I am concerned about the potentially prohibitive cost of $859.00. As you would realise, it is often pastoralists that are largely affected by exploration and mining, and therefore they are often likely to be the ones objecting to new developments. Whilst some companies do endeavor to work with pastoralists, many in the industry, particularly exploration, use the pastoralists access tracks without the pastoralists knowledge or consent. Thus, in addition to the extra maintenance required for this “unauthorized use of station tracks,” the pastoralists’ own mustering operations are negatively impacted when mining vehicles are at the wrong place at the wrong time… spooking animals and thereby	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the *Mining Act 1978*. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral

Ref	Stakeholder	Comment	DEMIRS response/action
		stressing pastoralists personally, and also financially when they have to re-muster their stock due to these unpredictable incursions. Many pastoralists are already seriously struggling with increases in costs such as Shire rates, pastoral leases, biosecurity fees etc, and so this objection fee is likely to add another nail in the coffin for them. We believe that pastoralists should not be treated alongside other objectors in this fee proposal. It is already a requirement of their pastoral lease to maintain their current infrastructure, so it is perfectly reasonable for pastoralists to object to other stakeholders inconveniencing them or costing them more. This should not be charged to them as a fee.	and mining interests to co-exist on Crown land.
5	Karin Kirby	My initial reaction was disbelief. Not only do we have to fight to protect the environment, now the government wants us to pay to object as well. I note that you are making a comparison with the Northern Territory in regards how many exploration licenses were granted within the same time period. Yes, the volume is much greater in Western Australia, but that does not justify a fee, since the Western Australian Government benefits from mining. The next comparison is with Victoria in regards to much bigger volume of tenement applications lodged in Western Australia. Again, the Government will benefit financially if these applications become mining operations. It is the Government's role to adjust staffing levels to provide adequate services to the community. Taxpayers pay for these services. The fee of $859 is unbelievable high and indicates an imposition on the public totally out of touch with current times of financial struggles. Surely the Western Australian Government is able to pay for the needed second warden, etc. The surplus in the budget clearly demonstrates that. Mining provides so	The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2, 5, 9 and 10 in the *Response to submissions report* are also relevant .

Ref	Stakeholder	Comment	DEMIRS response/action
		much income for this state, the department should be able to acquire more funding with ease. There must be another reason for wanting to charge a fee for objections..... This whole exercise indicates to me, that the Government's intent is to reduce the amount of objections, since many people will not be able to afford this. This is totally unfair! It diminishes opportunity and therefore the right to object for less financially able Western Australians, which is discriminatory and socially unjust. In conclusion I strongly disagree to the proposition of imposing a fee for objections.	
6	Shire of Derby / West Kimberley	It is suggested that Local Government Authorities be exempt from being liable to pay the fee. Given there were only 3 LGA's that had objected in your data and that it would be significant reason for an LGA to do so, that the fee should not be made a deterrent. The Shire receives a lot of information from DMIRS about mining advice which it does not charge DMIRS for. An objection should be therefore seen as constructive, reasoned advice.	Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for dealing with applications for mining tenure under the *Mining Act 1978* including sections 24 and 120. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 1 and 6 in the *Response to submissions report*.
7	Shire of Serpentine Jarrahdale	The Shire does not support the proposal. The State's 2050 Planning Strategy has been developed in order to "provide a credible State strategic context and basis for the integration and coordination of land-use planning and development across state, regional and local jurisdictions." The Shire is pleased to see this as a truly whole of government strategy, with DMIRS (former agency DMP) listed as a partner to the document.	DEMIRS considers imposing a Fee for Objection adheres to the principle of Governance as the fee allows an effective and efficient processing of objections under Part IV of the Mining Act. The volume of matters before the Warden can have an inhibitory effect, and the

Ref	Stakeholder	Comment	DEMIRS response/action
		Given the significant economic, social, environmental and cultural potential and opportunities associated with mining, it should be central to open, transparent and accessible government that the community be given full opportunity to participate in decision making which pertains to major land uses. As a partner to the State Planning Strategy, the Shire notes the whole of government commitment to this, including the principle of *Governance* (refer page 23) which references that *Good governance is participatory, collaborative, accountable, transparent, responsive, effective and efficient, equitable and follows the rule of law.* It may be useful to consider whether this proposal to prescribe a fee is reflective of these commitments. The Shire notes: *Participatory* – prescribing a fee for objection could dissuade and inhibit participation in the consideration of mining applications, by the community. *Collaborative* – landowners are already limited in their awareness of mining applications. There is a lack of formal notice served by applicants on landowners, as a result of section 33(1A) of the Act and the nature of the application. See following: **33. Application for mining tenement by permit holder** (1) Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to — (a) the chief executive officer of the local government; and (b) the owner and occupier of the private land; and (c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land,	community has an interest in a timely resolution of disputes. The use of the fee to boost the funding for the Warden serves to reduce volumes of matters in dispute and results in good governance. Key Themes 1, 2 and 4 in the *Response to submissions report* are also relevant . Local Government Authorities already have other avenues for consideration under the *Mining Act 1978* including sections 24 and 120.

Ref	Stakeholder	Comment	DEMIRS response/action
		but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land. (1a) Where the application for a mining tenement relates only to that portion of the land that is not less than 30 m below the lowest part of the natural surface of the private land, it shall not be necessary to give notice of the application to the owner or occupier or to a mortgagee of the land, but no application shall be made under section 29(5) or otherwise in respect of that portion of the land that is less than 30 m below the lowest part of the natural surface unless notice is given in accordance with subsection (1) notwithstanding the prior grant of an application for a mining tenement over any portion of the land. *Accountable* – There may be concern that accountability will be eroded. This could be seen as a result of a reduction in the ability for objections to be made, and thus all stakeholder views expressed and considered in the process of considering mining applications. *Transparent* – the transparency of applications may be reduced, as stakeholder input to shape the consideration of proposals is inhibited as a result of the prescribed fee. *Responsive* – the current process which invites objections, is responsive to reflect the balanced consideration of all relevant matters to be considered. Any action to introduce a prescribed fee, is likely to reduce the responsiveness of the system in inviting public submissions. *Effective and efficient* – while more efficient operations may result, the Shire believes effectiveness could be reduced as the multiplicity of stakeholder knowledge and views is not as forthcoming as it otherwise would be in the absence of a fee. As a result, equitability is considered to be reduced as a result of the proposal.	
8	Melanie Stock	I am strongly against the introduction of an objection fee and the reasons are following:	Noted. Key Themes 1-3 and 9-10 in the *Response to submissions report* are relevant .

Ref	Stakeholder	Comment	DEMIRS response/action
		• Majority of objectors are significantly affected by a proposed exploration and mining application and do not choose to go through this process but instead are being forced to take action ("the issue came to them not the other way around"). • The reason why numbers of objections are increasing is most likely because applications cover areas with greater population density and diverse land uses. This is a logical consequence and costs need to be covered by the government since more tax payers are being affected. • An introduction of fees will increase the mistrust by the general public towards DMIRS and the government. It's obvious that it is meant to deter people from objecting, which is a legal right everyone should have equally. - A lot of people are struggling financially and mining exploration and potential mining could put further strain on finances and even cause significant financial losses. - The state and nation is benefiting by collecting taxes from the mining companies and the increasing costs should therefor be covered by government. - Additionally, companies should cover increasing costs, which increase if they decide to explore populated areas and areas with multiple land uses and ecological valuable areas. - This would be a better strategy, since it would encourage the applicant to prepare a more thorough application and not submit applications that are unlikely to be approved due to ecological or other reasons. • There are several other factors that are more likely the cause of increasing objections and associated legal costs. - Firstly, the overall increase in applications is a far more realistic factor why objection numbers are increasing.	

Ref	Stakeholder	Comment	DEMIRS response/action
		- Secondly, it's not uncommon that applications are incomplete and under researched and very unlikely to be successful wasting tax payers money. - Thirdly, many applications are being withdrawn and then new applications are being submitted with slight variations, which in turn increases the objections made against applications that cover the same area! This is a legal strategy to receive objectors grounds of objection. Mining and law firms are to blame and increasing costs can not be transferred to the general public. Explicit data and statistics that provide information on why objections are increasing would need to be provided! The claims that have been made in the proposal are general and unprofessional.	
9	Shire of Cuballing	There are two competing priorities in play. That is cost recovery and equity. The first is to recover the costs of delivering the Warden's court services. While this is understandable, the mining industry delivers a significant amount of revenue for Western Australia and to blame the back log on the volume of objections rather than the volume of license applications is a little disingenuous. There are sufficient funds generated by the mining industry for the State to fund a fast and efficient Warden's Court system. The problem is not the backlog, the problem is the amount of resources being applied to the issue. What other court or tribunal is fully funded by fees? Is a self-funded court system even a legitimate objective? The second issue is that of equity. The discussion paper makes the point that having a differential fee structure where different types of objectors pay different fees is all too hard and it would be too confusing.	Noted. Key Themes 1-2, 6-7 and 9 in of the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		It also points about that the majority of applications are businesses participating in the mining industry, so it is really a business service tribunal, not an equity jurisdiction. That sounds a lot like justification. Objections are presently free, so business competitors shop the system to slow down approvals on competitors' applications for a commercial advantage. While this may be a justification for a substantial fee to discourage frivolous objections that may not result in the desired outcome. We have seen many long running mining disputes where cost is not an issue. Genuine objections from individuals, NGOs and LGAs with limited resources are more likely to be discouraged by the fee structure. Curiously, these types of objections have not proliferated in a fee free system. How about this for an idea. Everyone pays the same fee, but you can claim a rebate if you are an individual, NGO or LGA. The process does not need to be held up while the rebate is considered and processed, there is no need for enforcement action, and you end up with an equitable system – so long as rebates are considered more quickly than objections have been. Maybe the fee could be refunded if the objection is sustained?	
10	Wendy and Des Coffey	We strongly oppose the introduction of an objection fee of $859, which is excessive and reduces the capacity of everyday people to participate in the objection process to protect their livelihoods and communities. We understand Western Australia's reliance on mining that contributes significantly to our current standard of living. We understand the revenue the State receives from the mining sector facilitates investment in a wide range of government services, including key areas such as health and education benefiting all Western Australians.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		We are currently Objectors for E70/6408 which is over our and 98 other private properties in the Elleker/Marbelup area and E70/6409 covering 56 private properties nearby in picturesque Torbay. This is the first time we have engaged in the Wardens Court process and it is difficult, time consuming and stressful. It is not something we want to do, but a process we have to go through to protect our livelihoods, properties and way of life. If we had confidence that DMIRS and DWER had the capacity to protect where we live, we wouldn't be objecting. The Auditor General concluded DMIRS and DWER are not fully effective in ensuring mining projects comply with conditions to limit environmental harm and financial risks to the State in the report released in December 2022. [1] Compliance with Mining Environmental Conditions - Office of the Auditor General	Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 2, 5, 6 and 10 in the *Response to submissions report* are also relevant .

Ref	Stakeholder	Comment	DEMIRS response/action
		 This photo was taken in June 2023. It depicts exploration waste near a tourist display board at Malcolm, 25km east of Leonora. The waste is so old that only remnants of the plastic containers remain, slowly degrading into the environment. This is not an isolated incident of exploration waste not being remediated. We have learned during the past 18 months that exploration licences are approved first, rubber stamped in fact if there are no objections – and environmental assessments are secondary. This is not appropriate for areas such as E70/6408 and E70/6409 that will	

<table>
<tr><th>Ref</th><th>Stakeholder</th><th>Comment</th><th>DEMIRS response/action</th></tr>
<tr><td></td><td></td><td>
impact so many people and neighbouring communities. For example, both areas contain acid sulphate soils, which when disturbed can be catastrophic for the environment, releasing sulphuric acid upon exposure to air. DMIRS standard conditions do not address Acid Sulphate Soils to limit environmental harm.

The increase in objections in recent years is directly related to the increase in exploration licences applied for in areas traditionally avoided by the mining industry. Areas that contain large numbers of private properties, areas with a diverse range of land uses, including tourism and areas with high environmental and biodiversity values.

The responsibility for the increase in objections lays squarely at the feet of the WA State Government whose Exploration Incentive Scheme (EIS) has encouraged mineral and energy resource exploration in WA with little thought to the impact on Western Australian regional communities.

The fee is excessive and will reduce the ability of a large number of the community to object. I would also suggest that this fee structure is open to abuse where the applicant can withdraw and reapply at will, financially bullying objectors into submission. It is nearly half of the cost for an exploration licence application fee.

The Minister has informed us that he considers the Warden’s Court to be the correct forum to investigate these matters and encouraged us to continue to participate in that process. We have no option but to continue our objection and allow for these proceedings to reach a conclusion and for the Warden to provide their recommendation to the Minister.

The DMIRS analysis fails to capture the complete picture at point 7, page 6 of the consultation paper. The below table accurately reflects the first of 5 exploration licences taken out on the south coast between Albany and Denmark. Three of the 5 applications have been withdrawn.

<table>
<tr><th>Application</th><th>Size *</th><th>Date Applied</th></tr>
<tr><td>E70/6026</td><td>18 Graticluar Blocks</td><td>14.01.2022</td></tr>
<tr><td>E70/6100</td><td>18 Graticular Blocks</td><td>06.04.2022</td></tr>
</table>
</td><td></td></tr>
</table>

<table>
<tr><th>Ref</th><th>Stakeholder</th><th>Comment</th><th>DEMIRS response/action</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><td>E70/6166</td><td>10 Graticular Blocks</td><td>07.07.2022</td></tr>
<tr><td>E70/6408</td><td>18 Graticular Blocks</td><td>13.02.2023</td></tr>
<tr><td>E70/6409</td><td>4 Graticular Blocks</td><td>13.02.2023</td></tr>
<tr><td></td><td>*a block is 310ha</td><td></td></tr>
</table>
<table>
<tr><th></th><th>Objections</th><th>Date Withdrawn</th></tr>
<tr><td></td><td>99</td><td>04.03.2022</td></tr>
<tr><td></td><td>13</td><td>15.05.2023</td></tr>
<tr><td></td><td>71</td><td>15.05.2023</td></tr>
<tr><td></td><td>29</td><td></td></tr>
<tr><td></td><td>37</td><td></td></tr>
<tr><td>Total</td><td>249</td><td></td></tr>
</table>
If the $859 fee structure is approved and a similar circumstance such as the one we are involved in occurs, DMIRS stands to pocket $213,891.00 from tax paying, voting and very angry community members. Community members that are NOT vexatious or frivolous objectors.

The standard exploration application fee is $1743.00. $859 per objection is $32 more than the fortnightly pension my husband receives. This fee discriminates negatively and extinguishes the voice of average Western Australians.

DMIRS clearly views regional WA communities as expendable. This proposed fee is designed purely to reduce the number of objectors, rather than investigating a restructure of DMIRS processes to effectively deal with the increase in Objections due to exploration and mining encroaching on where people live, work and recreate.
</td><td></td></tr>
<tr><td>11</td><td>Dwellingup Discovery</td><td>In response to the proposal to charge a fee of $859 per Tenement Objection, we wish to protest in the strongest possible manner.</td><td>Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.</td></tr>
</table>

Ref	Stakeholder	Comment	DEMIRS response/action
	Forest Protectors	**It is simply undemocratic for members of the public whether as individuals or community groups to be charged for what is a community right to protest.** We appreciate the large rise in applications to the Wardens Court in the last two years. This is unprecedented and has definitely increased the workload to administer the process. Extra staff would greatly assist the smooth process and company would not have to wait long periods before their case is heard. That said, I have only the greatest respect for the DMIRS staff and especially the Wardens Court. While the website is excellent once you understand how it works, the personal service by phone for any additional queries is always helpful, friendly, ready to listen and problem solve. However members of the public should not be charged for what is a public service. Individuals and often quite small volunteer comunity organisations simply cannot afford the $859 service charge. Especially as some communities are already needing to submit multiple applications where appplications to explore are in a particular region close to population centres. Eg Darling Range. I note that most States do not have a fee charge except for Tasmania which has a $49.84 fee and South Australia $18. There is some merit in charging a very nominal fee to deter vexatious litigants and for people to value the service. $859 is only a nominal charge for the Exploration Applicant to provide a service. **A fee for Objectors looks like a deterrent for ordinary citizens to deny their democratic right to protest what is often in significant public interest.** It also smacks of making life much easier for the mining industry powerbrokers of the State of WA, when the public cannot afford to object. This fee is not going to reduce the numbers of applicants, but is a barrier for many Objectors. One of the costs of facilitating more mining in this State is the extra administrative load. DMIRS needs to request a larger budget to cope with the increase in mining activity or charge the applicants a significant Fee for Service.	Key Themes 1-2, 5 and 9-10 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
12	Katy Evans	I have been a recent objector to exploration applications that affect peoples homes, properties, and livelihoods and while the system is cumbersome, it does provide a way that my voice can be heard and I appreciate that opportunity. I, and many others, would not be able to afford close to $1000 to object, so I'm concerned that a fee this high would limit the opportunity to object, especially those less well-off community members who may be impacted by mining or exploration. Effectively, it is removing the right to object from a large proportion of WA's population, which, surely, would be an unintended outcome. It is true that the recent plethora of exploration applications that cover large numbers of smaller properties, where the impacts of mining and exploration would be felt strongly by residents, has prompted large numbers of objections. I appreciate that this is inconvenient for the courts. However, in my opinion, it would be preferable to review the functionality of the Mining Act to better balance public interest against mining and exploration, than to remove the right from residents to object. A fee of $10 to $20 would be acceptable, to limit frivolous objections. Alternatively, would it be possible to introduce a fee structure that would prevent objections from becoming unaffordable, but alleviate some of the financial pressures related to objections.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Key Themes 2, 4-6, and 10 in the *Response to submissions report* are also relevant.
13	Andy Russell	Presented in point form • Denies the public right to freely object to developments in their locality. • Reduces a communities say in how they want their area to exist eg tourism versus mining. • Limits an individual's power to exclude miners on private property eg sub surface mining rights. • There are other courts that run without fees eg magistrate, criminal. • There are other sectors such as the DMIRs Land clearing Proposals that has free objection systems. • Denies an individual's rights to speak freely against destructive proposals.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Diminishes the right to protect environments by citizens. • Bows to pressure from bulling and powerful mining companies. • Government Agencies are financed by tax payers to represent and act for the people not against them. • The proposed fees are out of the reach of the general public • I could cite many past Mining Court cases where the general public objectors have saved major environments such as Lake Jasper, exposed lying companies pretending to sub surface mine when really wanting the surface deposits (BRL), Margaret River Community rejecting mining coal in favour of a tourism industry, the Beenup and Jangardup contaminated mine sites would have not been closed down. • The 1998 Cable decision in the Supreme Court supported the public's right to freely object. • Will cost mining companies millions more when they invest in Exploration projects of areas that will be rejected further down the appeals and legislative processes. Eg by the EPA, Minister for Mines, Higher Courts, communities, local governments	The fee applies to an independent process that is external to DEMIRS, namely an objection before the Warden. Key Themes 1-2, 4-5 and 10 in the *Response to submissions report* are also relevant.
14	Terry Butler-Blaxell on behalf of The Nomads Charitable and Educational Foundation	The Nomads are a group of Aboriginal-controlled entities who operate remote community schools and who also control more than 480,000 hectares of tenure under the *Land Administration Act 1997,* located across the East Pilbara. The proposal to introduce a fee of $859 per Objection under the *Mining Act 1978* would restrict the Nomads' ability to protect their business interests, traditional rights and interests and safely operate sensitive remote community schools. The fee proposal serves to discourage lawful and necessary Objections to applications for mining tenements and **will likely result in harm to vulnerable and disadvantaged communities.** The Nomads group holds the Strelley and Coongan pastoral leases, and have recently renewed the Callawa special purpose lease (for use and benefit of Aboriginal People). Additionally, they hold a General Lease upon which one of their independent community schools is located. The other community school is located at Warralong Aboriginal Community, within their Coongan pastoral lease.	Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The *Native Title (Tribunal) Regulations 1993* (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		In recent times, almost the entire extent of the Nomads' tenure has been affected by mining tenements or applications for mining tenements. Most of the applicants understand their obligations with respect to operating on pastoral tenure, however others need to be reminded and seem to have little regard for existing occupants. In applying for their mining tenements, applicants are aware of the pastoral tenure but may not be aware of the extra need to consider the interests of the Aboriginal holders who occupy that land. The Nomads seek to protect their business interests, their traditional rights and interests and the ability to safely operate the community schools that rely upon access to the pastoral tenure. To ensure that mining tenement applicants properly engage with the Nomads, all mining tenement applications are met with Objections from the relevant Nomads entities. An Objection provides opportunity for the applicant and the objector to meet and negotiate terms of access that will minimise harm to the interests of the Aboriginal people who occupy or use that area. The process of monitoring the land, lodging objections, negotiating suitable access agreements and, where required, attending the Wardens Court is already onerous and the annual cost to the Nomads group of entities is significant. Over the past 24 months the Nomads group entities have lodged 94 Objections to mining tenement applications that affect their interests. Most of the applicants enter into heritage protection and access agreements with the relevant Nomads Objector and the matter is resolved with expediency. There are many instances where multiple mining tenement applicants apply for the same land. Under those circumstances, Objections are lodged in respect of each of the competing (or sometimes related party) applications as any of the applicants could withdraw or be rejected. Only one applicant can be successful, however the Objector must carry the administrative burden and cost of attending to Objections for all of the applications. The Nomads have a strong connection with the land, having originally acquired the Strelley pastoral lease in 1972 with proceeds from their artisanal mining operations. The	Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Key Themes 5-6 of the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		acquisition of the land was achieved decades before Native Title existed and provided the Nomads with their own place to continue to practice Traditional Law and Custom. The Nomads Aboriginal owners are not the Native Title holder in this area, however their traditional rights and interests are recognised under a special agreement with the Native Title party registered as WI2012/12 with the National Native Title Tribunal. Under that agreement, the Nomads participate in, and actively manage, Aboriginal cultural heritage maters on the land that is subject to that agreement. There has been significant instability in the Aboriginal Cultural Heritage regulatory environment. The repeal of the Aboriginal Cultural Heritage Act and uncertainty around how the reversion to the previous legislation will offer any protection to Aboriginal Cultural Heritage is of great concern to all Aboriginal stakeholders. Objections under the Mining Act offer an extra level of protection to Aboriginal interests that the unstable and uncertain Aboriginal Cultural Heritage laws may not be able to provide. All Aboriginal-controlled entities with an interest in land that is subject to applications for Mining tenements under the Mining Act **must be exempted from the proposed fee of $859 for an Objection**. We trust that the Minister recognises the need to protect Aboriginal Cultural Heritage, allow Aboriginal self-determination to succeed and ensure that vulnerable and disadvantaged communities are not harmed.	
15	Councillor Sandie Smith	I disagree with the proposed amendment to allow for an $859 fee to lodge an objection under the mining act. Fine for larger companies, but for mums & dads of small property holdings to have that amount imposed is unfair - given they are obviously objecting to the mining and feeling it is unfair on them in some way to be lodging an objection in the first place. Sounds like a recipe for more disenfranchised land owners to then charge them a substantial fee. Most people would not be lodging objections just for the sake of it, so what is the purpose of the fee?	The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate delays in processing the applications for tenements. Key Themes 5-6 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
16	Rose Ferrell	The proposal to charge a fee for objections to mining and exploration leases unfairly advantages mining and resources industry companies, and DISadvantages citizens whose interests are most closely impinged upon by the leases should they go ahead. Citizens should NOT be charged fees for lodging complaints and objections to proposed mining leases. If fees for objections were charged to mining companies who proposed the leases, they may do a better job of consulting with local communities BEFORE they propose such projects. I urge you to reject the proposal that ordinary citizens or citizen interest groups should have to pay fees.	Applicants already pay an application fee which is determined by tenure type and size. Key Theme 3 in the *Response to submissions report* is also relevant.
17	Shire of Murray	The Shire strongly objects to the "fee for lodgement of objections under the *Mining Act 1978"* consultation that has been introduced by your Department. This decision is of great concern to democracy and an attack on open, transparent and meaningful consultation. To be charging a fee for agencies, and even more alarmingly, for a government to charge a fee to the residents of Western Australia on matters affecting the land when the government is purely custodians of the land on behalf of the people is of utmost concern. It is also extremely discriminatory on the people of Western Australia as this will exclude many Western Australians who have a very right to be able to submit their views as part of a public consultation process. Cost recovery is discriminatory to those who cannot afford this fee and to affected parties, such as local government. A free democracy should give everyone the right to submit their views irrelevant of their social or financial standing. Please submit this as a strong objection to this new fee.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under the *Mining Act 1978* including sections 24 and 120. Key Themes 2 and 4 in the *Response to submissions report* are also relevant.
18	Shire of Waroona	***The proposed objection fee is not supported*** *on the following basis –* 1. In the 2023-24 DMIRS Fees and Charges schedule there are some 46 application fee listings. **The proposed $859 objection fee would be the 3rd highest fee**, higher even than a Mining Lease application at $638.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1-2 and 4 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		2. By contrast the **1988 the objection fee was $3.70**, the seventh lowest fee of some 78 fees listed. In comparison a Mining Lease application fee was $135. 3. The **proposed objection fee lacks proportionality** in comparison with other fees. 4. Given the disproportionality the **proposed objection fee appears designed to present a "barrier to entry"** to those wishing to object. 5. Cost recovery is not the only consideration in determination of a fee. **Public interest must also be considered** and as such there should not be a prohibitive gate fee for objections.	
19	Alison Gibson Vega on behalf of Birdlife Australia	This is my formal submission to the objection of the proposed amendments to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978*. I understand that the number of objections has increased over time, with the need to hire extra staff and source additional resources to manage the workload. However, to put this financial burden on to the public is in direct conflict with providing equal opportunities for the public to respond to applications and proposals. A fee will be a direct barrier for private landholders, community members, NGOS, LGA, and native title parties who often do not have surplus funding. As an employee of BirdLife Australia, an NGO which often voices concerns on many fronts, when necessary, I know that a fee such as this will inhibit our ability to freely voice our objection to any relevant applications which we deem need to be reviewed. Putting a price on people's ability to freely object to applications will result in less objections lodged, yes, but really it is because it will censor the communities and organisations who are already financially struggling or cannot justify the $859 expense. It will create a bias in who is lodging objections, and as such not all voices will be heard.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Key Themes 1-2, 4-5 and 6 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		Please keep the opportunity for equal engagement of mining proposals free for all. Not just those who can afford it.	
20	Denise Hynd	This amendment must be aimed at stopping citizens from protesting or raising concerns about any exploration project in our community or in a sensitive environmental or heritage area. This amendment means the government will charge each person close to a thousand dollars for attempting to do so! No other state or territory charges fees anywhere near this huge amount - in fact most don't charge at all. The destruction and threats to heritage sites in our recent times alone, such as at Juukan Gorge and Murujuga National Park, show there should be no Objection Fees in WA, rather mining conglomerates should pay much of their profits to rehabilitate this state!	The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 1-2, 5 and 10 in the *Response to submissions report* are also relevant.
21	Susan Turner	Fee for objections to mining activity is heavy handed and out of order. We pay our taxes and rates. As a government department we, the public, pay you to do your civic job. Additional fees for reporting complaints/objections to Private enterprise should be levied on the transgressors who can then pass the costs to their shareholders.	Applicants already pay an application fee which is determined by tenure type and size.

Ref	Stakeholder	Comment	DEMIRS response/action
			Key Theme 3 and 10 in the *Response to submissions report* are also relevant.
22	Dr Carolyn Orr – Doctors for the Environment	The proposed fee of $859 for an objection is enormous. I am a medical doctor on a good income, and it would deter me and almost any other individual. It would also be a significant barrier for many community and environmental organisations. The ability to object to mining applications is important; and this proposed policy will have a huge deterrent effect. Big mining companies are swimming in money; environmental groups never are. I put in an objection to a Woodside expansion last year with the EPA; it cost me $10 from memory. It is hard to see this as anything other than an attempt to silence environmental objections to mining applications. In 2023 when we are dealing with both a climate emergency and plummeting biodiversity, this is simply wrong. Please reconsider.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please see Key Themes 1-2 in the *Response to submissions report*.
23	John Austin	From your own documents it is clear there have been comments from the Mining Warden's Court that there are too many objections to mining proposals since mining proponents have commenced siting tenements on relatively densely populated rural areas. This has resulted in the proposal for an objector's fee of A$859.00 per objector or objecting body. To quote: "6. Cost of dealing with objections	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. A differential fee model will be adopted to include eligible individuals. The purpose of the fee is to support the funding of a second Mining Warden to

Ref	Stakeholder	Comment	DEMIRS response/action
		The number of objections lodged has increased over the last three years, resulting in an increasing number of matters before the warden and affecting the timely processing to grant of tenement applications. The increasing volume of objections has resulted in the appointment of a second mining warden in Perth with the cost met by DMIRS." However, this paragraph fails to address the simple fact that since mining tenement applications are now over relatively densely populated rural areas the number of objections is bound to increase. Also, it is noted in your document that the Perth Warden's Court meets on a weekly basis, whereas the Warden's Courts in Kalgoorlie, Leonora, Mount Magnet and Southern Cross regional offices are on a monthly basis, which supports my observation that more objections are inevitable in the relatively densely populated Lower South West and Great Southern regions. Further, the following sentence clearly implies that favour is being shown by your department to exploration and mining companies to the detriment of local communities and the environment: "Concerns were expressed by industry representative groups and individual companies regarding delays and the availability of dates for the hearing of matters." And that this is a punitive measure is clearly indicated in the sentence: "A fee for objections is required to: … . . . reduce the number of active matters before the wardens." **I therefore object to this proposal on the following grounds:** • In a democracy the public are legally enfranchised to express opposition to issues that may adversely affect them, their local community, the regional environment and public interest. The proposed onerous fee is therefore undemocratic viewed in the light of our legal rights. • No reasons have been given why the specific fee is AU$859.00 is proposed. It appears the primary intention of imposing this $859.00 fee on any objection lodged with the WA Mining Warden's Court against the grant of exploration and	ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. The fee applies to an independent process that is external to the Department, namely an objection before the Warden. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 1, 2, 4, 5, 6 and 10 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		mining licences is to restrict stakeholder's ability to lodge objections to mineral exploration plans that will adversely affect them. • A$859 is an inequitable cost to the Western Australian community, which stands to loose, compared to the potential profits of resource extraction proponents for whom legal fees are expected and are budgeted for. • Therefore we may reasonably assume the proposed fee is intended to act as a deterrent to mining objections and to be a punitive measure against those of us who do object. • Following this, the proposed punitive fee restricts democratic and legal processes which enable stakeholders to object to mineral extraction plans that are against public and environmental interest and is in favour of mineral exploration and mining companies. This is particularly so in the Lower South West and Great Southern regions of Western Australia where there are relatively dense rural populations, fragile ecosystems and major food producing areas. **I therefore propose that:** • That local stakeholders; property owners, residents and local businesses, Not for Profit organisations (NFPs), like Quinninup Community Association, be exempt from a fee if the proposed activity will impact them directly in terms of property values, loss of income or nuisance (health, noise, dust, traffic etc). • Regarding fees, as the Warden's court is on the equivalent level of a Magistrates court, the fee should be $172, which is the equivalent of a Minor Case Claim fee. If it is determined as a Supreme Court fee, then the amount for 'other applications' is $577. At a bare minimum, for individuals on pensions or facing financial hardship in keeping with the practice in other Courts, the proposed fee should be reduced to $53.50 for Magistrates Court or $100 for the Supreme Court.	

Ref	Stakeholder	Comment	DEMIRS response/action
		Food production, ecological and heritage reasons for continuing the free objection process: • The Lower South West of Western Australia is a major food production area within a fragile and diverse ecosystem. The ecological and hydrological fragility of this geologically ancient region cannot be over emphasised. *(See Smith Margaret G Hydrogeology of the Lake Muir–Unicup Catchment, Western Australia, Department of Applied Geology, Curtin University 2010)*. • In addition the value of food production has to be considered. The horticultural value of the Lower South West in 2023 was $443,700.000 providing 14,520 jobs. *(See WA Department of Primary Industry and Regional Development, DPIRD, Situation Analysis of Horticulture in Western Australia Report, 2023.)* • It is predicted that in the near future clean water and food will be the most valued items on the planet, therefore the need and constitutional right to protect them is paramount. This area is the domain of the Noongar people, who have many areas of cultural importance which will be damaged by mining.	
24	Venessa Miler	This fee assumes that only organisations and vested interests will ever object. Many small business enterprises, locals, or property owners directly impacted may want to object too. This fee places an unfair monetary burden on those unable to pay easily, therefore stifling their ability to object. I understand the need for recoup of administrative costs, but this fee is excessive for those not backed by wealth and access. To ensure equity, can I suggest a sliding scale if you must introduce a fee with a nominal and very reasonable amount, for SBE or Individuals (including a pensioners and health care card discount on the individual objection level which should be very much less than the proposed fee)	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. A differential fee model will be adopted to include eligible individuals. Please refer to Key Themes 2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
25	John Bailey for The Leeuwin Group	The Leeuwin Group is an environmental and conservation organisation comprised of mostly retired scientists with expertise in flora, fauna and environmental policy. We have on a few occasions objected to mining tenement applications. We therefore make the following comments regarding the proposed increase in fees for objections: • Cost recovery should not be the principal consideration in the determination of a fee. Public interest must also be considered and there should not be a prohibitive fee for objections. • The proposed objection fee lacks proportionality in comparison with other fees. • The proposed $859 objection fee would be the 3rd highest fee, higher even than a Mining Lease application at $638. • Given this disproportionality the proposed objection fee appears designed to present a barrier to entry to those wishing to object. • Currently, objections do not incur a fee (i.e. the $10 fee is waived upon submission of a objection). It is our understanding that the new fee will not be subject to a waiver. While we do not oppose a small increase in fee the current proposal is excessive and should be reconsidered.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2 and 4-5 in the *Response to submissions report* are also relevant.
26	Leisa Hutchings	I was gobsmacked when I read the proposal to stifle opposition so you can look after your mates in mining and to hell with democracy and the environment. Our ALP government does not have the best record when it comes to environment and this proposal seeks to put another nail into our shrining democratic rights. Your love of mining over every thing else is well documented. Jobs of the future should not be limited to the resources sector.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate

Ref	Stakeholder	Comment	DEMIRS response/action
		Our government needs to do more when it comes to emissions, sustainability and protecting/enhancing our environment so it's a better place for our grandkids. I doubt it will be better than we left it but at least we should be doing better than we are now. Using laws aimed at outlaw motor cycle gangs to silence legal protests smacks of communist countries like Russia and China. Never in my lifetime would I expect to see this from my own ALP Government. Coupled with the proposal to charge a fee to oppose is just another authoritarian measure to look after the miners at the expense of the voters who put you in government. I've been a life long ALP voter but right now you are further to the right than the LNP!. Please rethink the abhorrent charge and remember where our party was founded, on the backs of workers not the banks of employers. There are loads of jobs to be had and created in sustainability that will bring a better future for our environment and us. Please focus on that instead of looking after the resources sector in the way you have been. The resources sector wants to make money, voters want to live in a world where they are not subject to the effects of climate change such as we are experiencing now and that will only worsen over time. This attempt to silence voices does not have a precedent and thankfully so. Please get off this path before it's too late for our country.	the delay in processing the grant of tenement applications. Key Theme 2 in the *Response to submissions report* is also relevant.
27	Phil Bayley	I wish to express my strong opposition to the proposed imposition of an $859 fee to lodge an objection under the Mining Act. Such a fee will inevitably have the effect of curtailing or restricting the ability for private citizens to be heard in the decision making process. I have only used this provision of the Act once, when I objected to the granting of mining tenements in Dwellingup to Rio. There were ten tenements that potentially affected a property in which I have an interest; I therefore was required to lodge ten objections. At $859 per objection, this would have cost me $8590, which I simply would not have been able to afford.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 3-6 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		The Rio episode is a very good case in point - as you would know, the company withdrew its Dwellingup mining proposal in response to the weight of community objections. If this proposed fee had been applied, many if not most of those objections would not have been possible, and the wishes of the community would not have been heard. I appreciate that DMIRS must have money to pay for its activities. I do not believe that funding should come at the expense of public engagement in the decision making process. If fees must be charged, then let them be confined to commercial operators (e.g. other mining companies) with a financial interest in the outcome. Public access to the system must remain free, or at least at nominal cost. $859 per objection for a private individual is simply ludicrous.	
28	Leith Maddock	I an individual with strong interest in the West Australian environment. Ordinary people like me need to be able to afford to object to mining tenement leases, so I am writing to object to the proposed increase. It is far too high. • Cost recovery should not be the principal consideration in the determination of a fee. Public interest must also be considered and there should not be a prohibitive fee for objections. • The proposed objection fee lacks proportionality in comparison with other fees. • The proposed $859 objection fee would be the 3rd highest fee, higher even than a Mining Lease application at $638. • Given this disproportionality the proposed objection fee appears designed to present a barrier to entry to those wishing to object. • Currently, objections do not incur a fee (i.e. the $10 fee is waived upon submission of a objection). It is our understanding that the new fee will not be subject to a waiver.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2, 4 and 5 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		The current proposal is excessive and should be reconsidered. Perhaps there could be different rates for individuals, not for profit, organisations and businesses? An individual fee should not be more than $20, a not for profit not more than $100.	
29	Mark and Catherine Scott	As private landholders we object to the introduction of a fee for lodging an objection to exploration and mining tenements that affect our properties. (We have had to attend to two exploration tenement applications in the last 18months) It is currently bad enough that we need to actually defend our private property from tenement bankers who in the most part are simply staking a claim over land with the hope to on sell it at a later date at profit- for which we must actively pursue the party lodging the tenement with registered letters and legal representation at any hearing at our own expense. We feel the system is already biased towards the applicants of any tenement and should not be allowed to further discriminate against private property owners. In our opinion this is effectively introducing a new land tax. We do see merit for the charge to be applied to objections that are being lodged by external stakeholders, particularly on public lands as there would seem to be many vexatious objections being presented by special interest groups that may not represent true community concerns	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Theme 6 in the *Response to submissions report.*
30	Gail Hatch	Hello to the organisers of the introduction to this 'objection fee'. This hefty lodgement fee sounds like an attempt to silence any disapproval from public voices. It also renders land holders more vulnerable to the aspirations of mining companies on their farmland. We wish to express our disappointment and dismay at the possible introduction of this fee. We view it is an attack on our democratic right.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
			the private land in accordance with section 29 of the Mining Act. Key Themes 1 and 2 in the *Response to submissions report* are also relevant.
31	Fritz Nabholz	We, the undersigned, wish to object in the strongest possible terms to the introduction of a $859 fee for lodging a protest against mining tenement applications. **We offer the following grounds:** It is a basic democratic right to oppose activities that would have an adverse impact on private properties and quality of life as well as the wider human and natural environment. The last few years have witnessed a disturbing increase in attempts by the mining industry to claim tenements in populated regions, over private property, vulnerable conservation areas, and productive farmland, with the result of an increased number of objections, the latter apparently considered undesirable by the Department of Mining. The proposed fee is of a size unaffordable to most private objectors and can therefore only be seen as an intentional gag on protest, and a free-for-all signal to the mining industry to ride roughshod over all public concerns. The existing mining legislation dates to the era before environment and public interests were considered worthy of attention when set against commercial factors, and is already more than sufficiently slanted in favour of the mining industry - the ridiculous ease of registering a tenement irrespective of locality is a blazing indictment in itself. The flagrant violation of fundamental democratic principles and complete disregard of today's concern for human and natural environment shown by this proposal are completely out of tune with the responsibility we should be able to expect from a public agency representing a government that wishes to project a caring image. **We therefore demand:**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 2, 4, 6 and 10 of the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		There should be no fee applicable to protest against mining activities posing detriment to quality of life, public health, property values and preservation of productive land, and causing irreversible environmental damage. Food production will turn out to be immensely more important in future than mining every last mineral resource. Destruction of the remaining intact environment in the perceived service of renewable energy is not a winning formula.	
32	Vivienne Lobo	I find it absolutely undemocratic and abhorrent that a fee is being considered for raising concerns about mining endeavours, when there are valid and rational reasons for these objections. This is just a barrier to allow mining companies to continue to pillage and contribute to carbon emissions, which we desperately need to bring down. How can our government be so corrupt to even be considering this? I strongly oppose the introduction of any fees for raising of objections.	Noted. The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. Key Theme 2 in the *Response to submissions report* is also relevant.
33	Leslie Hodgson	I believe that this idea of enforcing a extractive fee for the privilege of voicing an objection could be challenged in a federal high court as unconstitutional - Illegal and has the potential to set a Precedent across the combined jurisdictions of all...	Noted.
34	Geoffrey Taylor	DMIRS Inquiry into proposed charges for appellants. I am opposed to the $859 charge proposed. Another way to cover costs would be to increase mining royalties by 0.25%.	Noted.
35	Julian Sharp	Thank you for the opportunity of commenting on the proposed ‘Fee for Objections under the Mining Act 1978’.	The purpose of the fee is to support the funding of a second Mining Warden to

Ref	Stakeholder	Comment	DEMIRS response/action
		It is quite clear to me that the primary intention of imposing a $859.00 fee on any objection lodged with the WA Mining Wardens Court against the grant of exploration and mining licences, is to restrict the publics' capacity to lodge such objections. The proposed fee also intends to diminish due process and to limit challenges to issues that are not always in the public interest, such as minerals exploration and mining in state forests and over farmland, and the demand for water by mining operations at the expense of environmental health and irrigated agriculture. It is an inequitable impost on the Western Australian community, relative to the ability of exploration and mining companies' financial capacity to meet this cost. I would think that in a democracy, the public should be encouraged to express opposition to major issues that may affect them personally, their lifestyles, the local and regional environment, and the public interest without having to pay for this. I spoke with DMIRS consultation representatives on 16th October 2023 regarding, among other issues, the dramatic increase in the number of objections lodged with the Wardens Court. The reason for this is that more people, especially in the southwest and great southern regions are alarmed by the extent of exploration and mining applications across these regions, and the potentially devastating impacts to forests, water, biodiversity, aboriginal cultural heritage, tourism, existing rural industries, community amenity, roads infrastructure and community safety. I asked the DMIRS consultation representative how this proposal to set a fee for objecting to exploration and mining licence applications came about, specifically was it a political or ministerial directive from government. This simple question was not answered clearly and unambiguously. Why should ordinary Western Australian community members be forced to pay for objecting to issues that may have significant impacts as described. The DMIRS consultation representative also told me that the proposed fee was to help cover the costs of a second Wardens Court. I argue that with a budget surplus of some $6 billion the WA government has more than adequate resources to fund the operation of an additional Court. In addition, there are generous state and federal government subsidies available to minerals exploration and mining companies to undertake	ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 2, 4, 9 and 10 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		exploration and feasibility programs across the country, with the objective being an increase in mining activity. This is taxpayers money supporting an already wealthy industry at the expense of public health, education, social welfare, environment and community infrastructure. In [2012] WAMW 12 Darling Range South Pty Ltd v Ferrell and others, Warden Wilson outlined succinctly many reasons that citizens should be heard, including at paragraph 141, 'That elevates to a higher level the importance of the right to be heard of any person whose rights, or for that matter land, may be affected by an application for an exploration licence such as is the case in these proceedings'. I refer you to paragraphs 136 to 147 inclusive of the above Wardens Court case in support of my submission. The obligation should not be on ordinary citizens to pay for the right to object to applications, it should be an obligation for minerals exploration and mining companies to make citizens aware of proposed activities within a certain distance of their properties, or in any shire for instance. The Mining Act 1978 is already heavily weighted to the support of the exploration and mining industries at the expense of virtually all other considerations. This needs to change to provide a more equitable and accessible forum for the debating and adjudicating of valid and relevant community concerns. There is a growing perception in WA that successive state governments are increasingly captive to the demands of the resources industry, for example, the state governments reckless decision to support the expansion of gas production, especially the massive gas proposals in the north west of the state, given that climate science unequivocally states that there should be no new fossil fuels projects anywhere in the world if we are to mitigate the impacts of anthropocentric climate disruption. Witness also the rise of draconian legislation specifically designed to criminalise peaceful protest at the reckless expansion of fossil fuels production and use. It is little wonder that the people of WA are sceptical of the real intent of this proposed fee for objections.	

Ref	Stakeholder	Comment	DEMIRS response/action
36	James Boyle	A fee as proposed would erode all Australians' basic right to comment on matters of great public interest. I live in Kangaroo Gully which is in the Blackwood area and in my travels to and from the Bridgetown area I am daily watching an environmentally precious area turn into an irreversibly degraded mine site. Wildlife, rare natural bush, water supplies and quality, air quality and a loss of night skys due to massive light pollution from the mine site are all hugely impacts and I am forced to ponder if destroying an environment is a sensible way to preserve it. Housing for young people and those without access to adequate finance is daily damaging the region's character and future. The proposed fee appears to be punitive and clearly lacks proportionality when compared with other fees and displays a clear bias towards mining interests, in this case foreign.	Noted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Please refer to Key Themes 2, 4, 5 and 10 in the *Response to submissions report*.
37	Anthony and Margaret Collins	We, the undersigned, wish to object in the strongest possible terms to the introduction of a $859 fee for lodg-ing a protest against mining tenement applications. We offer the following grounds: It is a basic democratic right to oppose activities that would have an adverse impact on private properties and quality of life as well as the wider human and natural environment. The last few years have witnessed a disturbing increase in attempts by the mining industry to claim tene- ments in populated regions, over private property, vulnerable conservation areas, and productive farmland, with the result of an increased number of objections, the latter apparently considered undesirable by the De- partment of Mining. The proposed fee is of a size unaffordable to most private objectors and can therefore only be seen as an intentional gag on protest, and a free-for-all signal to the mining industry to ride roughshod over all public concerns.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration

Ref	Stakeholder	Comment	DEMIRS response/action
		The existing mining legislation dates to the era before environment and public interests were considered worthy of attention when set against commercial factors, and is already more than sufficiently slanted in favour of the mining industry - the ridiculous ease of registering a tenement irrespective of locality is a blaz- ing indictment in itself. The flagrant violation of fundamental democratic principles and complete disregard of today's concern for human and natural environment shown by this proposal are completely out of tune with the responsibility we should be able to expect from a public agency representing a government that wishes to project a caring image. We therefore demand: There should be no fee applicable to protest against mining activities posing detriment to quality of life, public health, property values and preservation of productive land, and causing irreversible environmental damage. Food production will turn out to be immensely more important in future than mining every last mineral re- source. Destruction of the remaining intact environment in the perceived service of renewable energy is not a winning formula.	activity can take place until all such approvals are granted. Key Themes 2, 4, 5 and 10 in the *Response to submissions report* are also relevant.
38	Jen Lowe	I am writing to oppose the proposed excessive $859 fee for opposing mining exploration. I was astounded to hear of such a thing proposed in Australia. This is an attempt to silence community voices and is undemocratic.	Noted. The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications.
39	Margaret River Regional Environment Centre	We are responding to the proposed increase in the fee for lodging objections to mining/exploration lease applications in Western Australia. The stated reason for the large increase in the fee is the recovery of the costs of dealing with the large increase in the number of objections being received. This would surely be	Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under

Ref	Stakeholder	Comment	DEMIRS response/action
		better dealt with in a way that does not so obviously prejudice against stakeholders, described as follows on your website: *Stakeholders are individuals, groups or organisations affected, directly or indirectly, by our activities and those that affect our activities. These include the broader community, internal staff, communities affected by mining or petroleum activities, local State and federal governments, community groups, Aboriginal communities and industry groups.* A fee of the size proposed will act as a deterrent to participation in the process by most of these groups apart from State and Federal governments, some industry groups and other mining interests. In areas that are the subject of multiple applications, the local governments themselves may find themselves unable to object as the costs could be beyond their budgets. This especially applies to the poorer Shires – where, it must be mentioned, most of the tenements under application are sited. The courts are swamped at this point in time with lease applications from those who see a profit to be made in minerals – in the main, those required by the misnamed "Renewable or Green Energy" boom. We see this as being a short-lived boom as (we hope) it will very quickly become obvious even to the most enthusiastic supporters of "green energy" that this is not the answer to the problems we are facing. However, currently, the number of speculative companies who seek to obtain leases that they then on-sell to larger companies, and the accompanying avalanche of objections from distressed land-holders, individuals and environmental groups are clogging up the courts and rendering the old system unworkable. Applications could possibly be reduced if the lodgement fee was raised and this would in turn reduce the number of objections received. We suggest the following: • Charge the proponent to cover the costs, not the objector. This can be done using a sliding scale of fees, with objectors such as not-for-profit/community groups and Shires batting for their communities and land lowest on the scale. By laying the burden of paying for a process -one that is already very weighted towards the proponent - on the objector, the losses are socialised and the gains	the *Mining Act* including sections 24 and 120. Prior to granting a mining tenement in respect of private land, the consent in writing of the owner and the occupier of the private land is required in accordance with section 29 of the Mining Act. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.). The fee applies to an independent process that is external to the Department, namely an objection before the Warden. Please also refer to Key Themes 1, 3, 4, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		remains privatised. This is inequitable and does not reflect the rules of engagement with the public as displayed on your webpage. • Simplify the objection process. It is currently extraordinarily cumbersome and very demanding of both staff and objectors. • Remove the process from the courts altogether. Appoint an independent board to review objections. As an environmental group, our focus is, obviously, the environment not the mining industry. We feel that the proposed fee will have an adverse effect on the ability of groups like ours to protect what is steadily being destroyed – our forests, wetlands, remnant bushland and the wild places where the unique species of our country live. These losses impact human lives as well. We hope you will see the injustice of this proposal and review it in the light of your claim to encourage engagement in the process by the public.	
40	Tracy Evans	I would like to protest the proposed introduction by The WA Department of Mines, Industry Regulation and Safety of a $859 fee to lodge any objection to any applications for exploration and mining in WA. This is outrageous and incredibly shonky. This exorbitant fee will stifle essential public debate on critical environmental aspects of mining proposals-from prospecting , exploration through to full scale mining. I urge you to reconsider this disastrous proposal.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then

Ref	Stakeholder	Comment	DEMIRS response/action
			develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 1, 2 and 10 in the *Response to submissions report* are also relevant.
41	Central Desert Native Title Service	**SUBMISSION IN RELATION TO CONSULTATION PAPER – IN PARTICULAR REFERENCE TO CHARGING A FEE FOR OBJECTIONS UNDER THE *MINING ACT 1978* (WA)** On its own behalf and on behalf of the above-mentoned RNTBC, Central Desert makes the following submissions: (a) The granting of mining tenure has an adverse effect on the native title rights and interests that the above RNTBC hold in trust for the relevant common law holders of native title they represent. (b) The above RNTBC are not-for-profit organisations and registered charities that are not seeking to materially profit from lodging objections to the grant of mining tenure, but do so in furtherance of the charitable purposes of: (i) minimising the impact on native title in the area of the tenement and any consequential adverse impact on the common law holders of that native title; and (ii) protecting the cultural integrity of the area of the tenement and surrounds. (c) In most cases the above RNTBC do not have the resources to fund the payment of fees, which on a rough estimate would have collectively amounted to approximately $269,000 for the 300 or so objections in the Warden's Court made in the last few years.	Noted. The Government has determined there will be nil fee payable for RNTBCs. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The *Native Title (Tribunal) Regulations 1993* (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. It is also important to note that Wardens Court is unable to consider objections lodged for the purposes of the NTA. Key Theme 10 in the *Response to submissions report* is also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		(d) In any event the payment of any fees would divert funds away from other charitable activities undertaken by the RNTBC. (e) It is not uncommon for courts or tribunals to waive, vary, or exempt fees in the case of impecunity, financial hardship, or in relation to specific subject matters. (f) In the circumstances the imposition of fees on the above RNTBC would be neither ***fair nor equitable***, contrary to the *Treasurer's Instruction 810*. In summary, Central Desert submits: (a) registered charities acting in furtherance of their charitable purposes; or, in the alternative, (b) registered native title bodies corporate acting in their statutory capacity as the holder of native title, should be exempt from any and all proposed fees for objections under the *Mining Act 1978* (WA).	
42	ER Law	The WA Branch of the Energy and Resources Law Association (**ER Law**) thanks DMIRS for inviting comments on the proposed amendment to the *Mining Regulations* 1981 (WA) to introduce a prescribed fee for lodgement of objections under the *Mining Act* 1978 (WA). ER Law acknowledges the comprehensive consultation paper which DMIRS made available, and also appreciates the session which DMIRS held with the Resources Industry Consultative Committee on 16 November 2023. ER Law makes the following submissions on the proposal. 1. ER Law acknowledges DMIRS' detailed explanation of the context and rationale for proposed objection fees, but considers there is potential for unintended consequences to arise. 2. ER Law understands the principle that the lodgement of objections should not be fee-free; and ER Law also acknowledges and agrees that any fee system should be administratively simple.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. A full list of DEMIRS standard conditions can be found on the DEMIRS website. Further to the proposed conditions to be imposed on grant, DEMIRS is currently undertaking a review of Standard Conditions for Mining Tenements which can be found on the DEMIRS *closed consultation* website. Key Themes 6 and 8 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		3. ER Law understands the proposed $859 fee was calculated in the following manner: (a) an estimation of the annual total costs incurred by DMIRS in funding and servicing the second Mining Warden; (b) an estimate of the total number of objections which may be lodged annually with the Mining Wardens; (c) dividing the first amount by the second to determine a DMIRS 'cost per objection', and not proceeding on a complete 'costs recovery' basis but setting a fee whereby considerable costs to DMIRS would be recompensed solely from the fees from objectors in lodging objections. 4. ER Law considers a flat fee of $859 for all objections is excessive in some circumstances, particularly where the objection fee exceeds the fee imposed for applying for the tenement. 5. ER Law suggests that an alternative fee structure be considered, which also addresses the above objectives, for example: (a) For objections against expenditure exemptions, restoration of tenements, or surveys, a flat fee in an amount that DMIRS considers appropriate after consultations. In our experience, these are mainly from within the industry and so the cost can generally be accommodated as part of business. (b) For an objection against an application for any mineral tenement, there could be two categories (as is the case for many courts): - for an objection by a natural person - no fee (or a nominal processing fee); - for an objection by another legal entity (eg. incorporated association or company) – a fee of $434 (which is currently the lowest fee which an applicant pays for applying for the tenement).	

Ref	Stakeholder	Comment	DEMIRS response/action
		(c) Where an objection proceeds to a substantive hearing (ie. not just a mention), then the objector and applicant must jointly pay a hearing fee. Hearing fees exist in many other jurisdictions (eg. SAT; Supreme Court of Western Australia) and are a way of gaining some contribution to costs from users. If there are concerns as to the statutory power to introduce a hearing fee, this may be something for DMIRS to consider in making future regulatory amendments, as it would distribute the costs of the Wardens' hearing time more evenly as between parties. 6. There are two reasons why we suggest no fee (or a nominal fee) for objections to tenement applications by natural persons. - First, the system contemplates that it is appropriate for people to negotiate with a tenement applicant about conditions which may help address their concerns, and a large fee may be a barrier to that occurring. - Second, the Warden retains a discretion under reg 165(4)(a) to make an order for costs against a party where the party has frivolously or vexatiously commenced or defended proceedings. 7. ER Law encourages DMIRS to consider whether more information (eg. proposed conditions to be imposed on grant) can be made available to potential objectors, before the time for objections closes. This would give potential objectors a better understanding of any limits on the proposed activities to be conducted on the tenement (if granted), which may inform whether they decide to object. It would also enable Wardens to consider whether any objections have been properly made, or should attract a costs order. This may be an alternative way of controlling the volume of objections.	
43	Stewart Dallas	I wish to strongly protest against the proposed introduction of a fee to lodge an objection to mining.	Noted. Key Themes 2, 5 and 9 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		I believe that the arguments of cost recovery and intention to reduce the workload are very poor considerations and indeed probably undemocratic. The result will be to severely constrict objections apart from those from vested corporate and business interests. This is not in the best interests of the public good and individual citizens. I also note that no other state has a fee, or if they do, it is nowhere near this magnitude. The Government should bear this cost. If the intent is to deter potential 'vexatious litigants' then perhaps a nominal small fee of <$50 could be considered however anything greater than this order of magnitude most West Australians I suspect would consider grossly egregious.	
44	Norman Leslie	It's a bloody disgrace ! Hiding corruption both mines and government	Noted.
45	Balingup Friends of the Forest	The Balingup Friends of the Forest object to any mining explorations in the Southern Jarrah forests of Western Australia. Our forests need to be protected and regenerated not dug up.	Noted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration

Ref	Stakeholder	Comment	DEMIRS response/action
			activity can take place until all such approvals are granted.
46	Jamukurnu-Yapalikurnu	The Martu determination areas are subject to a high level of mining tenure with over 400 active and 100 pending tenements. JYAC has obligations and directions from the Martu people to manage access to Martu ngurra and minimise the effects from the grant of mining tenements and makes objections to matters in the Warden's Court to achieve this. In 2023, JYAC has lodged 12 objections in the Warden's Court. JYAC on its own behalf, and on behalf of the Martu people respectfully makes the following submissions: a) The grant of mining tenure on Martu ngurra effects the native title rights and interests of the Martu people which are held on trust by JYAC. b) JYAC is a not-for-profit charitable organisation and lodges objections to the grant of mining tenure only to pursue the charitable and statutory purposes as the RNTBC which includes: (i) controlling and limiting access to Martu ngurra; (ii) protecting Martu heritage, law and culture; and (iii) protecting, promoting and strengthening Martu native title rights and interests. c) JYAC is not financially resourced to fund the payment of fees for objections in the Warden's Court, without diverting funds away from other direct charitable purposes. d) In the case of a charitable organisation working to charitable objectives, seeking to protect the rights and interests of a large group of disadvantaged and underprivileged	Noted. JYAC would be exempt from an objection fee in the circumstances referred to in Key Theme 6 in the *Response to submissions report*. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The *Native Title (Tribunal) Regulations 1993* (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. It is also important to note that Wardens are unable to consider objections lodged for the purposes of the NTA.

Ref	Stakeholder	Comment	DEMIRS response/action
		people, the imposition of fees on JYAC as the RNTBC cannot be categorised as just, fair or equitable. JYAC submits that a registered native title body corporate acting in their statutory or charitable capacity should be exempt from any fees for objections under the *Mining Act 1978* (WA).	
47	Shire of Katanning	The Shire of Katanning has reviewed the Consultation Paper provided on the Department's website and strenuously opposes the proposed amendment in its current form. As a government agency, imposing fees for cost recovery is informed by Treasurer's Instruction 810 which, among other considerations, requires that fees are fair and equitable and recognize the household's capacity to pay. The Consultation Paper states the Department has chosen to progress the Fee for Objection proposal on a flat fee basis, rather than differential as it is administratively easier. It is the Shire's view this does not provide a fair and equitable outcome for many people who may be directly impacted by the various mining applications being considered by the Department at any given time, or consider their capacity to pay the prescribed fee. The Department's analysis of objections received during April and May 2022 noted that less than a quarter of the objections received were from potentially directly affected parties; being pastoral lessees (12% or 42 objections), native title parties or individuals in the basis of native title rights and interests (8% or 28 objections) and other organisations including NGOs and LGAs (3% or 10 objections). Whilst the Shire understands the Department may receive numerous vexatious objections for any given application, where the objector has no relationship to the affected land parcels, the Shire believes pastoralists, native title parties or individuals, and local government authorities directly impacted by an application for mining activity on their land, or land they have an interest over, should not be penalised by such an exorbitant fee when seeking to protect their direct interests.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under the Mining Act including sections 24 and 120. Objections relating to the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth). As

Ref	Stakeholder	Comment	DEMIRS response/action
		The Department should also note many landowners in the agricultural sector have been struggling to remain viable. It therefore seems unjustifiable to out their livelihood at risk by potentially reducing the amount of workable land available to them, while at the same time charging them a hefty fee which they may not have the capacity to pay, for the privilege of objecting to mining activities, all for the benefit of the process being easier from an administrative point of view for the Department. As the Department would know, land parcels often have more than one mining tenement over them and could potentially be impacted by many different applications which would create an unnecessary financial burden for a landholder to lodge objections to activities on their land. The proposal to introduce a flat fee could also prove to be a major disincentive for landowners to prepare and submit an objection to a new mining proposal and undermine their democratic right to do so. It is also noted Treasurer's Instruction 810 requires tariffs, fees and charges are consistent with the cost recovery policy and do not exceed the full cost of providing a service. It could be argued the service being provided is that of assessing an application, part of which is receiving and considering any objections. The service is provided to the party seeking approval from the Department, not the party submitting an objection to the proposal. As such, any cost recovery measures for dealing with objections should be aimed at the party seeking approval, not those potentially impacted by the proposed mining activities. It is therefore contended the mining companies themselves should cover any additional costs associated with the review, assessment, and determination of their applications. Further to the above, the Consultation Paper discusses Part VII and Part VIII of the Mining Regulations 1981 which refers to plaints lodged with the Warden's Court and Table 2 refers to matters brought before the State Administrative Tribunal. These are actions commenced by a person or entity with the Court or Tribunal to have a matter addressed. Objections to Mining activities, while considered by the Warden's Court, are invited when applications are lodged with the Department and subsequently published for public comment; they are not individual plaints requested by Objectors and should not be dealt with in the same manner.	such, a mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The *Native Title (Tribunal) Regulations 1993* (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. It is also important to note that Wardens Court is unable to consider objections lodged for the purposes of the NTA. Please refer to Key Themes 1, 3, 5, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		In summary, the Shire strongly opposes the introduction of a fee under the Mining Act 1978 for anyone who may wish to lodge an objection to proposed mining activity. If fees must be introduced the Shire believes a differential fee system should be developed whereby anyone who has a direct interest in land impacted by a proposed mining activity should be charge no fee at all (preferable), or the fee be reduced to a more reasonable and affordable amount so as not to disincentivise the preparation and lodgement of objections.	
48	Donna Livingstone	I am responding to the proposed increase in the fee for lodging objections to mining and exploration lease applications in Western Australia. The stated reason for the increase in the fee is the recovery of the costs of dealing with the large increase in the number of objections being received. This can be better dealt with in a way that does not so obviously prejudice against stakeholders, described as follows on your website: *Stakeholders are individuals, groups or organisations affected, directly or indirectly, by our activities and those that affect our activities. These include the broader community, internal staff, communities affected by mining or petroleum activities, local State and federal governments, community groups, Aboriginal communities and industry groups.* A fee of the size proposed will act as a deterrent to participation in the process by most of these groups apart from State and Federal governments, some industry groups and other mining interests. In areas that are the subject of multiple applications, the local governments themselves may find themselves unable to object as the costs would be beyond their budgets. This especially applies to the poorer Shires – where, it must be mentioned, most of the tenements under application are sited. The courts are stretched at the moment with lease applications from those who see a profit to be made in minerals – in the main, those required by the misnamed “Renewable or Green Energy” boom. I see this as being a short-lived boom as (I hope) it will very quickly become obvious even to the most enthusiastic supporters of “green energy” that this is not a sustainable way forward.	Noted. There will be a differential fee model introduced with concessions for owners of freehold. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.).

Ref	Stakeholder	Comment	DEMIRS response/action
		However, currently, the number of speculative companies who seek to obtain leases that they then on-sell to larger companies, and the associated bulk of objections from distressed land-holders, individuals and environmental groups are clogging up the courts and rendering the old system unworkable. Applications could potentially be reduced if the lodgement fee was raised and this would in turn reduce the number of objections received. The Margaret River Regional Environment Centre proposes the following, which I also support: • Charge the proponent to cover the costs, not the objector. This can be done using a sliding scale of fees, with objectors such as not-for-profit/community groups and Shires batting for their communities and land lowest on the scale. By laying the burden of paying for a process -one that is already very weighted towards the proponent - on the objector, the losses are socialised and the gains remains privatised. This is inequitable and does not reflect the rules of engagement with the public as displayed on your webpage. • Simplify the objection process. It is currently extraordinarily cumbersome and very demanding of both staff and objectors. Providing some guidance for objectors would be very helpful. • Remove the process from the courts altogether. Appoint an independent board to review objections. As a current and past objector in the Warden's Court, I feel that the proposed fee will have an adverse effect on the ability of individuals and small community groups to protect what is steadily being destroyed – our forests, wetlands, remnant bushland and the wild places where the unique species of our country live. These losses impact human lives and communities as well.	The fee applies to an independent process that is external to the Department, namely an objection before the Warden. Changes to the role of wardens and the objection process are beyond the scope of this consultation. Please also refer to Key Themes 1, 3 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		I hope you will see the imbalances in this proposal and compare it to your claim to encourage engagement in the process by the public.	
49	Denis Olney	This is to formally state my disagreement with the department's proposed $859 fee for lodgement of an objection to mining projects. This fee basically prohibits ordinary members of the public from voicing their opinion on matters which can significantly affect them.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. The purpose of the fee is to support the funding of a second Mining Warden to ensure objections under the Mining Act are dealt with in a timely manner and eliminate the delay in processing the grant of tenement applications. Please also refer to Key Themes 1 and 2 in the *Response to submissions report*.
50	George Mounteney	I wish to make a public submission on the proposed changes to the Mining Regulations 1981 to introduce a prescribed fee of $859 for lodgement of objections under the Mining Act 1987. Having reviewed the DMIRS information on their website and also being involved as an objector against an Exploration Licence E70/6409 over a relatively densely populated area of rural properties, small holdings and agricultural land between Albany and Denmark, I wish highlight the following shortcomings of this proposed change: The shortcomings:- 1) An Applicant pays a single fee on lodgement of an application over a Tenement, irrespective of the type of land or the consequential effects on the population living within or close to that tenement. If a fee needs to be introduced to lodge an objection, it should be a single fee, irrespective of the number of objectors.	The view of the Department as well as the wardens is that a single objection with many individuals named as the objector carries the same weight as multiple objections on identical grounds by single individuals. Having multiple individuals as a part of the same application enables the cost of the application to be split. For more information on fees payable on lodgment of an application, please refer to the *Mining Regulations 1981*. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		2) The Wardens' costs are being brought about by the actions of the Applicant. In the case of Tenement E70/6409 the reason for the number of individual objectors is the Applicants lack of engagement with the community and lack of information being provided. 3) The introduction of a fee to lodge an Objection will further discriminate against landowners trying to protect their livelihoods. The Warden's Court process already throws out frivolous Objections. Individuals have genuine objections and if the Wardens Court process is to work fairly it needs to hear these objects, unencumbered by cost.	Key Themes 1, 3, 6 and 10 in the *Response to submissions report* are relevant.
51	Ella Maesepp	I am absolutely disgusted by the proposal to introduce a fee for people to object to applications under the Mining Act. It is a gross undermining of our democratic right to have to say, and by the sheer size of the proposed fee - $859!! – it is a deliberate attempt to silence ordinary citizens, and makes objections only accessible to those who can afford it. The statistics shown in the Discussion Paper show that 44% of objections received, are from those who DO NOT stand to make a financial gain from mining (ie outside the mining industry), and who would then be “double hit” with a substantial fee just to have their rights heard. A robust approvals process should be taking into account the concerns of private landholders, traditional owners, community members and not-for-profit groups, and open to these stakeholders. An approvals process that is only accessible to big business, mining companies and those who are likely to profit from an approval is biased, one-sided and not at the sort of standard that should be expected in Australia. The balance of the input from individuals and community groups is critical in good decision making, however a fee as large as this will mean that many of these people and groups who have a valid right to object, will simply not be able to afford it and will be excluded from the decision making process. That is absolutely unacceptable.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2, 3, 4, 6 and 10 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		If costs are rising dealing with objections, then the additional funding required should be met entirely by the PROPONENT. They are the ones who want to undertake the activity, they are the ones who stand to financially benefit from it – otherwise they wouldn't be applying – they should be the one that pays for it. NOT the ordinary citizen, or the traditional owner or land custodian who has had the proposal imposed upon them, often against their will or with no consultation at all. The fact that the number of objections received are rising is an indicator itself – the community of Western Australia is getting sick of all the green lights that mining gets, the impacts on environment, communities and landscapes. This should be seen by government as a signal to review the mining sector and its social license to operate (not just economic profits) to better meet the expectations of our community, and the pressing concerns of habitat loss, climate change and destruction of cultural heritage – NOT an excuse to make it easier for the miners and to silence others. The moving of native vegetation clearing approvals from DWER to Mines was a dirty move already, and this seems to be the next step in escalating mining companies into extreme levels of power, and disenfranchising the citizens of this state. Imposing a fee, especially one that is prohibitively large for many, is an erosion of our rights, and the democratic principles of Western Australia. It will lead to more environmental, social and cultural damage. It is potentially a slippery slope for other fees to be imposed in the future to exclude people, on economic grounds, from being able to object to other things beyond mining…. Clearing perhaps? Or development? Or what else? **The answer is simple. Proponent pays. Community ALWAYS gets a say.**	
52	Community Alliance for Positive Solutions	We understand that industry is necessary; however, industry also needs to be accountable, as does the government of the day. We thus write to you to express our strong reservations about the proposed increase of objection fees.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		The increased cost of individual objections will effectively prevent concerned residents and communities from registering their concerns about corporate (mis)conduct, especially as it relates to community and environmental health. Within a democratic society, affordable public access to departmental processes should be protected. Thus, and as per the points raised below, an increase of objection fees to $859 is unacceptable. Specifically, we make the following comments regarding the proposed increase in fees for objections: • Cost recovery should not be the principal consideration in determining a fee. Public interest must take precedence when applying a fee. Overall, fees for objections should not be set at prohibitive levels. • If the department requires funding, then the department should apply a levy (similar to Medicare) on industry to make up for any shortfall. The proposed objection fee lacks proportionality in comparison with other costs. The proposed $859 objection fee would be the 3rd highest; tellingly, higher than a Mining Lease application at $638. Given this disproportionality, the proposed objection fee appears designed to act as a disincentive and barrier for citizens wishing to object to unwelcome and/or harmful development. We do not oppose a slight fee increase; the current proposal is excessive, and the DMIRS should re-evaluate the fee to protect the public interest and continue to allow concerned residents to engage.	Key Themes 1, 2, 4 and 5 in the *Response to submissions report* are also relevant.
53	David Grindrod	$859 TO OBJECT TO A MINING EXPLORATION PROPOSAL??? NO NO NO!!	Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the

Ref	Stakeholder	Comment	DEMIRS response/action
		I ABSOLUTELY OBJECT!!! This is clearly an attempt to silence communities standing up for their local environments and heritage. I'm amazed you are so influenced by mining lobbyists!	land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.). Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.
54	John and Wanda Stockings	We are deeply concerned with a proposal to charge $859 to file an objection for mining projects. You should be ashamed of yourselves when you compare the charges by Tasmania and South Australia ($49.84 & $18) We quite frankly thought it was sick joke because surely no one in their right mind would think that it is fair to pay such an exorbitant fee for the general public to voice their democratic rights. This has to be one of the most outrageous proposals we have ever heard from the Department of Mines, and we have spent our entire lives working in the mining industry. We consider this proposal downright UNAUSTRALIAN.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2 and 5 in the *Response to submissions report* are relevant here.
55	Phoebe Coyne	Apparently you want to charge a new, antidemocratic, anti participatory, exclusory $859 fee for objecting to mining exploration projects. With the abject failure of ANY Western Australian Department **to identify Ecocide Law as a priority or agenda** in Western Australian, in spite of national obligations of a "Duty of Care" in Government decisions, in spite of the abject democidal plutocratic normalisation of anti-democratic leadership in Western Australian Public Service including DMIRS, additional to: • the stated realities presented in six IPCC reports, including Code Red for Humanity • Humanity having overshot six of nine ecological tipping points,	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2 and 10 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		• the half century anniversary of the Club of Rome's Limits to Growth this year, with dismal progress on the identified issues in a linear profit and growth economic model • the extreme weather events this month, including Sydney's hottest July, hottest July globally, and daily extreme weather events in India, Spain, Turkey, USA, Indonesia, Japan, South Korea, Canada, Morocco, Croatia, China, Mexico, Greece, Switzerland, Italy at least The abject failure of ANY Western Australian Government Agency to table **Degrowth Economics or Economic pluralism** as a priority or agenda in Western Australia, including proposed $859 lodgement fee to exercise Democractic Citizen Freedom of Information for Mining objections, While the Orwellian Animal Farm parody now playing out that: State Captured Plutocratic Western Australian Government departments such as DMIRS continue to placate the Ecovandalist, Ecoterrorist and Ecocidal Resources Sector, including subsidise Coal and Gas **Fossil fuel subsidies over the forward estimates have increased to a record breaking $57.1b, up $1.8b from the $55.3b slated in 2022 budgets** / more than $20 000 a MINUTE, demonstrating the lack of democracy of Australian Parliament- further abetting a Cost of Living Crisis, given the record profiteering of Fossil Fuel and Gas companies, including many of its Australian executives residing within the Seat of Curtin with COMPLETE impunity. https://australiainstitute.org.au/post/57-1b-record-breaking-fossil-fuel-subsides-following-climate-election/ The antidemoncratic, plutocratic, complicit political behaviour to not even attempt to mitigate a Climate, Ecological and Social polycrisis, including ZERO literacy or leadership on Civil Society Resilience Strategies to mitigate Shocks or Stressors is The fact that DMIRS proposed to charge $859 per application to oppose or object to Mining Exploitation demonstrated just how fucked up, plutocratic, state captured and completely lost in direction or democratic reponsibility DMIRS is, and you might want to go back to the Rule Book of the Functions of Government are in a supposed Liberal	

Ref	Stakeholder	Comment	DEMIRS response/action
		Democracy to remember the primacy of functions of government, knowing full well that Democide is not criminalised in Australia	
56	Felicia Chis	I object to DMIRS for their high charges fee for the lodgement of objections . Where is the freedom for our speech?. They ask for a high charges to keep people quiet?. Shame to them	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Theme 2 in the *Response to submissions report* is relevant.
57	Balingup Progress Association	Balingup Progress Association has been corresponding with DMIRS since 2022 regarding mining tenements in the Balingup area. Our most recent letter is at Annex A. We are pleased to advise that a representative of DMIRS will visit Balingup at the end of November 2023 but this visit will occur after the closing date for submissions and we are not confident he will be able to address our concerns. Our community believes that the introduction of a fee will further erode the community consultation process. If a fee is to be introduced, then the following key concerns need to be addressed first: • Insufficient time (35 days) to consider the implications of the granting of mining tenements and whether or not lodging an objection is warranted. • Lack of information about the proposed tenement and company lodging the application: - No information provided about what these applications will mean for residents and landholders (what type of mining activity will be permitted?). - No information about companies applying for tenements/licenses (what mining qualifications/ experience do they have?). If the above information was more readily available, transparency would significantly improve and the number of objections could be reduced.	Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.). Other relevant information can be viewed through DEMIRS mineral titles online system. Key Themes 4 and 10 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		If a fee is introduced without making any systemic changes, then the whole DMIRS community consultation process will be seen as a token gesture and will further erode the relationship between the mining sector and small rural communities.	
58	Leonie Stubbs	As the coordinator of a non-government organisation and as a private individual, I strongly oppose the proposal to charge everyone an amount of $859 to object to various activities under the Mining Act. The biggest and most successful companies in Australia are mining companies with an extraordinary amount of resources on which to call on. Compare this to an individual citizen who may have serious concerns about a particular activity that would impact on their lives or that of future generations due to, for example, serious environmental shortcomings of a mining proposal that are not in the public or even the national interest. It is wholly undemocratic and concerning that a department would charge these individuals or non government organisations such an exorbitant fee and consider that to be a reasonable response to cover its rising costs. It is noted that the rise in costs is due to an increase in objections of which only 11% are associated with native title or other matters. The balance of 89% are objections made by companies or people associated with the mining industry or pastoral leases. I believe that in the 21st century it is possible to differentiate the class of company/organisation/person that is objecting, so that non government organisations and individuals objecting to a mining activity on environmental, social or cultural grounds can do so fee free. Rio Tinto will always be remembered for its actions at Juukun Gorge. If objections to mining actvities are stifled there will be more disasters of this nature occurring. There will be more like that at Juukun Gorge that cannot be undone, environmental disasters that could have been avoided if the community's objections were taken seriously. A fee of $859 for an objection will undermine that critical scrutiny.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the EPA. Please also refer to Key Themes 2, 4, 6 and 10 in the *Response to submissions report.*

Ref	Stakeholder	Comment	DEMIRS response/action
59	Brian Crowley	I refer to the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee of $859 for lodgement of objections under the *Mining Act 1978*. In a state where there is already a widespread perception that government (not to mention local media) is heavily biased in favour of the mining industry, the optics of this proposal are breathtaking. I believe this proposal is anti-democratic and clearly designed to discourage any objection to mining. Based on the figures in your own consultation paper, no other state or territory imposes a similar fee for lodging an objection. I note your argument that there are inadequate resources to handle the current volume of complaints, but this is not the right way to address that issue. I urge you not to proceed with this terrible proposal.	Please see Key Themes 1, 2 and 5 in the *Response to submissions report*.
60	Gail Flatman	I object to DMIRS charging $859 fee for lodgement of objection under the Mining Act 1978 that has been introduced by your department. This fee is designed to deter citizens from objecting to matters that are of concern to them and paves the way for mining companies to destroy our land and our unique forests and pollute our waterways and environment. This is democracy at a high cost! SHAME ON YOU.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 4 in the *Response to submissions report* are relevant.
61	Town of Port Hedland	The Town objects to the proposed prescribed fee for lodgement of objections for the following reasons: 1. <u>Lower Number of Mining Objections from Local Government</u> According to the graph shown in the Consultation Paper provided (refer page 5), from 2021 to 2023, there were between 2,000 and 3,900 mining objections received by the Warden's Court. As of 6 November 2023, the Town's records indicate there are 20 active mining tenement objections (i.e. 1% of the total objections over the last three years). All active objections lodged by the Town are for exploration	Noted. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under the Mining Act including sections 24 and 120. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		licences (which are considered as minor or less complex) and the Town is pursuing to settle the matters by way of Minutes of Programming Directions. The Consultation Paper also indicates that in April and May 2022, the Warden's Court received 3 objections from local governments (refer page 6), which is only 0.85% of the total objections. This shows that the number of objections receive by the Warden's Court from local governments is very low, compared to objections from companies and people involved in the mining industry. 2. <u>Minutes of Programming Directions (MOPDs) as Alternative Dispute Resolution</u> Once objections are lodged, the Town encourages (prospective) tenement holders to settle the matters by way of MOPDs prior to hearings. This approach has been implemented to avoid additional costs such as legal fees and time spent by the Town's officers to liaise with a lawyer and/or prepare necessary documentation for the hearing. In the last three years, minimal hearings have been required to be attended by the Town (and/or its legal representatives) before the Warden's Court. The remaining objections have been successfully settled by way of MOPDs. The Town notes the MOPDs process has alleviated the pressure experienced by the Warden's Court. 3. <u>The Town's Role and Responsibilities Differ from Private Mining Tenement Holders</u> As a local government, the Town's role and responsibilities differ from prospective or existing mining tenement holders. Local government revenue comes from taxation in the form of rates, charges for sale of goods and services and grants from federal and state/territory governments. From the revenue received, the Town has responsibilities to provide numerous services to the local community which include infrastructure, health, building, planning and community services. The Town's roles and responsibilities set it apart from prospective or existing tenement holders which the majority of them are profit based. Based on the above, the Town maintains it is unfair to apply a prescribed objection fee of $859 per objection across the board. The Town strongly objects to the prescribed fee. As a second preference, the Town recommends that the Department introduces	Please see Key Theme 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		differential fees. The objection fees should vary depending on whether the objector is local or state government, a not-for -profit organization, an individual or private entity. Uniform fees should not be applied to local government considering the low number of objections received from local government which the majority of them are for exploration licence applications.	
62	Kristian Rodd	I am writing to express my strong objection to the Government's proposal to charge a fee to challenge proposed mining activities in WA. As noted in an ABC News article, 24 Oct, the proposed fee has rightly been labeled as anti-democratic, as the cost would have the effect of stifling communities' ability to lodge legitimate objections to mining activities. Provision of funds to cover Court administration costs is a core responsibility of Government, and it is unacceptable for the Government to attempt to pass these costs onto community and environmental groups.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 9 in the *Response to submissions report*.
63	Rachael Wedd	I would like to put forward my objection to the proposed fee of $859 for any member of the public to lodge an objection. There should be no fee for lodging an objection. This suggested fee is discriminatory to landholders, and the general public who have a legitimate reason for lodging an objection. It is difficult enough for landholders who may be affected by an exploration (or other) tenement to know one has been lodged in the majority of instances and often miss the opportunity to even lodge an objection. People who can't afford (for whatever reason) this proposed fee should not be placed in a position of helplessness and despair that they cannot even object to any potential incursions on their land, their home, and often their source of income. Landholders are entitled to have due notice and fair and equitable process over events/applications that may directly (or indirectly) affect their home.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Key Themes 2, 3 and 6 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		The rise in objections should not be problematic to the Department (it may well be due to the public becoming more aware of and educated about these processes). Regardless of the cause of the increase, the onus should be on the applicant to cover these costs, as they are the cause of the concern to the landholders. Tenements are often renewed under new applicants over many years - it is unreasonable for the Department to expect people to be in a position to pay repeatedly when this occurs. This fee, if implemented may have a perverse outcome in the sense that in order to amortise the fee, potential stakeholders may come together and become more organised as a group or organisation with a specific focus on putting forward detailed and comprehensive objections, that may extend the process further. It is downright unAustralian not to give people a fair go.	
64	Justine McLeod	It has come to my attention that DMIRS is contemplating increasing the fee involved in filing an objection to a proposed mining project. If this is the case I would think any such fee should be in keeping with ashburts fees, and not be so onerous as to prevent individuals from exercising their democratic rights. If more revenue is needed by the government to cover mining applications and therefore potential public objections, perhaps the cost should be born by the mining companies who seek profits from the use of the land? As a concerned citizen I trust that you will heed my opinion and look forward to your response,	Increasing the application fee to support the funding of a second Mining Warden is considered inequitable given that applications are assessed by the Mining Registrar and only go before the Warden is there is an objection against the application. Please refer to Key Themes 1, 2 and 3 in the *Response to submissions report*.
65	Lyn Berglund	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has been introduced by your department.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
66	Barrie Jackson	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has been introduced by your Department. I DONT want to spend 800 bucks or so, is my vote, or answer on whatever this is about.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.
67	Bella Peacock	I am writing today to state my opposition to the government's proposal for a $859 fee to individuals lodging an objection to mining activities. The additional money needed to keep up with increasing proposals should come from the mining industry itself, which turns enormous profits. This is self-evident, and their wealth is clear to all Western Australians. Proposing to place that fee on individuals is simply outlandish and seriously undercuts the government's social license. It is proposals like these which so blatantly undercut the principles of democracy which will see Labor voted out.	Please refer to Key Themes 3 and 10 in the *Response to submissions report*.
68	Michael Marshall	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has been introduced by your department.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.
69	Miranda Fontaine	I wish to add my voice to the growing number of citizens who are appalled by the proposal to charge a fee of $859 for the lodgement of any objection to exploration and mining activity in this State. Such an exorbitant fee would clearly act as a muzzle for legitimate objections and prevent the fair and open consideration of mining proposals. It runs counter to the ethos of open government and fair judicial decision-making. If the DMIRS is so concerned about the cost of determining mining applications and the full consideration of objections, the onus should be on the mining companies to pay any deficit.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 2, 3 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
70	City of Albany	The City of Albany is writing to formally express our objection to the proposed fee for the lodgement of objections under the Mining Act 1978, as delineated in the recent notification from the Department of Mines, Industry Regulation and Safety (DMIRS). While we acknowledge the necessity for effective regulation and management within the mining industry, the introduction of a fee, specifically $859, for objections gives rise to significant concerns. Objecting to mining activities is an inherent right that empowers the public to voice apprehensions regarding potential environmental, social, or economic impacts associated with mining projects. The imposition of a fee on this process has the potential to act as a deterrent for individuals or community groups with valid concerns, thereby impeding their ability to actively participate in the regulatory process. Furthermore, the notification indicates that the amendments facilitating this fee were enacted as part of the Mining Amendment Act (No.2) 2022, implying that the legislative changes have already been set in motion. The introduction of such fees could disproportionately affect communities and individuals who are possibly already marginalized or facing financial disadvantages. If the fee's purpose is to reduce the caseload before the wardens, it may be wise to consider potential revisions to the legislation governing the appeals process instead of impinging on freedom of speech. Perhaps it could be brought into closer alignment with the framework for challenging clearing permits as outlined in the Environmental Protection Act 1986. This change would then shift the responsibility for conducting assessments from the Wardens Court to an independent Appeals Convenor. Notably, your analysis over a two month period identifies that among the objections received, 56% originated from entities and individuals within the mining industry, with NGOs and community members constituting only 24%. We strongly urge the DMIRS to reconsider the implementation of a fee for objections and to explore alternative funding mechanisms that ensure widespread and equitable access to the objection process. Public participation is paramount in upholding transparency and accountability within the mining sector, and any impediments to this participation should be thoroughly evaluated and minimized.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Amendments to the Mining Act were recently implemented via the *Mining Amendments Act (No. 2) 2022* which included prescribing a fee for objections. Further revisions of the Mining Act are beyond the scope this consultation. Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
71	Jacqueline Hine	I feel these fees are not in the public interest based on the following: • The burden of these fees on companies (noted to be approximately 50% of lodgements) vs community (noted to be approximately 50% of lodgements) is not comparable when considering the resources available to the two groups. The proposed fee structure creates a situation where almost half of all lodgers may be financially prohibited from undertaking their community right due to this disparity in resources. $859 is almost half the average weekly wage of an Australian (noting that figure this does not include tax deducted or account for the rising cost of living). Comparatively many of these corporations have annual incomes in the billions. • I note that the proposed fees are significantly higher than other states (with the exception of Victoria). There is no dispute regarding the increasing legal costs and need to consider cost recovery but this proposed flat fee could be likened to taxing multimillionaires the same tax rate as pensioners. If a person, or entity, **does not stand to profit from the objection** then I would suggest the relevant company should be accountable for the fees. Or at the very least introduce a sliding scale making the fees achievable for those who will have no financial gain from the matter. I view these proposed fees as a means, by government, to inhibit community members expressing their concern and in doing so increasing the power of large corporations. I am deeply disappointed in 2023 this is the direction our state government is choosing to take.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2, 3, 5 and 6 in the *Response to submissions report* are relevant here.
72	Warwick Boardman	Although I have never known enough to challenge the approval of anything mines related, I note that in many cases the items listed in the scope, in the proposal to impose a fee, are for objections to applications rather than to approvals given.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		As a volunteer, I usually put in comment to DWER regarding clearing applications and then appeal to the appeals convener if I have objections to the DWER permit. Given that, in reference to open consultations, it is stated that: Effective and ongoing stakeholder engagement enables better planned and more informed policies, projects and services including a greater understanding and management of issues and potential risks. For stakeholders, the benefits of engagement include the opportunity to have their issues heard and contribute to the decision-making process. I am surprised that a similar process is not undertaken on receival of an application. Why make people appeal in order for them to make their case? Indeed, the chances are that some of the NGOs or individuals are, or rely on, volunteers. The proposed amount is very significant to a volunteer and if it results in a successful appeal it is presumably in the community interest that the appeal be upheld. Surely, if the government makes an error it shouldn't sheet the cost of that error home to a volunteer or volunteer group or NGO? I can't see where the cost of the appeal fee is properly justified, especially where an objector does not have a vested interest. I also think that irrespective of the vested interest of an objector, if they are successful then the costs should be awarded by the warden and not be automatic. In the case of a volunteer or NGO – with no vested interest, only community or environmental interest – some instruction should be given to the warden to avoid imposing a fee in the case that they are successful in their objection.	Please refer to Key Themes 6, 7 and 10 in the *Response to submissions report*.
73	Pip Tilbrook	I am strongly opposed to the proposed fee of $859 per objection for the following reasons: • Problem – DMIRS has had to appoint a second Warden to deal with an increase in objections. Many objections are now coming from community members, who are being impacted by an increase in tenement applications	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent

Ref	Stakeholder	Comment	DEMIRS response/action
		across the south west and south coast of the state. These are people like me, just trying to protect important state assets that have very important values other than mining, and are trying to prevent unacceptable impacts that will last for many years. • Solution – Exempt some areas of the state from mining. Western Australians still need to live, grow food, holiday and recreate somewhere. Mining is incompatible with these land uses. The area where I live is an area of extremely high importance as a climate refuge for people, biodiversity and agriculture. It is also a tourist destination. It makes no sense to mine here. Community will fight for their area, so to prevent this ongoing merry go round through the Warden's Court, it would make more sense to exclude the area. • Problem - A fee of this size would effectively prevent objections and my understanding is that under the Mining Act everyone has a right to object. A fee of $859 is so large that many individuals will be unable to afford to lodge an objection effectively removing their right to object. This is particularly important now that mining companies are encroaching into populous areas with multiple landholders and mixed land uses. People's right to have a say about what is happening in their area should not be prevented in an attempt to recoup costs. Landholders and residents are left out of pocket during the objection process even when the objection fee is $0. This is because they have to go through a court process to have their concerns heard. This means money lost due to taking time off work to attend hearings, and to compile a case, lawyers fees (if one can be found or afforded), and printing costs etc. Adding a fee just to object is a further imposition and a loss of democratic rights. • Problem - There are many instances where more than one tenement is lodged over an area, either over time, or simultaneously. This would require multiple fees of $859 by objectors, further reducing the ability of individuals and community members to object.	in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Key Themes 2-4, 6 and 10 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		- For example, in the area where I live 5 exploration tenements have been lodged between January 2022 and March 2023. The cost to landholders like myself would be $4,295 to lodge the objections we have. Not a small sum, and an imposition on people only interested in trying to protect the area where they live. - In my case there are only 2 live applications remaining, and they are relatively small tenements but cover 156 private landholdings, with many hundreds more landholdings in close proximity. Any development of mining in the area will negatively impact on many thousands of people. Why is the onus on residents, landholders and community members to pay the objection fee of a poorly located tenement proposal? • Problem - Keeping the objection fee high could mean that the objection fees are used as a way to deter objectors. Miners could lodge applications and withdraw them, only to lodge again as a way of knocking out objections by causing the need for repeated objection fees. How will this be prevented? Solution - Keep objection fees at $0 to ensure they are affordable for community and landholders. Solution - Where many landowners are affected by the lodgement of a tenement, *much higher fees should be paid by the applicant* to cover the cost of Warden and staff time rather than borne by affected landholders.	
74	Association of Mining and Exploration Companies	AMEC is supportive of the introduction of a fee for objection and a flat, undifferentiated, rate of $859 per objection. The introduction of a cost will, we hope, reduce vexatious and frivolous objections which are a cause of delays for accessing tenure. However, as stated below, the Consultation Paper needs to clarify further details around the rates calculation and should explore other sensible policy options to reduce objections. The analysis of a single period of objections between April and May 2022 creates statistical issues with a small sample size, such as a potential for a larger deviation and bias from certain events. Industry noted that this period included an unusually large	Noted. Please refer to the Calculation of Fee for Objections in the *Response to submissions report*. Given that all objections are currently treated the same, no matter who makes them, there is no readily accessible way to derive reports and analysis of the various categories of objectors. This was a manual analysis done by a staff member going

Ref	Stakeholder	Comment	DEMIRS response/action
		number of objections in the South West, where there is an interaction between private property holders and tenements. **Levying a fee for an objection** The raising of an objection is not without costs to government and industry. Currently the objector faces no financial burden to create an administrative burden for the Court, Government, and industry. This must change so that each objection is given due consideration. The current Warden's court faces a substantial administrative burden from objections that ultimately have a low probability of success due to their drafting, intent, and lack of validity. The objection process is weaponised strategically to forestall the rights of other parties to explore for minerals. Industry has noted that a sizeable percentage of objections are speculative and will never have consideration by the Warden. AMEC considers that raising the cost of objecting will reduce the number of objections that are lodged simply due to a belief that the activity should not occur rather than the impingement on a right. **Flat rate** One rate should be charged for all objections lodged. The current fee schedule issued by the Department of Mining, Industry Regulation and Safety does not include any form of tiers, consideration of capacity to pay or hardship. If the Government were to consider levying differing rates on a metric, Industry respectfully suggests the Government should consider several other fees in the schedule as well. It is unclear what would be a reasonable justification for such a structure of fees. **Methodology**	offline to analyse a time period chosen at random for a bias-free result. Once an objection is received, the administrative processes commence. The objection is recorded by the Regional Mining Registrar who will set a date for the first mention/hearing. Once the relevant first mention correspondence is sent to parties by the Mining Registrar then the Mining Register refers the objection to the Wardens Court Team and updates the departments databases with relevant information. The Wardens Court Team then compile a case file and ensure all relevant documentation/correspondence is sent to parties within statutory timeframes. Wardens Court Team compile and coordinate relevant documentation for the warden to consider. This includes receiving and responding to submission by all parties (including MOPD's, Briefs of evidence, notices of representations etc.) in readiness for the first hearing and any further appearances in the Wardens Court as required. Concur. DEMIRS is working on amendments to the Mining Act to deal with the consequences of the *True Fella* line of decisions. DEMIRS has taken on board your comment in relation to the standard access deed and would like to note that the proposed "No Mining" condition guidance with the proposed standard "no mining" conditions are currently being reviewed and may assist

Ref	Stakeholder	Comment	DEMIRS response/action
		It is unclear what methodology was used to calculate $859, however, it is assumed the administrative burden was divided by the number of objections. Clarity on the costs and numbers used would be welcome. **Administrative burden of an objection** Greater clarity of what the administrative burden of an objection is needed. The consultation paper is silent, other than to state it such a burden exists. There is an assumption implicit that this administrative burden is a foregone conclusion and an unavoidable necessity. A necessity that cannot be overcome by work practice or procedural efficiencies. Seeking to improve process is AMEC's first preference. The opacity of what is the administrative task faced by the Department in the Consultation Paper renders it difficult to comment on the scale of the fee. **Role of True Fella decision** The graph "Objections Lodged" on page 5 (point 6) depicts a clear spike in the number of objections lodged. Curiously, the Consultation Paper makes no comment on this obvious anomaly. This is because this jump is an unintended consequence of the True Fella decision. The Warden's, when ruling on True Fella, caused a large portion of the industry to protectively over peg their own applications for as well as granted Exploration Licence's. That, of course, triggered duplicate objections. So, since True Fella, it is hardly surprising that the number of objections has jumped. The Government must remedy the True Fella decision as a priority. The current approach which appears to be one of waiting for a market or court led solution is a source of frustration, as Government holds all of the legislative and regulatory tools necessary to resolve this issue. **Miscellaneous Licences**	in the improvement of accessibility of tenure. The practice of the wardens is beyond the scope of this consultation. DEMIRS will continue to liaise with stakeholders in relation to these issues.

Ref	Stakeholder	Comment	DEMIRS response/action
		It has been noted by Industry that the Consultation paper does not analyse what type of tenure is objected to. It has been suggested that it is likely a large majority of objections are due to miscellaneous licences interacting with substantive tenure. Reducing this volume of objections would be more effectively addressed through consideration of how the Mining Act operates rather than the increasing of fees. If the Mining Act were to protect substantive tenure parties' interests, everyone would not need to object to such overlapping tenure. Industry has noted that a standard access deed may also be considered as a path to improve the accessibility of tenure. Similar to the intent of the Registered Standard Heritage Agreement, standardisation presents a path to reduce industry objections. However, a legislative fix is preferable. **Observation on Warden Court practice impacts on list length** When an application, subject to an objection, is withdrawn, it is current practice for the Warden Court to list the withdrawn application to obtain the objectors consent to the withdrawal. There is no justification for this. A tenement dies on the lodgement of the withdrawal, and at that point, there is nothing to object to. Historically, the objection did just fall away with the withdrawal and nobody had to stand before the court. Industry has observed that the current Warden Court practice increases the volume of matters before the Warden and it is respectively suggested, in this instance, an unnecessary step. Clarity on why this practice is necessary would be welcome.	
75	Derek Hicks	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has been introduced by your Department. It is contrary to my right of free speech. The fee is obviously intended to stifle any legitimate objections I may wish to express.	Please refer to Key Themes 1 and 2 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
76	Julie Waller	I oppose the proposed fees for Objections under the Mining Act 1978. This proposal is discriminatory against members of the community being able to have a say about mining proposal, as the cost will discriminate against most community members, especially middle to low socio-economic community members. This proposal reeks of bias and a conspiracy by the State government to remove the opportunity for community members to have a say about Mining proposals. If this proposal is approved it will demonstrate the State governments lack of transparency, lack of due process, bias, and exclusion of voters rights to express their concerns about mining proposals. Every community member should have a right to a say about mining proposals, and the proposed fees will not allow this to happen. Shame on the State government if this is passed.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 10 in the *Response to submissions report* are also relevant.
77	Sue Wise	I am wanting to register my objection to the above exorbitant fee especially in a society that apparently supports “freedom of speech”. I never thought it would come to this where it seems that we in Western Australia will have to pay close to a thousand dollars to have our say on the disgusting treatment of our precious land by mining companies who profess to care about their effect on our environment but as we know in reality only really care about their bottom line.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Objections in relation to the *Environmental Protection Act 1986* (EPA) are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the EPA. Please see Key Themes 4 and 10 in the *Response to submissions report*.
78	Kathleen Schmah	I couldn't object more strongly to the proposed $859 fee to file an objection to a proposed mining project !! It is an absolutely excessive and unconscionable amount for any administrative fee.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		It is particularly abhorrent in this area as the big mining firms have funds for lawyers and clerks, for greenwashing, for publicity, etc.; but the average person, who sees the damage being done and who must live with the environmental consequences, would not have the means, especially in today's economic climate. This fee attempts to shut people up, but in fact might force them into other, informal channels of protest. Please reconsider !	Please see Key Themes 1, 2 and 4 in the *Response to submissions report*.
79	Tom van Leeuwen	I strongly object to DMIRS charging the proposed $859 fee for lodgment of objections under the Mining Act 1978 that has been introduced by your department. Sincerely trust you will consider my objection as it appears that the hefty fee is intended to dissway people from lodging objections.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Theme 2 of the *Response to submissions report*.
80	Tricia Edwards	We are living in a time of many issues relating to our citizens' health and wellbeing. The most catastrophic and urgent being the climate crisis. We, the citizens of Western Australia, are more aware than ever of the impact of decisions made by our government which are not in our best interests. In fact the West Australian government has supported large corporations, mining companies and wealthy individuals above the care and wellbeing of the majority of people in western australia for many decades. We, as Western Australian citizens, have the democratic right to question and protest the applications and decisions by large corporations, mining companies and wealthy individuals in the form of submissions objecting to these proposals for free. The government of Western Australia, which has been elected by the people, has the duty of care to do the best for the majority of people in the form of protection of the environment which we all live in.	Noted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.

Ref	Stakeholder	Comment	DEMIRS response/action
		The government of Western Australia has known of the effects of climate change for 30 + years and has not done anything of any significance to reduce emissions that directly cause global heating. In fact the reverse is true as emissions are rising from Western Australia and current projects which have been proposed will cause emissions to go up exponentially if allowed to go ahead. We have been experiencing the effects of climate change now for decades in the form of droughts, fires and extreme weather conditions and it is getting much worse by the year - it is what would be called Democide. Democide - the killing of members of a country's civilian population as a result of its government's policy, including by direct action, indifference, and neglect. "Under the **Paris Agreement**, **Australia has** committed to reduce greenhouse gas emissions by 26 to 28% below 2005 levels by 2030." - Emissions are not reducing, they are increasing. We have the right in a Liberal Democracy to protest any decisions and projects which will cause emissions to rise adding to the impacts of climate change, with no cost to the public. "Liberal Democracy - A democratic system of government in which individual rights and freedoms are officially recognized and protected." The WA Government must respect our right to freely object to any proposals / activities and claims that affect us, our environment and heritage.	Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Key Themes 2, 4 and 10 in the *Response to submissions report* are also relevant.
81	Emmet Blackwell	I strongly oppose the $859 objection fee. This is an affront to democracy, the ability to have a say and partake in consultation should be available to everyone without any financial burden or exclusive access for those with financial means. $859 is a lot of money to most people in the community, there's a housing and cost of living crisis.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. I can see the sense in charging other mining companies the $859 in order to prevent vexatious objections based on commercial interest. However landowners and the broader community of residents in an area deserve to have a say in relation to amenity and environmental impacts without being charged. This is a basic principle of democracy any community consultation. Also if a proposal is withdrawn, all objection fees should be refunded.	the private land in accordance with section 29 of the Mining Act. Please see Key Themes 2, 4, 7 and 10 in the *Response to submissions report*.
82	Geoff and Julie Fuller	We the undersigned, would like to register our objection to charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has ben introduced by your department. In the eyes if the public this is both a money grabbing exercise and one designed to prevent the average person or organisation from lodging an Objection. You even have to question how a figure of $859 was arrived at. Sounds impressive yet probably not much thought went into it apart from putting out of reach of “mr average”. Clearly you need to get your act together when applications relate to personal health concerns as opposed to business objections.	Please refer to the Calculation of Fee for Objections in the *Response to submissions report*.
83	Alison Bunker	This proposal is clearly undemocratic. It is totally inappropriate for NGOs and individuals to be charged to submit an objection as it will shift the power balance even more heavily towards the mining lobby and away from the views of the people. I understand that the number of objections have increased in recent years.	The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance

Ref	Stakeholder	Comment	DEMIRS response/action
		But this is inevitable given the serious climate issues we are facing along with the increasing awareness in the community of the significant increase in the number of mining applications over precious forests and extensive areas of farmland. Both are significant carbon stores and therefore increasingly important in our attempts to reduce climate change.	with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Key Themes 4, 6 and 10 in the *Response to submissions report* are relevant.
84	Shire of Boyup Brook	At its Ordinary Council Meeting held on 26 October 2023 under Resolution 23/10/213 the Shire of Boyup Brook Council objected to the Department of Mining, Industry Regulation and Safety imposing a fee to object to a mining tenement as we believe that this move would have far-reaching negative consequences that outweigh any potential benefits. The *Mining Act of 1978* is intended to ensure that mining activities are carried out in a transparent and accountable manner. Public objections are a vital part of this process, as they help identify potential issues, risks, and non-compliance with regulations. Imposing a fee could deter legitimate objections, leading to less scrutiny of mining operations and potentially putting the environment and public interests at risk.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 3, 4, 5, 6 and 10 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		Individuals and organisations with valid objections may think twice before submitting them due to the financial burden. This would undermine the integrity of the objection process and may lead to less thorough scrutiny of mining proposals. Instead of imposing a fee, the Department of Mines should explore alternative ways to cover administrative costs and prevent frivolous objections. These alternatives could include setting guidelines for objections, requiring a reasonable level of detail in objections, or offering fee waivers for individuals and organisations with limited financial means. Or simply increase the application fee.	
85	Albany Community Environment Centre	Albany Community Environment Centre (ACEC) is a small non-profit group made up of local residents who are committed to caring for the local environment. Our locality and surrounding areas have been subject to a number of mining tenement applications, which have the potential to directly impact the environment and the lives of local residents. ACEC, along with other local groups, property owners and small businesses have lodged objections to mining tenement applications on a number of occasions. It has been possible only because no fee is charged when an objection is lodged. We therefore make the following comments regarding the proposed fee for mining objections. • DMIRS states that the proposed $859 objection fee is needed to resource the Warden's Court due to the large increase in the number of objections. • It is wholly appropriate that there has been an increase in community objections given the significant increase in the number of mining applications over precious forests and extensive areas of farmland. • DMIRS figures show that that 56% of objections were lodged by companies and individuals in the mining industry, while NGOs and members of the community accounted for half of that proportion (23%). Potentially, the number of	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2 and 4-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		objections will not be reduced greatly, as the proposed fee is not a barrier to vested interests and wealthy organisations who choose to object. • The proposed fee is prohibitive for NGOs, small non-profit organisations such as ours, small businesses and individuals. It appears that the fee is designed to deter the community from objecting. • The proposed fee lacks proportionality, particularly when compared to mining lease applications which is only $638. • We understand that there are costs associated with mining objections. However, an attempt to recover costs by charging a disproportionately high fee undermines the community's and individual's right to make objections. • An increase in the mining application fee could offset some of the cost associated with objections. • Rather than charging an excessive objection fee to recover costs, reducing costs associated with objections should be explored. For example, perhaps there should be alternatives to courts being involved in the objection process. While we do not oppose a slight increase in fee, it should be affordable, and not a barrier, to individuals and community groups intending to lodge an objection whenever it's deemed necessary. Objections to mining applications are in the public interest of safeguarding our water, air, farmland, ecosystems and quality of life.	
86	Gina Pike	I … object to DMIRS charging the proposed $859 for lodgement of objections under the mining act of 1978 that has been introduced by your department. Do better for our country.	Noted.
87-155	Peel Environmental Protection Alliance Inc	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the *Mining Act 1978* that has been introduced by your department.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
	(PEPA) x 69 submissions lodge on behalf of the undersigned John Tuckey Mary Haigh Jeffrey Wayne Palmer Sally Palmer David Palmer Rhiannon Lyall Scott Hendon Michael Williamson L. Sikkema Craig Williams Joe Mills Jessica Taylor Kevin Shepard Rob Kirkham		

Ref	Stakeholder	Comment	DEMIRS response/action
	James Dudley Harte Bobie-Jo Franklin Valma King M. Randall John Burns Erka Louise Kim Walsh Mary Carter Rebecca Bryant Tamsin Hodder Adrienne H Johnston Mary J Benaim Stacy Beard Jan Weawer Kaine Ha		

Ref	Stakeholder	Comment	DEMIRS response/action
	Robert Burgiel Ms Patricia May McGovern Yvonne Dickson Chris Scanlon Elza Harris Shann Evans Kent & Raewyn Jackson Louanne Mason Gary Scott Les & Barbara Simpson Adam McClosky C. Smith Alan Tomlinson Verna Harding		

Ref	Stakeholder	Comment	DEMIRS response/action
	Kathleen O'Connor Denise Roberts Theresa Walsh Ken Walsh Tristan Palmer Erin Walsh Aoife Walsh Tiaan Kaileigh Walsh Ray Newboult Ben Coulthurd Ray & Lyn Oliver Jodie Brown Philip Barry Sally & Barry Wise Peter Wellard		

Ref	Stakeholder	Comment	DEMIRS response/action
	Eve Herbent-Sadler Shayne Reid Caroline Flynn Campbell Elliott Mark Elliott Collette Sheridan Richard Sheridan Stephen Green Tanya Bailey		
156	Mr and Mrs Doorn	We object to DMIRS charging the proposed $859 fee for lodgement of objections under the "Mining Act 1978" that has been introduced by you department.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.
157	Woodbury Boston Primary School Governing Body	Please accept this as our objection to the proposed introduction of an $859 fee for lodgement of objections under the Mining Act 1978. We feel that a fee of $859 is too high. Over the past two years, we have lodged several objections. We wouldn't be able to lodge them if such a high fee was introduced, and this would effectively remove our right to object.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We feel that the proposed $859 fee will limit the voice of the people who would like to object. We suggest a lower fee of $100.	
158	Narelle Rao	I want to note my strong objection to the proposed fee for residents being able to object to mining activities in our community and on/ under our land. The amount proposed is so high that it will be a significant barrier to many people in advising you of their views. The average weekly earnings (before tax) for Australian employees is $ 1,680. The proposed fee is more than 1/2 a persons weekly wage and not all country / rural residents even earn this much. I have resided in this beautiful part of WA for only a few years and have already had to object to several attempts by companies wanting to mine under our property. I'm so surprised this is even allowed to be considered in such a pristine rural area. To then pay $1,000s of dollars each and every year to continually object to someone disturbing my quiet enjoyment of a beautiful place seems unreasonable as a long term solution. I agree your team do not want 'frivolous' or numerous objectors who are not connected with an issue. A modest fee of even $5-10 will stop those objectors but allow committed and concerned locals to still afford to have their voice heard. Thanks for taking a more reasonable approach to this important issue and making fees for community feedback at the least, something affordable to locals.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1 and 6 in the *Response to submissions report*.
159	Christina Rooney	As a landowner who has the potential to be impacted by these proposals, I would like to raise the ethical or perhaps moral, let alone the burden of cost that you are looking to apply against the public standing up for their rights.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent

Ref	Stakeholder	Comment	DEMIRS response/action
		Our right to oppose proposals implement by unfair governance is indelible and pivotal in the maintenace of a democratic country. Proposing such a cost for voicing a right indicates a misguided protection of a insidious installation designed to make voiceless those that only seek the right to live peacefully. I suggest any cost to be applied to those that are in advancement of their endeavours with parameters of consideration applicable to those to be impacted, be applied against the first with right of voice supported for the second. You are aware of the cost of living, you are aware of the (potential) impact of your proposal. It is time to stop supporting the mega businesses and remember the reality of our lives here in places of temporary mining wealth.	in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Key Themes 2, 6 and 10 in the *Response to submissions report* are relevant.
160	Simon London	Let me start by saying such an imposing fee - which sits well outside the realms of an ordinary person to be able to afford - is an egregious attack on fair process, will have the direct effect of silencing those with legitimate objections, and if it goes ahead, will corrupt a process by advantaging proponents for mining and exploration and being concretely disadvantageous to ordinary people. It will also be a blight on our society and show that the government is happily pro-mining and not interested in hearing from the voices of the communities where this activity might occur. Let me provide context to these comments by highlighting that I am not 'anti-mining' or 'anti-development'. I recognise the huge benefits that individuals and communities have reaped from mining projects in our State. And I also recognise the financial benefits of mining, indeed - our own business has directly and indirectly benefited from mining activity. However, imposing a whopping $859 fee to be able to raise objections to mining explorations and activities - whether those objections be well-grounded or not - expresses awful corporate values that diminish the voices of individuals, of families, of communities and simultaneously advantage the voices of large and powerful mining companies. This is un-Australian.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. It is unclear what ‘mining company’ is being referred to here as this is a broad statement. If a mining company is not the objector, it is inequitable to charge an objection fee to a mining company. If a

Ref	Stakeholder	Comment	DEMIRS response/action
		Surely a fee that is $50 or under would allow for admin time or processing to a degree that is acceptable by other standards. If I want to retrieve documents from a previous GP, or if I want to retrieve Academic Records from a learning institution, I'm not paying more than $50. One of the arguments put forward in the related dialogues is that the Warden's Court is being overrun with community objections. But many of these objections are valid. Perhaps it suggests that exploration and mining applications are too easy or too speculative and numerous. Perhaps those areas of the State that are recognised as integral food production areas, or vital to biodiversity and tourism should be excluded from mining? Currently, it seems that there is no restriction on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. In this way they could exhaust landholders and community members funds, effectively excluding their ability to have a say. In some areas multiple companies lodge competing tenements and fight it out in Warden's Court over who gets to explore, so there may be 2 or 3 tenements over an area. Again, this would require multiple fees of $859 for a community member or landholder to pay, just for the right to object. This is untenable and unfair! An alternative is to place any administrative burden upon the mining company. For instance, if a proposal to explore or mine in my area is lodged, I can provide an objection for no cost. But if the mining company wishes to challenge my objection then they have to pay an $859 fee to challenge that objection (and every other objection originating from their proposed area). This would mean that the government could look to reduce the load of lodgements coming through the Warden's Court and recover its admin costs from the proponents (not the objectors). That way, the more objection there is to a proposal, but the more valid the potential challenge (from the mining company), the greater the incentive for mining companies to pay their fee to challenge. This reduces the 'ambit claim' nature of many of the exploration licenses also. Communities trying to protect where they live	mining company is meant to refer to the applicant, the applicant already pays an application fee which is determined by tenure type and size. Key Themes 1-6 in the *Response to submissions report* are also relevant here.

Ref	Stakeholder	Comment	DEMIRS response/action
		should not have to pay! And any administrative fee should be further placed at the feet of the proponent, not the objector. Please ensure that this feedback is duly entered into the process of consultation regarding the imposition of this (outrageous) $859 fee.	
161	Ilan Trom	Increasing the fee in this manner undermines the democratic process by preventing people who are cash poor to lodge objections. There is enough cynicism towards government without further eroding the trust of the public. For example, the measure to increase fees could easily be interpreted as deliberately serving the purpose to stifle objections. It is only normal that government should bear the cost of consultation with the community. Indeed, it should welcome the opportunity to do so as it is part of its role. Maybe a fee of $30.00 could be set in order to discourage people to lodge objections randomly.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 6 in the *Response to submissions report* are relevant here.
162	Felicity Glencross	I do not think that in order to voice my opposition to mining projects, I should have to pay over $800 for the privilege!! THIS IS SO WRONG! This is not OK, and I object. Please consider this email my formal objection to the fees.	Lodging an objection under the Mining Act is not in furtherance of a right to protest against mining activities in general. Please refer to Key Theme 10 in the *Response to submissions report*.
163	Shirley Barfett	I strongly oppose the introduction of the fee for objecting to applications for mining tenements in WA. This is a blatant strategy to deter landowners and interested parties to place objections that affect their land, health and communities.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		This fee acts to further impede our democratic right to object and is hugely unfair. Mining companies have resources that are far greater than average citizens and can afford to place many tenements. A fee for every objection for every tenement placed would be unaffordable for average people. This is a bid to give goliath mining companies more power and advantage in gaining tenements over private lands. It particularly affects minority indigenous groups that have significantly less resources. This policy must be opposed to ensure the democratic rights of citizens to have a voice and input into the development of our own communities.	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Key Themes 2, 6 and 10 in the *Response to submissions report* are relevant here.
164	Katie Gunthorpe	I would like to express my objection to the proposed introduction of a prescribed fee of $850 for lodging an objection under the Mining Act 1978. Environmental groups already struggle for funding and support and should not be further financially burdened when they are out there fighting for critically endangered wildlife and native habitat. There should not be a fee for members of the public or environmental groups to lodge objections to mining proposals. Please reconsider this introduction.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Theme 4 and 6 in the *Response to submissions report*.
165	Rachel Mackenzie	I would just like to voice my disagreement with the Fee for Objections under the Mining Act 1978. I believe this goes against public citizen a of Western Australia best interests. And it hugely advantageous for Mining companies and large corporations. It sends a message that it's there land to take. It's not solely theirs or yours…. It's ours, all of us. And putting the ability to voice concern behind a pay wall is unfair and quite frankly opportunistic. Stop flocking off valuable land that's not yours, and silencing WA people.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Theme 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
166	Jim Stone	The Department of Mines, Industry Regulation and Safety (DMIRS) proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978* IS NOT appropriate. We shouldn't have to pay nearly $1000 to express our concerns each time a mining company wants to bulldoze the habitat of endangered species like black cockatoos. Climate change is no longer a future threat. It's an emergency that's happening now. The UN Secretary General is describing it as climate collapse. I am deeply concerned with the inadequate approach to climate change that the Government is taking, and trust you will choose not to impose lodgement fees for these objections.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Key Themes 4 and 10 in the *Response to submissions report* are relevant here.
167	Hannah Chubb	I am intrigued as to the logic behind the proposed fee to object to a mining proposal. At a time when we should all be working our hardest to ensure the environment is spoken for and protected - and corporate greed is held in check - I can’t even conceive why putting in place such a fee can have a defensible position.	The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to the Calculation of Fee for

Ref	Stakeholder	Comment	DEMIRS response/action
		We need the good citizens of this City to be able to challenge and enquire when there are concerns of the impacts of a project. For your Dept to be proposing this fee is unscrupulous and goes completely against any attempted facade that the current government is taking the required action to protect our environment, take action on climate change, and stop our beloved cockatoos from going extinct. Talk of this ridiculous fee is the only thing that should be ”going extinct” at this point in time.	Objections in the *Response to submissions report*. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Key Themes 4 and 10 in the *Response to submissions report* are relevant here.
168	Karen McKeough	I live in the rural area of Torbay, 20km west of Albany. This is productive agricultural area, with plentiful water resources and high ecological values. This area attracts new residents to enjoy the semi-rural lifestyle, and many visitors with the abundance of recreational and tourist activities. This area has also been subject to the spectre of mining exploration leases, including my property.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		I was an objector in one lease in Torbay that was subsequently withdrawn after more than 100 objections were received. The number of objections clearly reflects the community's position that mining is not appropriate land use in this area. I was also an objector to 2 other exploration leases in Marbellup / Elleker and Torbay, but my objection was dismissed after I wasn't able to attend the Warden's court hearing. Friends and neighbours are currently fighting these two exploration leases. DMIRS states that the proposed $859 objection fee is needed to resource the Warden's Court due to the large increase in the number of objections. It is understood that it our local community's objection to the threat of mining in our peaceful neighbourhood has been one of causes of this large increase of workload to the Warden's court. It's not surprising that there has been an increase in community objections given the significant increase in the number of mining applications over precious forests and productive farmland. all across WA. The proposed fee will be prohibitive to individuals and NGO's to object to mining proposals that could directly effect their livelihoods and lifestyles, and /or to defend the natural environment and wildlife that have no voice of their own. It appears that the fee is designed to deter the community from objecting. This fee is a blatant attack on my democratic right as a citizen to object to a mining proposal. The proposed fee lacks proportionality, particularly when compared to mining lease applications which is only $638. I understand that there are costs associated with mining objections. However, an attempt to recover costs by charging a disproportionately high fee undermines the right of community and individuals to make objections. An increase in the mining application fee could offset some of the cost associated with objections. When considering the amount of wealth that mining generates in the state of WA, perhaps the beneficiaries of this wealth could be levied to fund the operation of the Warden's court?	the private land in accordance with section 29 of the Mining Act. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Theme 2-6 in the *Response to submissions report* are also relevant here.

Ref	Stakeholder	Comment	DEMIRS response/action
		Rather than charging an excessive objection fee to recover costs, reducing costs associated with objections should be explored. For example, perhaps there should be alternatives to courts being involved in the objection process. Any fee introduced for the lodging of an objection, should be affordable (~$25) and not a barrier, to individuals and community groups intending to lodge an objection whenever it's deemed necessary. Objections to mining applications are in the public interest of safeguarding our water, air, farmland, ecosystems and quality of life.	
169	Lesley Rosochodski	I am protesting the outrageous proposal that fees be paid to object to mining proposals. This is not freedom of speech in a democracy. Australians have the right to speak up about concerns of any kind, including environmental issues. That is what democracy is all about. How dare the WA government try to stifle our right to speak up? These fees are inappropriate and I firmly voice my opposition	Noted. Please see Key Theme 2 in the *Response to submissions report*.
170	Vicki Read	I am writing to share my shock and dismay at the new fee that is being planned for being able to object to a mining or exploration lease application. How much more obvious is it that the common person, on a normal wage or none at all, cannot have a say on our own live anymore? When the system is making it more and more difficult to object to a mining exploration or lease in a totally inappropriate area, how fair and equatable is it for everyone? I know there is so much excitement in the government at all levels, because they are sitting a pot of gold, the resources vital to our technological advancement. But if we are going to mine near people's homes to destroy health and peace of mind, is there going to be any compensation for the loss in value of their homes, our home, that	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		mean that the choice to move into town with aged care futures in mind, will become impossible as the value of the property is the only money that they have to rehome appropriately? Many will say, just wait, it will be alright when they rehabilitate and we need the minerals, you use the products…. But if you haven't got that twenty or thirty years? What do you do then? Is a 'that is such a pity, but its progress' good enough. It has been free to lodge a complaint, an objection, to the powers that be that you have a valid issue with an application to explore or lease to mine an area, you are now wanting to charge $859! With rolling continual applications for the same ground, where our local food is grown and tourism is part of our economy because of the high value natural resources and flora, the mining companies, with the support of the government at all levels, can just keep going until not only the communities are physically and emotionally exhausted, they will be financially exhausted also. How can this possibly be fair? It is no longer a free country, or lucky country, unless you are lucky enough not to live near a coming minesite. Is there any way that the fee can be set at a more reasonable and equatable level if not kept free, or perhaps the greater community of WA could be consulted with regards to areas that suitable and areas that are not? And why isn't there any suggestion of compensation to affected homeowners from mining that wasn't even possible when they bought their homes, if they bought knowing it was there or a possibility then that can be taken into consideration. I appreciate you taking the time to read and hopefully reflect on my concerns.	
171	Michael Romeyn	I am writing to ask for a stop to the proposed fee to lodge an objection to mining or exploration from $0 to **$859!** **In principle this is against the freedom of speech.**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		This is not a sum most objectors will be able to afford. Given this is the only way to try to stop tenements and mining in an area, we think this is totally unreasonable and unconscionable. The miners seeking earth riches need to pay whatever fee to lodge tenements. Not the landowners.	Please refer to Key Themes 2 and 3 in the *Response to submissions report*.
172	Narelle Hadlow	I am writing to ask for a stop to the proposed fee to lodge an objection to mining or exploration from $0 to **$859!** **In principle this is against the freedom of speech.** This is not a sum most objectors will be able to afford. Given this is the only way to try to stop tenements and mining in an area, we think this is totally unreasonable and unconscionable. The miners seeking earth riches need to pay whatever fee to lodge tenements. Not the landowners.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 3 in the *Response to submissions report*.
173	Tony and Jenny Higgs	The consultation paper is strongly focused on implementing a fee, and the justification of the amount to charge, without addressing the broader issue of who would be impacted by the fee and the effects of fees on reducing the community's ability to direct attention to the potential negative impacts of a mining proposal. The Auditor General's report 'Compliance with Mining Environmental Conditions - Office of the Auditor General - Report 11, 2022-23' makes it very clear that the mining industry and government departments with the responsibility for regulatory oversight cannot claim, based on extensive and contemporary evidence, that they can be trusted to protect the environmental and social interests of the community. This lack of trust is what leads to concerns by members of the public such as ourselves. Formal objections, if managed in an ethical and unbiased way, are the last formal opportunity for the community to help ensure that mining is conducted in an environmentally and socially sound manner.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Environmental obligations in relation to the *Environmental Protection Act 1986* (EPA) are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations

Ref	Stakeholder	Comment	DEMIRS response/action
		The consultation paper is simplistic and, in our opinion, a likely example of successful lobbying by industry for its own benefit with an apparent lack of scrutiny by government to protect the broader public interest. It is evident from the Auditor General's report that government should be working to do better with delivering its responsibilities not just raise revenue to balance a ledger. The paper does not attempt to explain or address the detail of the observed increase in the number of objections being submitted. From our own experience it is evident that applications for exploration are now capturing significant numbers of private landowners with the process not set up to inform those landowners when their land has been included in an application. We suspect that this is intentional and, if so, it is ethically indefensible as many landowners will simply be unaware of any applications. The clumsy requirement for exploration licence applications to cover large areas of land because they can only be applied for and granted on a "graticular block" basis means that some landowners are captured in the application when there is little or no likelihood that their property will be explored. This creates a somewhat bizarre circumstance where a landowner could enter into the objection process for absolutely no reason other than compliance with what is a blunt regulatory instrument. We know from experience that the objection process itself is stressful enough without having to pay an unjustified fee as well. If fees are to be charged then this process needs attention and change to make sure that fees are levied justifiably. The proposal to make all objectors pay a standard fee ignores the 'polluter pays' principle, and takes no account of the capacity of potential objectors to pay. Landowners have little or (mostly) nothing to gain from a mine on their property, or their near neighbour's property, and yet it is the landowners who will be paying fees to object. It is our contention that the mining applicants should pay for the process to address the community's concerns as part of their cost of doing business. This is especially so when the mining entities are going to be providing little or no direct benefit to the community, or the country, because they export all the products and send the profits offshore.	including that of the EPA prior to any ground disturbing activities taking place. Key Themes 2-4 and 6 in the *Response to submissions report* are relevant here.

Ref	Stakeholder	Comment	DEMIRS response/action
174	P G Sheehy	The proposal by the Department of Mines, Industry Regulation and Safety (DMIRS) to implement a fee ($859) for submitting an objection to a mining application is a policy that demands strong opposition. Such a fee not only poses several ethical concerns but also undermines the principles of democratic participation and environmental protection. Below are my questions, which raise serious concerns about this proposed fee: **Limiting Access to Justice:** Would not charging a fee for Objectors, effectively restrict the ability of concerned citizens and community groups, especially those with limited financial resources, access to the legal system, thereby diminishing their ability to voice concerns about mining projects? **Impeding Public Participation:** Should not environmental and social issues surrounding mining projects be matters of public interest, with communities and individuals encouraged to participate in the decision-making process to ensure their concerns are adequately addressed? Would not the introduction of a fee serve to discourage public engagement and discourage the democratic principles of transparency and accountability? **Suppressing Free Speech:** Would not the prospect of financial outlay for objecting to a mining application discourage individuals and organisations from speaking out against projects they believe pose significant environmental or social risks? Would not this suppression of free speech undermine the fundamental principles of democracy, which is surely un-Australian? **Environmental Consequences:** Are we dismissing the fact that mining operations can have significant environmental impacts, from habitat destruction to water pollution etc? Does not allowing people to object to mining applications, devoid of financial barriers, ensure that all environmental concerns are thoroughly considered? Could charging a fee lead to fewer objections, potentially overlooking important environmental issues and concerns? **Weakening Community Resilience:** Is it not a fact that communities affected by mining projects often rely on grassroots organisations and public objections as a way of protecting their rights and interests? Would not the introduction of a fee be prohibitive to these organisations, making it more challenging for communities to advocate for their well-being and the environment?	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 1-6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Ethical Concerns: Does imposing a fee raise ethical questions about profiting from individuals' and communities' efforts to protect the environment and their way of life? Will the significant resources of mining companies make it difficult for the ordinary citizen to engage in a fair and balanced discussion? **Inequality in the Legal System:** Would not the introduction of a fee create an inequality in the legal system, where those with financial means have distinct advantage in challenging mining applications, while those without the means, effectively silenced? Would this unequal playing field go against the principles of fairness and justice for all? Surely, as an alternative, mining companies should be responsible for paying any proposed objection fee, as it is their specific actions that impel the public to object in the first place. If the amount of privately owned land in Western Australia is approximately only 8%, then, one would hope, putting this burden back on the applicant would discourage applications on privately owned land, thereby reducing the number of objectors and workload on the courts. In summary, is not the introduction of an objection fee detrimental to the principles of democracy, environmental protection, and public participation? Will it only discourage the voice of concerned citizens and communities, disproportionately affect those with limited resources and ultimately undermine the principles of transparency, accountability and justice, which are essential in the decision-making process surrounding mining projects? Do not citizens and communities deserve an equitable process for contesting proposed mining projects, free from the burden of unfair objection fees that effectively will only serve to suppress the public voice?	
175	Torbay Catchment Group	• A fee of $859 is too high. • It seems as tho it is to make it unattainable and unaffordable for the individual to lodge objections. • Mining companies and government organisations should be separate otherwise the is a vested interest. • We need an environmental financial non- government watchdog to make sure there is not.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for

Ref	Stakeholder	Comment	DEMIRS response/action
		• I have lodged 2 objections over the last 2years, which would have cost me $1718 if the $859 fee was introduced. This is too high and I wouldn't be able to lodge them and this would effectively remove my right to object. • To prevent the Warden's Court being overrun with community objections, some areas of the state should be excluded from mining. The people of WA still need areas where they can live, grow food and use for holidays etc. • Currently there is no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. (Similar to what we have experienced.) In this way they could exhaust landholders and community members funds, effectively excluding their ability to have a say. • In some areas multiple companies lodge competing tenements and fight it out in Warden's Court over who gets to explore, so there may be 2 or 3 tenements over an area. Again, this would require multiple fees of $859 for a community member or landholder to pay, just for the right to object. Mining companies objecting to mining tenements should pay the fee, but communities trying to protect where they live, should not have to pay.	applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2, 3, 5, 6 and 10 in the *Response to submissions report*.
176	Brendon Cant	This proposal is simply outrageous. As a tax paying citizen and someone who cares for our/my environment and its flora & fauna (especially endangered species such as Black Cockatoos), it is my right, indeed responsibility, to make a submission to my government when a mining company, with no agenda other than making money, is ready, willing and likely able with government approval to clear/kill our native flora & fauna.	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the

Ref	Stakeholder	Comment	DEMIRS response/action
			land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 4 and 10 in the *Response to submissions report*.
177	Sylvia Broadbent	I object to DMIRS charging the proposed $859 fee for lodgement of objections under the Mining Act 1978 that has been introduced by your department. I feel it is undemocratic for members of the public, whether as individuals or community groups, to be charged for what is a right to protest. Whilst there is some merit in charging a nominal fee to deter vexatious litigants, and for people to value the service, I find $859 ridiculous. For example, South Australia charges $18 and Tasmania charges $49.84. This looks like a deterrent for ordinary citizens to deny their democratic right to voice what is often a significant public concern. It will not reduce the numbers of Mining Applicants, but will reduce Objections. If DMIRS needs to increase fees to cope with the increase in mining activity, perhaps they should request a larger budget or charge the mining companies a larger fee/ tax for service.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 1-3, 5 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		This will effectively silence individual objections because who can afford $859 to send an email? (Which is probably the poiint of the increase.)	
178	Leanda Blank	I wish to object to DMIRS charging the proposed $859 fee for lodgement of objections under the mining Act 1978 that has bee introduced by your department.	Noted.
179	Katrina Zeehandelaar-Adams	I strongly oppose the proposal of DMIRS to introduce a fee for anyone wishing to lodge an objection to new mining tenement applications. This fee introduction is clearly and unfairly going to impact individuals wanting to object, as this fee is extremely high and inappropriate for an individual to have to pay. This will no doubt result in a significant decrease in people's abilities to make objections, despite their desire to want to. This will therefore result in an increasing amount of tenement applications not being officially objected to, despite the communities and individual's strong desires to oppose the applications. This is in no way creating a fair or transparent process and is only going to make it easier for million-dollar corporations to increase their mining tenements at the expense of community, tourism, agriculture, the environment and water.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 2 and 6 in the *Response to submissions report* are relevant here.
180	Laraine Newton	The proposed fee is a clear attempt to remove the rights of concerned individuals to have their say on proposed mining exploration. The ability to objections to mineral exploration applications is one of the few opportunities we have to prevent mining operations that may affect our homes, destroy our forests and impact our productive farmland. The imposition of a fee restricts the individual’s right to a fair process and unduly sways the right to respond into the hands of corporations. I strongly oppose this measure.	Please refer to Key Themes 2 and 4 in the *Response to submissions report*.
181	Tom Hoyer	I find it curious and an unhealthy coincidence that after several Ministerial media releases highlighting the importance of critical minerals and promoting the exploitation	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		of these minerals, that we now have an attack on the capacity of citizens and others as objectors to the Mining Warden's Court. The evidence seems to suggest that most of the objectors are competing tenement individuals and companies who are competing over the mining tenement conditions or rights and are aggrieved with each other. My observation is that only a small minority of citizens and representative groups make up the objector numbers. These are citizens who are concerned about inappropriate mining tenement applications and the related environmental harms, water security and competing public interest matters and are now being targeted by the department and Ministers/Government as if they/we were the problem. The historical background that has recognised the Mining Warden's Court as the primary lodgement avenue to lodge objections and the grounds of such objection. It is rare that these community-based objections are observed to be frivolous or vexatious. The Mining Warden's Court is there to receive objections, and to thereafter alert the Minister and related others, about public interest and other concerns as any recommendations are presented. It is a spurious proposition that the Minng Warden's Court should reflect a revenue neutral or cost recovery outcome, when its role in our system is to provide an avenue for meritorious objections, without further imposed barriers and hurdles. This submission argues that the fee should be waived for all objectors. The imposition of any costs will harm the integrity and purpose of the objectors and then the purpose of the Warden's Court. At the very least, non-commercial objectors such as community groups, private landholders and individuals should not have to carry this added financial burden. The burden on community objectors is already arduous and will make the process less fair and more costly than it currently is. Such a proposed fee and its effects is at odds with the public DMIRS statement below: *Effective and ongoing stakeholder engagement enables better planned and more informed policies, projects and services including a greater understanding and*	The DEMIRS stakeholder engagement and public engagement has been undertaken correctly as can be seen from the amount of submissions it has received. Without such stakeholder engagement there would be limited submissions. Key Themes 2 and 6 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		management of issues and potential risks. For stakeholders, the benefits of engagement include the opportunity to have their issues heard and contribute to the decision-making process. *The following engagement principles are used when conducting our business:* ***Inclusive** – We understand and acknowledge stakeholders' views and consider the issues from their perspective, and be clear and open in our communications.* ***Relevant** – We are risk-based and adaptive, and continuously adjusting our focus in response to changing circumstances, seeking the best outcome for the people of Western Australia.* ***Responsive** – We keep stakeholders informed of issues that affect them by providing transparent, timely, consistent and accessible information and feedback, and engage in a manner that encourages mutual trust and respect.* *Stakeholders are individuals, groups or organisations affected, directly or indirectly, by our activities and those that affect our activities. These include the broader community, internal staff, communities affected by mining or petroleum activities, local State and federal governments, community groups, Aboriginal communities and industry groups.* I do not agree with the proposed amendment that adds a further financial burden being placed on objectors to the Mining Warden's Court.	
182	Shire of Plantagenet	Thankyou for the opportunity to comment on the proposed amendment to the Mining Regulations to introduce a fee for objections. The rationale for the proposal is understood, however the Shire of Plantagenet considers the nominated $859 fee for lodgment of objections to be excessive and inequitable. The quantum of the Fee is not acceptable.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We would encourage the agency to explore an alternative more equitable means of providing for objections.	
183	Bo Janmaat	I am a retired member and volunteer in the Porongurup community. I think the $859 fee is a complete harassment to me being a member of this Western Australian society. It is a humiliating and obscene amount of money trying to protect a disastrous way of making money by ruining not only the earth, the environment, the flora and fauna of a BIODIVERSITY HOTSPOT but also the heart of the community itself. This fee decision is UNDEMOCRATIC, my opinion has not been asked. The amount of objections has seen a big increase, please see this as a SIGN that people don't want mining in the Porongurup area. By not looking seriously at these numbers of objections, continuing with exploration is not listening to the voice of the people. And this fee is just a way of protecting GREED and greed does not not bring any good to a community, it brings only out the worst in people and I think there is enough of that in the world.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please see Key Themes 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
184	Maria ten Hegel	I strongly object to the proposed $859 fee to file an objection to mining related applications. • It is undemocratic to reserve the right to objection only for people who can afford it. • It is unfair to be financially penalised for raising concerns or objections to a tenement application. • The cost of administration of objections should be carried by the mining applicant as they are the party proposing invasion and disruption into landowners private property and natural areas shared by the community. • Financial penalties to the objector are especially unfair in a situation where a company applies for a tenement and to then withdraw the application or lodge another application at a later date. • It would be unfair for objectors to be required to pay a fee for each application in case several mining companies lodge a competing tenement. This proposed amendment to the Mining Regulations 1981 reeks of bullying and intimidation and is highly undemocratic.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please see Key Themes 1-4 in the *Response to submissions report*.
185	Save Preston River Valley Inc	Save Preston River Valley has a membership of over 110 local residents. Our position is: “We recognise that the Preston River catchment as a bio zone of regional significance incompatible with mining and major extractive industries”. We believe the proposed state government plans to charge a fee of $859, to object to permits for mining activities is anti-democratic and favours the mining industry. Objecting to mining applications is time consuming and emotionally taxing. This exorbitant fee is unacceptable, especially given that submitting an objection is the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		only power a landowner or occupier has in the matter of potential major disruption to their home, land and livelihood by mining activities. Additionally, multiple applications can be made by mining companies, given once an application is rejected by the warden's court the same or alternative company can reapply for the same area. $859 per objection is not acceptable, nor is $1. There is already a serious power imbalance between mining companies and the public interest in WA. If the Department of Mines needs more money to administer objections, the cost should be borne by the mining industry. The general public have not created the additional work therefore should not be punished with bearing costs. SPRV object to the introduction of this proposed fee.	Please refer to Key Themes 2-3 and 9 in the *Response to submissions report*.
186	Rebecca Barton	I object to the introduction of an $859 fee to lodge objections to mining applications. This is a small amount for most entities in mining, but a punitively large amount for private residents and conservation groups. Therefore it will block out only the voices without financial interest, that is, the voices that care about the social and environmental impact as well. I have never personally lodged an objection to any mining application, but I believe it is an important right that must remain available to all Australian citizens. The cost of assessing objections may be high, but this cost must be borne by the entity that wants to conduct the mining; they are the ones who seek to make money. They are the ones who ought to disprove the validity of all objections. While I understand that nuisance applications can cost a lot of money for no purpose, the solution is not to block applications altogether. A fee of just $50 would cause most private residents to only raise valid objections. I see from the consultation paper that most objections actually come from mining companies, for whom $50 is insignificant. Therefore, it could be a simple stepped fee structure of $50 for an individual, and $2000 for a company.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 2-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Two fees may very slightly increase the admin costs, but that is your job. If DMIRS cannot meet this cost, then they should be passing it onto to the companies who want to do the mining. Mining is king in the WA economy. But if we continue to let mining be the only thing we do, then there is no future here. Please do not implement this fee and give mining even more power.	
187	Jennifer York	I wish to express my objection to the proposed fee for lodging an objection to mining tenement applications. My reasons are as follows: 1) This fee is one that many, if not most, objectors would be unable to afford. If the administration of objections is becoming costly to the Dept, I suggest that the cost of applications be adjusted rather that burdening the objectors to such applications. 2) It is the right of people in a democracy to express their objections to actions of the State in a fair and transparent process. The current process for granting tenement applications is far from fair to those affected by the awarding of such tenements and to people in the wider community where the application applies. There is no obligation to inform landholders of the tenement and indeed it could be argued that the process is quite secretive, rather than transparent. 3) When there is an application for a tenement, it is possible that the applicant can subsequently withdraw the application and then reapply at a later date. For objectors to have to pay multiple times is clearly unfair. 4) It is also possible for there to be more than one company involved in a tenement application and presumably objectors would be liable for multiple fees - again clearly unfair to objectors.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. The number of applicants is irrelevant in an objection. The objection is against an application, regardless of how many applicants there are in any single application. Please see Key Themes 2 and 3 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
188	Lauren Selwood	I am writing to express my concern at the proposal to charge a fee for groups or individuals that wish to put forward reasons for a dispute of a mining proposal in Western Australia. The right to disagree based on environmental protection grounds on the proposals to mine certain areas in Western Australia (that are know to be vital to the survival long term of certain endangered WA species) should be allowed to be voiced by the tax payers or charitable environmental groups without a penalty of a fee to process. It is tax payers and Western Australian citizens rights to approach their government to voice concerns about the WA environment and matters that affect all of us long term, as it impacts the environment me live in as well as the endangered animals we care about. Certain groups and individuals have a heart to protect endangered wildlife and try and conserve them for future generations to enjoy. Please reconsider this proposal that makes it even harder for environmentally concern Western Australians and groups to express their concerns. These are matters that affect all of us and should be open for discussion, public consideration and a free voice, without penalty of administration charges on what are public matters for concern. I thank you for your reasonable consideration on this matter and look forward to hearing back on this in the coming weeks. Hopefully this proposal to charge is scrapped and groups are not made to be disadvantaged in sharing their voice of concern in this way through financial penalty to do so.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Key Themes 2, 4, 6 and 10 in the *Response to submissions report* are relevant.
189	Mike Barton	This proposal is simply outrageous. As a tax paying citizen and someone who cares for our/my environment and its flora & fauna (especially endangered species such as Black Cockatoos), it is my right, indeed responsibility, to make a submission to my government when a mining company, with	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act*

Ref	Stakeholder	Comment	DEMIRS response/action
		no agenda other than making money, is ready, willing and likely able with government approval to clear/kill our native flora & fauna.	*1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 4 and 10 in the *Response to submissions report*.
190	Nadene Phipps	I wish to object against the proposed increase in objection fees by DMIRS required to lodge an objection opposing mining exploration applications in Western Australia. I understand that there has been an increase in objections related to the increase in mining applications over the last 3 years that is currently affecting timely processing through the courts, thus requiring the appointment of an additional Warden. I believe the proposed introduction of an objection fee is an attempt to offset the cost of this second Warden. Firstly, I would like to acknowledge the wealthy state we live in, and our high standard of living has a direct relationship to mining profits. I am not against mining; I understand the necessity and contribution of mining products in everyday life. I do object to mining explorations in areas where there are large numbers of private properties, diverse land uses, and areas of high biodiversity and environmental value.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act*

Ref	Stakeholder	Comment	DEMIRS response/action
		I don't believe that you can simplify a complex system by adding fees, particularly high fees that ordinary people would find difficult to pay. If a fee is to be introduced, an affordable fee of $50 is more appropriate and equitable. Equal accessibility and opportunity to object to mining applications submitted by asset rich companies that don't necessarily have financial holdings in Australia, discriminates against the average person and community groups who may be directly impacted by mining exploration and development. Perhaps a significant increase in the mining application fee would see a reduction in the numbers of mining applications made. Communities and individuals have the right to object to activities that directly affect them and who don't receive any financial benefit from the activity. Communities and individuals who object against mining applications are objecting on environmental, lifestyle and ethical concerns, they are not profiting from the proposed mining activity, and should therefore not be required to pay an excessive objection fee. The decision to object to a mining exploration application requires a dedicated commitment, as the process is difficult, stressful and time consuming. Objections are for genuine concerns and reasons, and not for frivolous arguments. As I am currently involved in my third objection application against mining exploration in my community on the South Coast of WA, I can honestly attest to the serious undertaking required as an objector, and the emotional cost involved. It is not an easy path to take in the midst of a busy life, but it is my only voice to challenge the power and influence of mining interests whose primary objective is profit. I believe there needs to be stricter criteria to apply for mining exploration licences, that reflect growing environmental concerns accelerated by climate change and the loss of biodiversity that may ultimately affect our capacity to provide ongoing food security. Stricter criteria would rapidly see a reduction in mining exploration applications, therefore less objections, and reduce the demand on the Wardens Court. The South West area of the state has the highest population density, the richest agricultural lands, is a biodiversity hotspot and is highly invested in tourism that sustains and develops local opportunities and sustainability in communities. I believe that the	*1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please see Key Themes 3 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		South West land division should be exempt from mining exploration and mining development in a bid to preserve fragile environments, protect rapidly declining biological hotspots, secure food producing agricultural communities and keep investment in communities through local tourism. Please reconsider the proposed introduction of a $859 mining and explorations objection fee as per the discussion points above.	
191	Ric Arapolu	I am appalled that a fee is going to be applied to mining lease objections. Private overseas companies should not be allowed to do business against the public will. Please do not let this happen.	Noted.
192	Scott and Veronica Flynn	I object to DMIRS charging a fee for service when bringing an objection before the Warden's Court. I'm a founding member of Promote Preston & Save the Preston River Valley whom has brought two objections before the Warden regarding mining tenements on our private land in the Shire of Donnybrook/Balingup. On both occasions we were successful but came @ an emotional & financial burden in terms of time. energy & resources. I would like to make the following observations: • Once a tenement has been vacated through opposition or other, it is general filled with the next proponent as happened with our group therefore the new financial impost is generally borne by the community sector & not for profits whom can ill afford the fee multiple times. • It is important to note that landholders or the conservation sector had no say in the tenement being awarded in the first instance, yet the $859 proposed fee for service is unfairly carried by those objecting. • The Warden's Court has recently seen an uptick in community groups 'clogging the system' but this is the result of mining speculators cashing in on the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then

Ref	Stakeholder	Comment	DEMIRS response/action
		precious metal commodity boom @ the expense of natural & farming ecosystems. Of concern are the Darling Scarp miners (multi nationals) & startups whom promote a gas lighted prospectus. For example, companies claiming to be on a pegmatite seam similar to Talison Lithium but comes @ the expense of groups who are concerned about the welfare of their community. Finally, the financial impost should be carried by the Mining companies themselves to justify their intent rather than the community group defending their patch.	develop plans to be lodged with the relevant environmental and safety authorities for assessment. Please see Key Themes 3, 4 and 6 in the *Response to submissions report*.
193	Australian Land Conservation Alliance	The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide feedback on the Department's consultation on its proposed Fee for Objections under the Mining Act 1978 (WA). The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia. Several of our members own and manage land for conservation in Western Australia in service of the public (environmental) interest. Please note that ALCA is happy for this submission to be published in full. Mining and protected areas for biodiversity ALCA recognises the ongoing importance of mining to the economic prosperity of Western Australia, and the importance of balancing these interests with areas otherwise protected for the conservation of our unique biodiversity. The Independent Review of the NSW Biodiversity Conservation Act – chaired by former Treasury Secretary Ken Henry and published in August 2023 – emphasises the importance of elevating the environment in government policy. In particular, the report notes: "As has been recognised in many global forums over the past few years, the natural environment is now so damaged that we must commit to 'nature positive' if we are to	Noted. The fee amount will be reduced to a partial cost recovery amount of $430and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different

Ref	Stakeholder	Comment	DEMIRS response/action
		have any confidence that future generations will have the opportunity to be as well off as we are." There can be no doubt that there is a critical need – and opportunity – to elevate the importance of addressing the nature crisis when managing mining interests and activities in Western Australia. When ALCA member organisations lodge objections, it facilitates a process for mining companies to understand our concerns more fully and also to facilitation action – often simple and reasonable action – to avoid unnecessary habitat loss or other unnecessary negative impacts upon biodiversity. Without a reasonably accessible objection process, public (environmental) interests can often be expected to be either unknown to applicants, or unheeded. For clarity, it is worth noting that there is no distinction at law between an environmental interest and the public interest within the context of objections under the Mining Act 1978 (WA). As per A.C.N. 629 923 753 Pty Ltd v Leanne Margaret Corker & Ors [2023] WAMW 1 [53], Warden Cleary found: "Having regard to Re Warden Heaney; Ex Parte Serpentine-Jarrahdale Ratepayers and Residents Association (Inc), environmental concerns are in the public interest, and therefore environmental and public interest objections are not separate categories of objection." Collectively, ALCA's members operating in Western Australia raise many dozens of objections each year in the public interest to avoid either unnecessary or disproportionate negative impacts upon biodiversity within their nature reserves and sanctuaries. Levying such an overwhelmingly substantial objection fee ($859) compared to the only other jurisdiction to levy such a fee (Tasmania, at approximately $50), will create a chilling effect upon the pursuit of the public interest by ALCA members, as well as by community groups and ordinary private (i.e. 'non-mining') citizens. Recommendations	legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 4-6 and 8 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		ALCA thus recommends the following: 1. Given the obstruction to the pursuit of the public interest that the proposed levy would create, the Western Australian Government should not introduce a Fee for Objections under the Mining Act 1978 (by way of Mining Regulations 1981). However, should the Western Australian Government nevertheless proceed with a fee: 2. That a Fee for Objections of no more than $100 be applied to all objections under the Mining Regulations 1981 – sufficiently high so as to dissuade vexatious objections, but not so high as to overwhelmingly thwart the pursuit of the public interest. 3. That the following categories be exempt from the Fee for Objections: (a) not-for-profit organisations, including licenced charities in Western Australia and charities registered with the Australian Charities and Not-for-profits Commission (ACNC), and community organisations; and; (b) non-mining individuals. 4. That in any case, any Fee for Objections only become payable if and when the substantive matter proceeds to a decision. This is especially important given that tenement applications are frequently withdrawn prior to a final decisions, and fresh applications over the same areas can be lodged at a later date, requiring a new objection – and thus new fee. The pursuit of the public interest should not be subjected to these vagaries of a private application. Further context: the accelerating nature crisis	

Ref	Stakeholder	Comment	DEMIRS response/action
		Whilst Australia's nature crisis is less well-known than the parallel, interconnected, climate crisis, it is just as serious for our society and economy. According to the World Economic Forum: "Humanity has already wiped out 83% of wild mammals and half of all plants and severely altered three-quarters of ice-free land and two-thirds of marine environments. One million species are at risk of extinction in the coming decades – a rate tens to hundreds of times higher than the average over the past 10 million years…. Human societies and economies rely on biodiversity in fundamental ways. …over half the world's total GDP – is moderately or highly dependent on nature and its services." (World Economic Forum, Nature Risk Rising: Why the Crisis Engulfing Nature Matters for Business and the Economy, January 2020; https://www.weforum.org/reports/the-global-risks-report-2020). Using the same methodology, **approximately half of Australia's GDP has also been demonstrated as having a moderate to very high dependence on nature.** (Australian Conservation Foundation, The nature-based economy: How Australia's prosperity depends on nature, September 2022; https://www.acf.org.au/how-australias-prosperity-depends-on-nature). The scale and devastation that the unfolding nature crisis will have upon our collective wellbeing will dwarf all but the very biggest issues facing our nation and will rival them in importance. As per the British Government's Dasgupta Review: "We are facing a global crisis. We are totally dependent upon the natural world. It supplies us with every oxygen-laden breath we take and every mouthful of food we eat. But we are currently damaging it so profoundly that many of its natural systems are now on the verge of breakdown." (p1, Dasgupta, P. The Economics of Biodiversity: The Dasgupta Review, HM Treasury, Government of the United Kingdom; https://www.gov.uk/government/publications/final-reporttheeconomics-of-biodiversity-the-dasgupta-review). Indeed, in 2021, scientists confirmed Australia's trajectory towards the collapse of ecosystems. (Bergstrom et. al, 'Combating ecosystem collapse from the tropics to the Antarctic', Global Change Biology, 2021; https://onlinelibrary.wiley.com/doi/10.1111/gcb.15539) We have seen the largest documented decline of biodiversity than any other continent in the world. (DCCEEW; https://www.dcceew.gov.au/environment/biodiversity/conservation)	

Ref	Stakeholder	Comment	DEMIRS response/action
		The 2021 State of the Environment Report (released in July 2022) further confirmed that climate change was but one of several key pressures causing the accelerating decline of our environment: "Overall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years… Our inability to adequately manage pressures will continue to result in species extinctions and deteriorating ecosystem condition, which are reducing the environmental capital on which current and future economies depend. Social, environmental and economic impacts are already apparent." (https://soe.dcceew.gov.au/overview/key-findings) As underlined by the 2021 State of Environment Report, habitat loss and resource extraction – driven by land use change – are serious concerns for the ongoing viability of Australia's biodiversity. Repeated adverse decisions on habitat and native vegetation clearance may appear reasonable on marginal analysis, but this fails to capture the State of Environment Report's conclusion that Australia's nature is suffering badly from cumulative impacts, and to our great social, environmental, and economic peril. Thank you again for the opportunity to provide feedback to the Department's consultation on its proposed Fee for Objection under the Mining Act 1978 (WA). ALCA and its members look forward to continuing to engage with the Department to ensure the adoption of an equitable process in the public interest.	
194	Peter Twigg	Please note my objection to the proposed fee of $859 that DMIRS has recently proposed for imposition upon any party wishing to lodge an objection to mining related matters. In this regard please note: • The fee will have a chilling effect on people and communities that wish to formally state their attitude to mining within their area or region.	Noted. Please refer to Key Themes 1-3 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Many of the more nuanced reasons for objecting to mining activities are articulated by community groups and community members without access to resources who however often hold historical, specialised, and detailed local knowledge. • The government's cost shifting will have the (intentional or unintended) effect of detering and thus not hearing or understanding a community's view of any mining related proposal. • Such a fee will give the impression that the government is interested in facilitating mining and mining related activities rather than considering and canvasing a wide range of views from the impacted community as part of a transparent consideration of a proposal. I understand that part of the justification is to affray court costs associated with a recent surge in mining matter objections. It would be well worth analysing why that surge has occurred. Perhaps the community is raising a higher standard of social licence for mining and related companies now and have begun to consider a much bigger set of considerations such as the impact on biodiversity and climate change. Rather than stifling such considerations, perhaps the government should be increasing its interest and level of understanding of what such community concerns are indicating. Where I live, in the Great Southern, there has been an exponential increase in mining exploration tenements in the last few years. I would argue that it is this explosion of mining interest in the region that is behind the of rise objections delivered to DMIRS. Given that this increase is being generated by mining and exploration companies I would suggest that the financial burden of canvassing objections should be directed to such companies as part of their tenement lodgement process.	
195	Peter Jones	I object to DMIRS charging the proposed $859 fee.	Noted.

Ref	Stakeholder	Comment	DEMIRS response/action
196	Neroli Forster	I understand the proposed state government plans to charge a fee of $859, to object to permits for mining activities is anti-democratic and favours the mining industry. Objecting to mining applications is time consuming and emotionally taxing. This exorbitant fee is unacceptable, especially given that submitting an objection is the only power a landowner or occupier has in the matter of potential major disruption to their home, land and livelihood by mining activities. Additionally, multiple applications can be made by mining companies, given once an application is rejected by the warden's court the same or alternative company can reapply for the same area. $859 per objection is not acceptable, nor is $1. There is already a serious power imbalance between mining companies and the public interest in WA. If the Department of Mines needs more money to administer objections, the cost should be borne by the mining industry. The general public have not created the additional work therefore should not be punished with bearing costs. I object to the introduction of this proposed fee.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 3 and 9 in the *Response to submissions report.*
197	Northern Agricultural Catchments Council Natural Resource Management	NACC NRM is the peak environmental organisation for the Northern Agricultural Region of WA. Our Purpose is to ensure that the NAR community values, and actively protects our region's natural capital, consistent with the Visions and Goals of NARvis. We do this by Catalysing Community Conservation through passionate delivery of on-ground projects and education. We have been delivering programs of work on behalf of the Federal Government for more than 20 years with teams of highly qualified, skilled and experienced NRM, sustainability, business management, communications and administration professionals. NACC NRM is strongly opposed to the introduction of a prescribed fee of $859 for lodging objections, as indicated in the consultation paper released in September 2023. We believe the introduction of a prescribed fee for lodgement of objections would have a significant impact on the rights of community members, not-for-profits, Traditional	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 3-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Owners and Aboriginal Corporations to raise concerns about the impact of proposed mining activities. In acknowledging that the Department has the capacity to create a cost recovery mechanism for objections, we suggest that this cost should be borne by the proponent or supplemented by the proponent such that fees incurred by parties objecting may be greatly reduced in line with examples in other states. This may also incentivise proponents to engage early and meaningfully with stakeholders across the community to avoid objections and ideally reduce the volume of objections which the warden must then address. As noted in the consultation paper, the number of objections in the WA mining jurisdiction was significantly greater than in other states. This correlates to the number and extent of mining activities both proposed and implemented across Western Australia and thus provides a rationale as to why a flat fee of several hundreds of dollars should not be applied in the WA context. With such large-scale mining activity in WA, community groups, Traditional Owners and NGOs would be more adversely impacted and have their opportunity to lodge lawful objections greatly reduced due to a financial impediment. Further, the greatest volume of objections are being received from within the mining sector already. It is noted within the consultation paper that three out of seven states have NIL fees applied to objections and that in other states, the fees applied to lodging an objection range from $18 - $49.84 or are scaled. The application of an $859 fee for an objection seems grossly inflated and would serve to reduce the lawful right for citizens of WA to object to mining activities that they believe may have negative impacts on environmental, social, cultural or economic outcomes within their communities. We trust that the Department, in considering the need to amend the Act to adopt a cost recovery model for objections, notes the substantial resources that proponents in the mining sector have.	

Ref	Stakeholder	Comment	DEMIRS response/action
		These resources should be used by proponents to demonstrate how identified impacts will be mitigated, including, how objections raised have been considered in the planning process and addressed. With a proponent pays model, fees associated with addressing objections are able to contribute towards supporting the Department and warden in processing objections, providing for the additional resources identified within the consultation paper. Community groups, Traditional Owners and NGOs often have valuable knowledge about sites that may be subject to a mining tenement. A significant fee imposed on making an objection may cause to deny the decision-maker information critical to mitigating impacts at a cultural, social or environmental level due to the financial barrier imposed.	
198	Crispin Underwood	I am writing to you in the following capacity: A concerned citizen, business owner, family member, community member, voter, and member of various local natural resource management and Not For Profit organisations. I am deeply concerned at the proposal to introduce a $859 prescribed fee for lodgement of objections under the *Mining Act 1978.* **This amendment must be abolished for the following reasons**: • It is overtly undemocratic. • It would skew potential objectors to an unrepresentative sample of the population (i.e., those that can afford the exorbitant fee). • It potentially removes the ability for objections from parties with legitimate interests and concerns (i.e., general citizens, NFP organisations, community groups etc.). • Proposals for exploration and mineral development, which can cover very large areas of the State, can have large potential environmental and social impacts on a wide section of the population in the areas where they are proposed, such as:	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		○ Business owners. ○ Agricultural areas (farmers and communities). ○ Endemic biodiversity and (under threat and in decline). ○ Threatened species (increasing across WA). ○ Conservation programs. ○ Water resources (considerably under threat currently in the SW drying climate). ○ Local community organisations. ○ Tourism operators. • Therefore, it is as a fundamental principle for the public, affected organisations and businesses to be able to lodge an objection to mining proposals that potentially have significant impacts upon them. • This is a principle that goes to the core of our democratic society. The placement of a high fee on this objection process rails against the spirit of our democratic society. As such, this amendment must not be supported by DMIRS.	
199	Peel Alliance	Peel Alliance objects to the proposal to introduce a fee of $859 for objections based on the following: 1. The consultation paper published by DMIRS states that *"A fee for objection is required to:...reduce the number of active matters before the wardens"* (page 5). The intent to create a financial barrier to discourage and therefore reduce objections is not in the interest of the public and suppresses fair legislative process. 2. It is noted that the fee for objections in 1988 was $3.70, and the seventh lowest fee of some 78 fees listed. The proposed fee of $859 is the third highest fee of those currently listed and lacks proportionality. A Mining Lease application fee in 1988 was $135 and is now $638; applying that same increase rate to the objection fee would only be $17.46 in today's value.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 1, 3 and 5 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		3. The consultation paper notes the number of objections has increased over the last three years (page 4) however the graph shows a sharp spike and then decline in 2022/23. This period of increased activity is atypical and not a demonstrated long-term trend. There is correlation between the high volume of objections in 2022/23 (~3400) and a reasonably small number of exploration licence applications in areas of high environmental and community value (for example, an application for 10 tenements in the Northern Jarrah Forest in 2023 had around 1500 objections). The purported linear correlation of objections to court costs is therefore spurious given this concentration of objections. 4. The consultation paper further states that the proposed introduction of the fee for objections is *'consistent with the cost recovery policy for government services*' (page 6). The paper is silent on the matter of whether any other fees are going to be revised accordingly. Should DMIRS believe the increase in recent volumes of objections is in fact a long term trend, it would be more appropriate and in line with this policy for application fees to be increased to reflect changes to input costs, rather than objection fees, given that is the trigger for the process.	
200	Rhian Thomas	I object to the proposed change to the Mining Act that there be a fee for objections to proposed mining. It is crucial that all community/ individuals have access to raising an objection. This will not be the case if a fee is incurred. Many Western Australians are financially struggling at present and raising fees for demonstrating rights of opposition to mining/ environmental degradation I feel is very wrong. Please reconsider.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 4 and 6 of the *Response to submissions report*.
201	Harry Freemantle	I strongly object to the proposal for an exorbitant fee for anyone (usually an individual landowner or concerned community members). This is clearly designed to avoid objections to the thousands of mining licenses that are granted each year in this state. The fact that mining companies lodge proposals multiple	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the

Ref	Stakeholder	Comment	DEMIRS response/action
		times or competing companies do so in order to exhaust the funds of objectors with much shallower pockets is corrupt. That the State government so openly sides with mining companies demonstrates an uneven playing field and also smacks of corruption. Given the new rules stipulate a fee must be paid, I suggest $1.00 to be fair. The fact there are only two people working in the department on this issue demonstrates the State isn't allowing for a robust system of granting, or not, of approvals. It is clearly designed to push them through and not investigate diligently.	type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. It is also important to note that the wardens operates independently and are not part of the Department of Energy, Mines, Industry Regulation and Safety. Key Themes 1, 2 and 10 in the *Response to submissions report* is also relevant here.
202	Aiden Mitchell	I would like to object to the proposed fee increase that will accompany the lodgement of objections under the Mining Act 1978. The mining industry is particular destructive and invasive and people should therefore be able to have their objections heard when proposed operations may impact upon their lives. Imposing a fee will greatly disadvantage those who want to voice their objections, particularly when you factor in that there are no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. I understand that the costs associated with actioning the objections that are being registered is rising, however this cost is insignificant compared to the profits that are brought in by mining and this should just be viewed as a bi-product of this. Further, it can only be expected that the number of objections would rise given that WA's population is constantly growing and the mining industry expanding, the interaction between the two is bound to increase and this is to be expected and accounted for, not stamped out.	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2-3 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
203	Gloria Hunt	I find this fee undemocratic. I feel you are trying to gag the people in WA. SA charges $18 and Tasmania $49.84. Please save our precious Jarrah Forest. It jewel we can not destroy.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 5 in the *Response to submissions report*.
204	Australian Wildlife Conservancy	**1 Australian Wildlife Conservancy** AWC is a charity and a global leader in conservation with a mission to effectively conserve all Australian native animal species and the habitats in which they live. AWC owns, manages or works in partnership across more than 12.9 million hectares in Australia. AWC began 31 years ago in Western Australia. AWC's Western Australian sanctuaries that are affected by mining are: (1) **Mt Gibson Wildlife Sanctuary** located approximately 350 kilometres from Perth, this sanctuary protects 132,000 hectares in the Avon Wheatbelt and Yalgoo bioregions of WA. Remnant wheatbelt woodlands, such as those at Mt Gibson, are one of twenty Priority Places identified in the Australian Government's Threatened Species Action Plan 2022–2032. Mt Gibson is the site of one of Australia's most ambitious mammal reintroduction projects and an internationally significant conservation success story. In 2015, AWC established a 7,800-hectare feral predator-free fenced area – the largest feral predator-free area on mainland WA – into which nine regionally extinct mammals have now been reintroduced, including two both inside and outside the fence, the Brushtail Possum and this year the Chuditch (Western Quoll). (2) **Faure Island Wildlife Sanctuary** is part of the Shark Bay World Heritage Area. Being completely feral-free, the island sanctuary is critically important for the conservation of Australia's threatened mammals, and is also a crucial breeding area for seabirds – recognised as a nationally important wetland and nationally important shorebird habitat area. AWC has successfully established	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different

Ref	Stakeholder	Comment	DEMIRS response/action
		populations of four nationally threatened mammals: Boodies (Burrowing Bettongs), Banded Hare-wallabies, Western Barred Bandicoots and Shark Bay Mice. (3) **Mornington – Marion Downs Wildlife Sanctuaries** encompass one of Australia's largest non-government protected areas, protecting 564,000 hectares of the iconic Kimberley region. On these two properties AWC protects a high diversity of wildlife including critically important populations of threatened species such as the Gouldian Finch, the Purple-crowned Fairy-wren and Northern Quoll. (4) **Tableland Partnership Area** protects over 300,000 hectares of the remote central Kimberley, and provides a new model for integrating conservation and community development on indigenous land. Tableland is managed by AWC in partnership with the Yulmbu Aboriginal Community. **2 AWC's Science & Land Management Programs** AWC's biodiversity conservation programs employ on-ground land management informed by world-class science, comprised of the following components: (1) **Ecological Research**: research projects conducted by AWC and its research partners are chosen for their relevance to AWC operations – helping to improve land management or to measure ecological outcomes. Major research themes focus on understanding how threatening processes operate – including changed fire regimes, feral herbivore impacts, and feral predators (foxes and cats) – as well as how management can alleviate threats and bring about recovery in ecological health (for example through destocking, prescribed burning, and conservation fencing). (2) **Ecological Health Monitoring**: AWC's ecological health monitoring framework is designed to measure and report on the overall health of ecosystems across our sanctuaries. (3) **Wildlife Translocations**: AWC is a leader in threatened mammal translocations and undertakes the most extensive wildlife species translocation program in Australia. Most of AWC's wildlife translocations have involved reintroducing threatened or regionally extinct mammals into large,	legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 1, 2, 4, 5, 6, 7 and 8 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		feral-free areas. AWC is the only organisation to have established multiple large feral-free areas across Australia. (4) **Fire Management**: Fire management is a critical part of AWC's practical approach to conservation. Restoring ecologically appropriate fire regimes is the primary objective of fire management on AWC sanctuaries. In northern Australia, such as the Kimberley region, fire patterns are strongly influenced by the prevailing monsoonal climate – characterised by a dramatic high-rainfall 'wet season' (November–February) followed by a low-rainfall 'dry season' over the winter months. The wet season drives rapid growth in the grassy understorey, which subsequently cures, leading to high fuel loads heading into in the dry season. The early dry season is therefore a critical time for managing fire in northern Australian savannah ecosystems. (5) **Feral Cat and Fox Control**: In Australia, the most significant driver of mammal extinctions has been predation by feral cats and foxes. AWC is leading the charge against feral cats and foxes by building a network of large feral predator-free fenced havens; conducting best practice predator control beyond the fence (including ground-breaking research into their ecology); and investing in development of a long-term genetic solution. (6) **Feral Herbivore Control**: AWC controls feral herbivores across its sanctuaries. It has established some of the largest feral herbivore-free areas on mainland Australia including Mornington-Marion Downs. This is achieved by strategic fencing, mustering and working closely with neighbouring grazing properties. Small mammal numbers doubled when AWC removed feral herbivores at Mornington. (7) **Weed Control**: Invasive weeds displace or degrade habitat for wildlife across Australia. AWC is implementing practical and innovative weed control	

Ref	Stakeholder	Comment	DEMIRS response/action
		measures across its sanctuaries targeting a range of key weed species. Mt Gibson Wildlife Sanctuary is relatively weed free. **3 AWC's Approach to Mining Objections** (1) AWC routinely objects to mining applications that may adversely impact land that it is engaged in preserving, with the aim of protecting AWC's unique and successful biodiversity conservation programs on the land. (2) AWC's experience in liaising with the WA mining community is that miners are more receptive to discussing, negotiating and agreeing specific terms that address matters relating to AWC's biodiversity conservation programs, within the framework of the Mining Warden's Court process. (3) For example, specific terms which support a miner's awareness and knowledge of the potential adverse impact of its activities on the relevant land include: (a) AWC ecological research, ecological health monitoring, and wildlife translocations, including the locations of pitfall ecological sites, feral predator cameras, fauna cameras and at Mt Gibson the predator-free fenced area; (b) native animal range and locations; (c) threatened ecological communities; (d) declared rare flora; (e) waterways management; (f) baiting for feral animals; (g) fire management programs; (h) weed, pest and disease management; (i) health, safety and emergency management and cooperation; (j) road use and vehicle access; and (k) gates and fences. (4) AWC undertakes its biodiversity conservation programs with philanthropic funding from the Australian public, with the goal of preserving the health, diversity and productivity of the environment for future generations. **4 In The Public Interest**	

Ref	Stakeholder	Comment	DEMIRS response/action
		(1) AWC's concerns regarding the potential adverse impact of mining tenements on the land it manages are environmental concerns, which are in the public interest. (2) In ***A.C.N. 629 923 753 Pty Ltd v Leanne Margaret Corker & Ors*** [2023] WAMW 1 [53] Warden Cleary found: Having regard to ***Re Warden Heaney; Ex Parte Serpentine-Jarrahdale Ratepayers and Residents Association (Inc)***, environmental concerns are in the public interest, and therefore environmental and public interest objections are not separate categories of objection. (3) In ***A.C.N. 629 923 753 Pty Ltd*** at [20] Warden Cleary noted: The process of objecting to applications is to facilitate the regulation of the industry. The wide nature of the standing and ability to object to an application for a tenement infers that the industry and the Department rely on objectors to raise concerns on their own behalf but also on behalf of others. (4) AWC submits that following Warden Cleary's findings cited above, its approach to lodging objections to raise environmental concerns which are in the public interest, is to 'facilitate the regulation of the industry' and, indeed, the mining industry and DMIRS 'relies' on organisations such as AWC to do so. (5) The proposed introduction of a prescribed fee for lodgement of objections is, in effect, a proposal to further financially burden AWC, a charity, to protect WA's environment in the public interest, and the mining industry and DMIRS is relying on AWC to make the objection and absorb this additional financial burden without relief. This does not seem fair and equitable. **5 Cost of Objection Fee:** (1) In the 2022-2023 period, AWC lodged 65 objections in relation to its WA sanctuaries.	

Ref	Stakeholder	Comment	DEMIRS response/action
		(2) The cost of the 2022-2023 period objections, were the indicative objection fee already introduced, would have been 65 x $859 = **$55,835.00**. (3) Tenement applications are frequently withdrawn, sometimes early in the Mining Warden's Court process. In this circumstance, objection fees would be 'thrown away'. Another miner may follow making a tenement application over the same land, and thus another objection fee will be incurred in relation to the same land. (4) In this year alone AWC has objected to 17 exploration licence applications that have been withdrawn by the applicant, with no order as to costs. Were the indicative objection fee already introduced, AWC would have thrown away **$14,603.00** in objection fees so far this year. (5) AWC submits that the proposed fee imposes an unfair and disproportionate financial burden on the exercise of its right to lodge objections against mining applications to protect its biodiversity conservation programs, which is done in the public interest. **6 Objection Fee Exemption** (1) For the reasons outlined above, AWC submits that it would be fair and equitable for charities, interest groups (e.g. conservation, environmental), not-for-profit organizations, and non-mining individuals to be exempt from the proposed objection fee. (2) The Consultation Paper acknowledges that other WA jurisdictions charge differential fees. Regulation 4A of the *Supreme Court (Fees) Regulations 2002* allows for a non-profit association to lodge a declaration that it is an eligible entity for the purpose of determining a fee. (3) AWC submits that it would be simple for DMIRS to identify objection fee exempt parties using the existing Mineral Titles Online process with minor changes. (4) AWC has reviewed the Mineral Titles Online, 'Warden's Court Transactions', process for lodging an objection and identified the 'Add Objection Party' page	

Ref	Stakeholder	Comment	DEMIRS response/action
		where additional categories of objectors could be inserted to facilitate this differential approach. (5) Given that the objecting party is required to sign a declaration in 'Step 2 – Signature of the Checkout' process for lodging an objection, an objector that meets the exemption requirement could, at this point in the lodgement process, make the declaration that they are an exempt party (e.g. a charity, not-for-profit or exempt individual). (6) The applicable fee could then be payable at 'Step 3 – Payment', which, for an exempt objector, would be $0. **7 Lower Fee Alternative** (1) Alternatively, if objection fee exemption categories are not adopted, as they should be, AWC submits that a lower objection fee should apply to charities, interest groups, not-for-profit organizations, and non-mining individuals. (2) The $49.84 objection fee in Tasmania (the only Australian State or Territory to have an objection fee), cited in the Consultation Paper, is far more reasonable and proportionate for these categories of objector than the $859 per objection proposed. **8 Timing of Fee** (1) Any objection fee should only become payable if and when the substantive matter proceeds to a decision. This is appropriate given that tenement applications are frequently withdrawn prior to a final decision and fresh applications over the same areas can be lodged, requiring new objections and duplication of the proposed fee. **9 Cost Recovery** (1) If the proposed amendment to the Regulations proceeds, there ought to be an ancillary amendment to regulation 165(1) of the Regulations. Regulation 165(1)	

Ref	Stakeholder	Comment	DEMIRS response/action
		states that "*Except as ordered under this regulation, regulation 139 or 142, each party is to bear the party's own costs.*" (2) The scope of the proposed prescribed fee is very broad, encompassing objections against applications under sections 42(1A), 92, 56A(4), 59(1A), 70(4), 70D(1A), 75(1AA), 90(3), 97A(6A), 102(4B) and 162(2)(ka(iii) of the Act. (3) If the indicative fee of $859 per objection is prescribed, there must be the ability for an objector to recover that lodgement fee, not bear it as a cost.	
205	City of Kalgoorlie-Boulder	The City of Kalgoorlie-Boulder is the hub of the highly mineralised Kalgoorlie-Boulder Economic Zone, which has some of the largest gold reserves in the world and significant reserves of base and critical minerals. The Mining Act 1978 and Mining Regulations 1981 are therefore significant pieces of legislation for our City as a Local Government Authority (LGA), and also for Kalgoorlie-Boulder businesses, investors and community members. We thank you for the opportunity to make a submission on the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee of $859 for lodgement of an objection under the Mining Act 1978. The City acknowledges and appreciates the significant and increasing number of *Mining Act* matters, including the number of objections, and recognises the appointment of an additional warden to deal with such matters as a significant investment from the Department of Mines, Industry Regulation and Safety (DMIRS). The City wishes to comment on the following areas in relation to the proposal to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978*. 1. The importance of the mining sector in Kalgoorlie-Boulder and wider Western Australia. 2. How the objection process is funded	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used to by both pastoralist and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interest to co-exist on Crown land. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under

Ref	Stakeholder	Comment	DEMIRS response/action
		3. The importance of the objection process in achieving negotiated outcomes to deliver benefits for local communities, property owners and the State. 4. The role of Local Government Authorities within the objection process <u>The importance of the mining sector in Kalgoorlie-Boulder and wider Western Australia</u> The mining sector is fundamental to the economy of Western Australia and the nation: • A 2022 Chamber of Minerals and Energy of WA analysis of 56 WA resource sector companies found the State's mining, oil and gas, energy and contractor industries contributed a direct $98.9 billion to Australia's economy in 2020-21 and directly provided more than 70,000 full-time jobs. • A 2022 DMIRS Minerals and Petroleum Review said WA's resources sector delivered another sales record for 2022, reaching $246 billion. • The 2021-22 Western Australia Mineral and Petroleum Statistics Digest shows that $11.8 billion of mineral royalties was paid to the WA Government in 2021-22. • The Goldfields-Esperance region is the second biggest regional contributor of mineral royalties in WA, contributing $479 million in royalties in 2021-22. • The Kalgoorlie-Boulder Economic Zone (KBEZ) represents 80% of the Goldfields- Esperance economy. Mining is the KBEZ's largest value-adding and exporting sector, producing $21.1 billion of KBEZ's $27.6 billion economic output. One of every two jobs in the region comes from the mining industry. As the WA State Government continues to deliver budget surpluses driven by the State's strong mining and resources sector, and the Federal Government commits significant funding to critical minerals projects, the City of Kalgoorlie-Boulder is prominent as a strong contributor to the State and Federal economy, and continues to attract strong investment in the resources sector. There is $16.5 billion of pipeline mineral resource projects in the KBEZ.	the Mining Act including sections 24 and 120. Please see Key Themes 2-3, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The City submits that an increase in applications under the *Mining Act* is an expected consequence of the tremendous growth in the mining and resources sector, which is driven by global demand. An increase in objections is therefore also an expected consequence. The City submits that objections are an important part of the application process, and requests that alternatives to charging a fee for lodging an objection be considered. <u>How the objection process is funded</u> Given the economic contribution of the mining sector to the Western Australian and national economy and to private enterprise, the City considers it appropriate for costs relating to applications and any resulting objection process to fall to the applicant or the sector. The City's position is that the cost of the objection process should form part of the application process, i.e. the fee charged for making an application under the Mining Act, or the ongoing fee related to an application, should reflect and cover costs associated with any objection processes. The City submits that it would be appropriate to increase application fees to cover the costs of the objection process. This would include application fees for all of the following application categories, as mentioned in the DMIRS consultation document for the proposed objection fee: • Applications for a prospecting licence – section 42(1A). • Application for a miscellaneous licence by virtue of section 92. • Applications for a special prospecting licence located on a prospecting licence – section 56A(4). • Applications for an exploration licence – section 59(1A); *against an application for a special prospecting licence located on an exploration licence – section 70(4). • Applications for a retention licence – section 70D(1A): *against an application for mining lease – section 75 (1AA).	

Ref	Stakeholder	Comment	DEMIRS response/action
		• Applications for a general purpose lease by virtue of section 90(3); *against an application for the restoration of a mining tenement after forfeiture – section 97A (6A). • Applications for exemption from expenditure conditions – section 102 (4B). • The survey of a mining tenement or of land the subject of an application for a mining tenement – section 162 (A)(ka)(iii). All legislative references are to the Mining Act 1978. Alternatively, the costs could be funded from royalites. There is a strong, positive correlation between the increase in royalties and the increase in the number of objections. If cost recovery is going to be pursued from objectors, the City submits that a differential fee structure should be put in place that sees only mining and other commercial interests charged a fee. The City notes that the DMIRS analysis of objections over a two-month period shows that 56% of the 350 objections made under the Mining Act during that period were made by companies or people involved in the mining industry. Of the remainder, 21% were lodged by people not connected with mining (including private landholders, community members and water rights holders); 12% were lodged by pastoral lessees; 8% were lodged by Native Title parties or individuals on the basis of Native Title rights and interests; and 3% were lodged by other organisations, including non-government organisations (NGOs) and LGAs. We believe these statistics support a differential fee structure. Our submission is that objection fees should only be charged to mining interests, and for those objections made on commercial grounds, and should not be charged to the other groups above. If that structure is not supported, and some groups and individuals other than mining and commercial interests are charged a fee, the City would further submit that, at a minimum, objection fees should not apply to pastoralists with land rights, to any party or individual on the basis of the Native Title process, or to LGAs. We believe these sectors	

Ref	Stakeholder	Comment	DEMIRS response/action
		should be exempt from being charged a fee to represent the interests of their communities and seek negotiated outcomes. <u>The importance of the objection process in achieving negotiated outcomes</u> The City appreciates the workload and complexity of the objections process under the *Mining Act*, but believes it to be fundamental to positive, negotiated, local, community and State outcomes. As stated we believe those with non-commercial interests, and who own land and have existing rights over land, should be exempt from an objection fee, to ensure an equitable objection process. Within the process of applications and objections under the *Mining Act*, there is an increasing importance that community and environmental concerns are heard. Charging an $859 fee to non-commercial interests could be a significant barrier to some in that sector from making an objection, and thus pose a potential threat to fair and proper hearing of all interests. It is particularly important that matters that relate to orderly and proper planning can be appropriately considered when decisions are made about mining tenure and mining rights. Hearings can often run for significant durations and have broad-based community and environmental outcomes. It is in the interest of both the applicant, relevant LGA, the State and/or DMIRS, and any other objector to understand and record issues and concerns at the earliest stage, rather than post-investment and/or post-decisions. By lodging an objection it is often possible to achieve negotiated outcomes that mitigate, manage or address the area of concern at an early stage. A robust objection process allows individuals, groups and community members to be heard and have genuine engagement at a time when ESG issues are vital. It brings people together, with a focus on a negotiated outcome. If a robust and equitable objection process is not followed, it could see matters tied up in less efficient or more costly processes such as court or environmental appeals. We believe it vital to help those who wish to make an objection	

Ref	Stakeholder	Comment	DEMIRS response/action
		be able to do so, by removing cost barriers of objection fees for non-commercial interests. <u>The role of Local Government Authorities within the objection process</u> LGAs have a unique role as caretakers and custodians of their communities, and owners and managers of significant tracts of land. They are mandated to represent their community's interests, and draw on significant experience, expertise and resources to do so. In a mineral-rich area such as Kalgoorlie-Boulder, this work involves the consideration of applications under the *Mining Act* which could affect the City. It is important to note that the DMIRS analysis showed that only 3 out of 350 objections over a two-month period were made by LGAs. We believe this shows that LGAs do not make objections that are frivolous or without good reason, nor do they operate with commercial interests in mind. It is also important to note that any objection an LGA makes under the *Mining Act* must be funded by ratepayer revenue. Nevertheless, the City of Kalgoorlie-Boulder has made various objections under the *Mining Act* over the years. Examples include objections relating to applications for licences in an old cemetery area; on land that has been identified for strategic housing development, major industrial development, critical common-user infrastructure corridors or public infrastructure projects; and forward land supply. Examples of other areas on which the City may lodge an objection could be on land that has been identified as supporting projects of State significance, or that would support renewable energy production. One specific example the City is considering at present is an application for a prospecting licence over a 197.41ha area of land in the City's CBD (P26/4712). The City would also like to note its concerns about some licence holders tenement and rights banking, and not actively progressing mining ventures or additional applications on their land. There are a number of issues with how licence holders are able to meet their obligations under the *Mining Act*, such as aggregating licences, and focusing on only one tenement, rather than progressing work on all of them. This essentially has the potential to restrict multiple parcels of land from future consideration for other purposes or development.	

Ref	Stakeholder	Comment	DEMIRS response/action
		This is a significant consideration, given that granted mining rights run for significant lengths of time, and rights holders seek commercial outcomes to surrender or relinquish rights. The City is unique in that it has mining applications and rights over almost all of its town site and municipal area. This affects everyone living and doing business in Kalgoorlie-Boulder, including Native Title holders. <u>Summary</u> In summary, the City of Kalgoorlie-Boulder submits that: • The cost of the objection process should be built into the application process, through an increase in application fees under the *Mining Act*. • If a cost recovery structure is employed, only those representing mining and other commercial interests should be charged a fee. • If some non-mining and non-commercial interests are charged a fee to lodge an objection, LGAs, pastoralists with land rights, and those lodging applications under the Native Title process should be exempt from any fee.	
206	Shire of Collie	Please note that the Council of the Shire of Collie considered this matter at its meeting on 14 November 2023. On consideration the Council resolved to lodge an objection to the imposition of charges for the lodgement of objections to mining related applications. The three primary arguments against imposing a fee for lodgement of objections are: **Barrier to Informed Decision-Making** The principle underpinning the advertising of applications is to assist a decision-maker in making an informed decision on a matter. The purpose of public submission is to help ensure all relevant matters and views can be taken into account when making a decision. The imposition of a fee on third parties such as community members or local government is a barrier to submission and does not assist the decision-making process. **Barrier to Natural Justice**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under

Ref	Stakeholder	Comment	DEMIRS response/action
		The principle of the 'right to be heard' emphasizes that individuals who may be adversely affected by a decision have the right to be informed of the matter and to be able to present their side of the story. This principle is fundamental to ensuring administrative and legal processes are just and the rights of individuals are protected. A fee for objection is a barrier to natural justice. **Wrong Party Charged** It is recognized that a party who derives a benefit from an approval will ordinarily pay a fee to assist offset the costs associated with processing and providing that approval. If additional costs recovery is required, those payments should be made by the party making application for approval and who will derive benefit from that decision. It is not appropriate to charge a third-party who has instigated an application and does not derive benefit from an application. It is considered there are a range of legitimate grounds for which a landowner, community member, water rights holder, local government or other party may lodge an objection to a mining tenement. These may include: • Environmental concerns • Native Title and Aboriginal Heritage • Land Use conflicts • Social and Community impact • Economic concerns (eg reducing property values, affecting local businesses or diminishing value of agricultural activity) • Compliance with laws and regulations • Lack of Social License or	the Mining Act including sections 24 and 120. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The Native Title (Tribunal) Regulations 1993 (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. Key Themes 2-4 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Not in the public interest The Western Australian policy framework is based around open engagement and consultation at a no cost basis. This ensures that everyone can access and make comment on proposals that are in the public interest. It would be against these principles, for example, for a local government to impose a fee upon people who may object to a planning or other application. This is especially the case as there are no third party right of appeal for many applications. Similarly, an application under the Mining Act should readily enable public input, serving to ensure balanced considerations through the decision-making processes. The Council respectfully invites the Department to take into account these important considerations and not progress with a proposal to introduce fees for objections.	
207	Mark Parre	I understand that the objections to the recent increases in mining companies wanting to explore for mineral deposits in the south coastal area have put a strain on the court system. This is not the fault of local residents lodging complaints, it is the fault of mining companies lodging applications to explore. If this is straining the system then the miners are not being charged enough for there application fee and this should be increased to cover any additional court costs. The right to object needs to remain a right free of charge so that all parties with an interest in areas proposed for exploration are not impeded in calling for applications to be denied. This is the only acceptable way to handle this situation. Please consider this my objection to the proposal to charge a fee for lodging objections to mining exploration applications.	Please refer to Key Themes 2, 3 and 10 in the *Response to submissions report*.
208	Carol Biddulph	I am objecting to the proposal by DMIRS to increase the fee to lodge an objection to mining exploration from $0 to $859. At present myself and my husband are objectors to a proposed mining exploration application in Torbay, Albany WA. We are private landowners in this area.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		There have been several exploration applications over the pass couple of years in our area. There have been a total of 292 objections to these applications. Some landholders have had to submit their objections three times. If all of the objectors had to pay the proposed fee of $859 that would equate to $250,828 just for speaking their mind and how it would effect their lives. If this fee proposal goes through this money will be taken out of our local economy. Personally we would have had to spend $1718.00 for our right to object. If this fee was introduced we would not be able to afford it therefore being put in a position of not being able to object and voice our opinions. Not all objectors live in proposed tenements. A fee could certainly put off concerned members of the public and concerned community groups who would like to give support to areas effected by exploration mining proposals . How can DMIRS justify this ? Another warden has had to be appointed for the overload of objections. Section 6 of the 'Fees for Objection under the Mining Act 1978' states that objection numbers have increased over the last three years. Does this not tell them something? People are not happy. We are living in an area of natural beauty, small businesses, farming, tourism, families and retirees. How many more applications for exploration mining will happen in this area? Another $859 each time per objector to protect our communities and this unique part of WA. In Section 7 of the ' Fees for Objection under the Mining Act 1978 it is stated that 21% of objections between April - May 2022 were not connected to mining including private landholders, community members and water rights holders (75).	the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1, 2, 3 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Again, this indicate that these groups in our society are not happy. If the 21% of applications were not allowed to proceed the wardens load would be greatly reduced. Mining companies objecting to mining tenements should pay the fee. This would be fair. Fees and charges are part of business. Fees and charges to, say, a family living on a small lifestyle block is not fair. Everyday people trying to protect their homes, lively hoods and communities should not have to pay. Wouldn't it make more sense to relieve the burden placed on the wardens by excluding certain parts of the state from mining. We are not out in the remote parts of WA. Apart from the financial cost of any new fees there are all the other costs of objecting - time to deal with the objections, leave from work to attend court, mental health stress, cost of legal representation etc. This seems so unfair. We are talking about everyday people here dealing with this not legal practitioners. Is the whole point of the proposed new fee to either make objecting out of financial reach for the general public or to grind people into submission so they just don't object in the first place?	
209	Toni Collinge	I'm disgusted that you'd consider charging people to make objections. This is clearly a David and Goliath situation with the mining companies having very deep pockets compared to the Joe Blows of this world. In the interest of equity, I urge you not to charge this outlandishly expensive fee, and in fact to make it free for people who wish to object. We supposedly live in a democratic society in which everyone, no matter their status in life, can have an equal say.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
210	Sylvia Leighton	I am writing to express my strong objection to the introduction of the $859 fee proposed by The Department of Mines, Industry Regulation and Safety (DMIRS). DMIRS is proposing to amend the Mining Regulations (1981) to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. … **I am objecting because;** • A fee of $859 is too high. I should remain at $0. • Mining Companies could pay extra if they lodge tenements in areas where there are numerous landholdings, and this would compensate for public submission costs. • Currently there is no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. In this way they can exhaust landholders and community members funds, effectively excluding their ability to have a say. • In some areas multiple companies lodge competing tenements, and fight it out in Warden's Court over who gets to explore, so there may be 2 or 3 tenements over an area. Again, this would require multiple fees of $859 for a community member or landholder to pay, just for the right to object. • Mining companies objecting to mining companies should pay. Communities trying to protect where they live should not. To prevent the Warden's Court being overrun with community objections, some areas of the state should be excluded from mining. Why? The people of WA still need areas where they can live, grow food, and raise children without the threat of a mine operation suddenly 'appearing' within the midst of their quiet, community minded area.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2, 3, 5, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
211	Tania and Gary Scoles	We are grateful to be able to provide our view with the proposed changes to charge a fee to object. We see there are a range of objections but in this instance we would like to focus on a situation we are currently involved with and that is two proposed mining tenements for exploration in our backyard, so to speak, we are referring in the most part to our lived experience. The proposed fee of $859.00 we perceive to be prohibitive for most common people. These people include the very landholders upon which would be directly affected by mining company intentions to disturb their properties. The ones who vote and have a democratic right to object. Having read the proposed changes I realise that we currently probably sit in the 3% category of statistical analysis. However we think this percentage will change considerably moving into the future as mining companies encroach into busy populated areas. The more people that are affected understandably, the more pressures DMIRS administration is under to process the increased traffic of objectors. These costs obviously need to be met. In this case it is our suggestion that Mining companies proposing to create an outside disturbance to populated communities, be the one to foot the bill. They get to pay the fee for each objection they create. The idea being the greater number of objectors would be a deterrence from applications in the first place. This would then become self regulating. May we also include objections over areas of conservation that most people would prefer to be preserved for Earth's sake and not wrecked. Our big concern over the fee for objections is mining companies using fee paying as a strategy for manipulation. They could apply and withdraw then reapply. Who could keep up with the costs?	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 1-3, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We ask you to please consider our submission and please exempt landowners who would be adversely affected by applications, to be fee exempt.	
212	Terry and Fiona Zambonetti	My husband and I wish to lodge our objection to the raising of the above fee from 0 to $859. This sum is simply not affordable to the average person and would diminish our rights as **West Australian citizens** to object. A sum of $50 - $100 we feel would be more than sufficient. We believe there is no regulation in the number of times a mining company can apply a tenement in an area. Surely this encourages the mining company to eliminate objectors by lodging a tenement, withdrawing and the lodging again. No one can pay this high fee multiple times. We live and farm in a beautiful part of the Western Australian state. We must preserve this for not only our children but for future generations of tourists, our endangered wildlife, majestic scenery, and the state of Western Australia. If the areas between Albany and Denmark were excluded from mining the Warden's court would not be overworked with objectors.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2-6 in the *Response to submissions report*.
213	Jodie Moffat	No clear rationale has been published as to how the proposed amount for the Wardens Court Objection fee has been comprised. Currently, if an Objector succeeds in having their Objection upheld by the Wardens Court then that Objector can apply to have their reasonable legal costs paid by the losing party. The applicable Determination for the Wardens Court is the Magistrates Court, as set out in Regulation 128 of the *Mining Regulations 1981*. All application fees for any proceedings in the Magistrates Court are less than the fee proposed for Objections in the Wardens Court. If the relevant Determination for the Wardens Court is the Magistrates Court (which allows you to recover less than the Supreme and District Court Determination), then it is unfair to base the Wardens Court Objection fee on an amount that is more closely aligned with fees charged for applications in the Supreme and District Courts (although the fee proposed by the Wardens Court is also higher than similar applications in the Supreme and District Courts).	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to the Calculation of Fee for Objections and Key Themes 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		In any event, all courts and tribunals in WA allow a reduced fee for low income earners/pensioners, and any Objection fee in the Wardens Court should also allow a reduced fee for low income earners/pensioners to be consistent with this practice, and to be fair and reasonable to all Western Australians.	
214	Steven Leggatt	I would like to object strongly to this proposed fee. Who do you people work for? The people of WA or overseas mining companies? This fee takes away the chance for ordinary people to protect our pristine environment, ensure uncontaminated water and have clean dust free air to breath.	Noted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.
215	Quinninup Community Association	Quinninup Community Association firmly believes that local residents and other stakeholders should be able to make objections to mining proposals easily and not hindered or deterred by financial constraints. Community engaging in what is happening around them on public land and able to freely express concern is important. This is particularly important in the current climate crisis and impending food and water crisis which we are facing. Objecting to activities such as exploration licences in the Warden's Court is currently free, but the Department of Mining, Industry Regulation and Safety is proposing an $859 fee per objection.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		It is our understanding that the number of objections lodged have increased. The fee would provide the court with the resources and funding it needs to meet extra demand; however, this fee should not be imposed on public. People and small community groups cannot afford the proposed objector's fee of A$859.00. This will be a limiting factor. The consequence of this will deter community opposition. It is the government's responsibility to provide the staffing and the administrative capability to process everything that is concerned with tenement applications, including objections. These administrative costs cannot be passed onto the public in this case, it is not appropriate. It would be more appropriate to pass these costs onto the proponent or adequately staff DMIRS to provide this service. To put this into perspective local community members have objected to two tenement applications lodged near our townsite in the last three years lodging at least 220 objections. The exploration tenements were proposed over public and *privately owned freehold fand* where there are relatively dense rural populations, fragile ecosystems and major food producing areas. Following the objections, the applications were removed. Local community would have been restricted by the proposed fee and thus unable to defend their land against threatening processes. We are concerned that we would not have had the outcome we did if the proposed fee is in place. We are also concerned there are currently companies waiting for this proposed fee to be put in place before again lodging tenements near our town. DMIRS stands to benefit from this not community. The Exploration Incentive Scheme (EIS) started in April 2009 and is a State Government initiative aiming to encourage exploration in Western Australia. In 2022 the Western Australian Government continued its investment in mineral exploration by adding considerable funding to this scheme. Explorers could receive a refund of up to 50 per cent for innovative drilling projects, with updated capped values of $180,000 for a multi-hole project $220,000 for one or two deep holes and $40,000 for prospectors. The co-funded Energy Analysis Program offered up to a 50 per cent refund for up to $50,000	Please refer to Key Themes 1-3, 5, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		per application and encouraged innovative exploration in greenfields and under-explored areas of Western Australia. Local stakeholders, property owners, residents, local businesses, Not for Profit organisations should not be imposed a fee to object to proposed activities which will impact them whilst exploration companies are being financially supported by our government.	
216	Sarah McNamara	I am writing to express my strong objection to the introduction of the $859 fee proposed by *The Department of Mines, Industry Regulation and Safety* (DMIRS). DMIRS is proposing to amend the Mining Regulations (1981) to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. … **I am objecting because;** • A fee of $859 is too high. It should remain at $0. • Mining Companies could pay extra if they lodge tenements in areas where there are numerous landholdings and this would compensate for public submission costs. • Currently there is no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. In this way they can exhaust landholders and community members funds, effectively excluding their ability to have a say. • In some areas multiple companies lodge competing tenements, and fight it out in Warden's Court over who gets to explore, so there may be 2 or 3 tenements over an area. Again, this would require multiple fees of $859 for a community member or landholder to pay, just for the right to object. • Mining companies objecting to mining companies should pay. Communities trying to protect where they live should not. To prevent the Warden's Court being overrun with community objections, some areas of the state should be excluded from mining. Why? The people of WA still need areas	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2, 3, 5, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		where they can live, grow food, and raise children without the threat of a mine operation suddenly 'appearing' within the midst of their quiet, community minded area.	
217	Clare Jackson	• If the increase in objections over the last three years is linked to a rise in applications, then it is unfair to penalise the objector. Mining companies can link together smaller properties in one application, one application - 200 properties, and pay just one fee. Residents (Objectors) of each property having to pay individually with the suggested $859 per objection. Increase the fee for applications where more than one property is involved in the application. One property, one application, one fee would be fair and reasonable, however, a fee for half of the amount, of over $170,000 proposed fee from objectors in this scenario, an extra $85,000 to be paid by the applicant would be reasonable in covering costs. With a much lower fee of $50 payable by objectors. • Perth wardens dealing exclusively with **Mining Act matters** every week, not specifically objections. In regional offices where there is an expectation of higher mining applications e.g. Kalgoorlie, Southern Cross etc, Mining Act matters **including objections** with monthly sittings is reasonable. Applications within the Great Southern area is likely to keep expanding due to the rising need for silica sand. It would therefore be prudent to have a regional office in Albany with monthly sittings to deal with Mining Act matters and objections which is fairer to all parties. • Concerns were expressed by industry representative groups and individual companies regarding delays and the availability of dates for the hearing of matters. The delays in available hearing dates approached 10–12 months in October 2021. Since the appointment of a second Perth warden in May 2022, dates for hearings requiring more than one hearing day are now available within two months (as at May 2023). The concerns expressed by other interested or affected parties have not been documented within the Consultation Paper.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicant are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenement will result in additional costs for applicant, which will vary depending on the type and size of the tenement applied for. The Department has noted your suggestion of an additional regional office in Albany. Please refer to the Calculation of Fee for Objections and Key Themes 1-3 and 5 in the *Response to submissions report*.

<table>
<tr><th>Ref</th><th>Stakeholder</th><th>Comment</th><th>DEMIRS response/action</th></tr>
<tr><td></td><td></td><td>
An extra waiting period of less than one month is not outrageous. Perth deals with all Mining Act matters, if the increase is due only to objections, then having a regional office in Albany, given that this matter is workable in Kalgoorlie, Coolgardie etc, would alleviate the wait. However delays have as much to do with the rise in applications as with objections.

Cost Recovery

Applying a fee for objections consistent with the cost recovery policy for government services is fair and reasonable. However, it is difficult to address whether the fee equates in the cost recovery, or, surpasses that which is fair and reasonable.

Fees and charges for Mining Tenements 2023 - 2024

https://www.dmp.wa.gov.au/Documents/Minerals/Minerals-Feesandcharges.pdf

The fees and charges for objections should bear a similar price structure as, Fees and charges for Mining Tenements above and fees for objections in other States. See Figure 1 below.

FIGURE 1

<table>
<tr><th>State</th><th>Fee for objection</th></tr>
<tr><td>NSW</td><td>Small scale title $287 Standard</td></tr>
<tr><td>NT</td><td>NIL</td></tr>
<tr><td>QLD</td><td>NIL</td></tr>
<tr><td>SA</td><td>$46 - Plaint for Forfeiture.
$18 - Plaint for all other matters</td></tr>
</table>
</td><td></td></tr>
</table>

Ref	Stakeholder	Comment	DEMIRS response/action
		<table><tr><td></td><td>Including objections ERD fees: $276 application fee plus $302 court fee if matter **proceeds to hearing**</td></tr><tr><td>TAS</td><td>$49.84</td></tr><tr><td>VIC</td><td>NIL</td></tr><tr><td colspan="2">These are the stated fees for objections in other States</td></tr></table> This Consultation paper gives a biased view by addressing the rise in objections without addressing the rise in applications. Less applications will produce less objections, therefore, reduce the number of applications to be addressed in any one month. A payment of $859 by those seeking fast tracking would place the cost onto those prepared to cover the cost of an extra warden. An extended wait of less that one month is not unreasonable, objections from however many stakeholders (residents) will likely address the same concerns and should take less time to address hence reduce the cost. To reduce objections by imposing an inequitable fee will deny non mining entities a fair and reasonable voice.	
218	Scott Frankel and Catherine Wyllie	We wish to formally express our concerns regarding the proposal to introduce a fee of $859 to lodge objections to a mining tenement. We have personally had a mining tenement placed over our south-west property, so have first hand experience of the anxiety and worry such an event can cause individuals and families.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to the Calculation of Fee for Objections in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		It appears that the introduction of this large fee is to explicitly stifle objections to the rising number of objections to mining proposals, particularly in populated south-west forest areas where mining tenements are being considered. We strongly object to this proposal for the following reasons: **Undermining Democracy:** In a democratic society, citizens have the fundamental right to express their opposition to issues that might have adverse impacts on their lives, local communities, the regional environment, and the public interest. The proposed substantial fee appears to be in conflict with our constitutional rights, as it could hinder the democratic process of voicing concerns. **Lack of Justification:** The proposal lacks transparency regarding the specific amount of $859. Without a clear rationale for this specific fee, it seems that its primary purpose is to discourage stakeholders from objecting to mineral exploration plans that could potentially harm their interests. **Inequitable Burden:** Charging "859 places an inequitable burden on the Western Australian community, particularly when compared to the potential profits of resource extraction companies that allocate budget for legal fees. It seems that this fee is designed as a deterrent and a punitive measure against those who wish to raise objections. **Restricting Democratic Processes:** The imposition of this punitive fee limits the democratic and legal avenues for stakeholders to object to mineral extraction plans that are contrary to public and environmental interests. This is of particular concern in regions like the south-west of Western Australia, with its relatively dense rural population, fragile ecosystems, and vital food production areas. In light of the above, we propose the following: **Exemption for Local Stakeholders:** Property owners, residents, local businesses, and Not for Profit organisations, should be exempt from fees when the proposed activity directly impacts their property values, income, or quality of life (e.g., health, noise, dust, traffic).	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth) including the Aboriginal Heritage Act 1972) and after grant (compliance with environmental and safety approvals). Please also see Key Themes 1, 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Page of 1 2 **Fee Adjustment:** Given that the Mining Warden's Court is on par with a Magistrates court, the fee should be set at a more reasonable level of "172, equivalent to a Minor Case Claim fee. If it is considered on par with a Supreme Court fee, the amount for 'other applications' is "577. Furthermore, for individuals on pensions or facing financial hardship, the proposed fee should be reduced to a more affordable "53.50 for Magistrates Court or "100 for the Supreme Court, aligning with practices in other courts. **Ecological, Food Production, and Heritage Considerations:** The Lower South West of Western Australia is an ecologically fragile and diverse region, vital for food production. Protecting this area is essential, as it plays a crucial role in the production of clean water and food. Given the anticipated global value of these resources in the future, our constitutional right to safeguard them is of paramount importance. **Cultural Importance:** It's important to recognise that the Noongar people have cultural sites and heritage of great significance in this region, which could be adversely affected by mining activities. It is vital that any proposed fee structure aligns with democratic principles, encourages active participation, and safeguards the interests of the community, the environment, and heritage. In conclusion, the proposed objector's fee poses a substantial challenge to democratic participation and the protection of essential resources and heritage. We urge the department to reconsider this fee.	
219	Will Hosken	Please find as follows my submission in objection to the proposed introduction of fees for objections to proposals made under the Mining Act 1978. This proposal: • Will remove the ability for people with limited financial resources to participate in a public consultation process, thereby undermining the democratic nature of public consultation. • Does not allow for the public to notify the Minister of matters of public interest. • Does not afford procedural fairness to all parties that may be affected by a proposal, including landowners. • Is inconsistent with other approvals processes in WA legislation where the cost of processing is borne by the applicant (who stands to gain financially and can recoup or write off the costs).	Noted. Please refer to Key Themes 1-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Is contrary to many other efforts by the WA State Government to be more inclusive and accessible, promoting public engagement through legitimate channels. • Is a poor look and will undermine trust in the WA State Government, appearing contrary to efforts to promote transparency and accountability in government agencies. If the Department is struggling with the volume of submissions being receive, this suggests that their processing methods are cumbersome and could be reviewed to streamline processes to reduce resources required. Given the propensity for mining companies to make vexatious objections for competitive reasons, it may be appropriate to introduce a fee only for companies (and no cost to landowners or general public). It may also be appropriate to increase the general application fees for mining proponents – it is a normal and reasonable cost of business for an applicant to pay costs associated with processing of their application. Please reconsider this proposal.	
220	Jennifer Schuh	Our family farming property in Bornholm, Western Australia (located between Albany WA and Denmark WA) has been under threat from three different Mining Exploration Licence Applications, filed with DMIRS since January 2022. My husband, 24 year old daughter and I live and work on our 22 hectare property which is located near the Lower Denmark Road, roughly due north of West Cape Howe National Park, about halfway between Albany and Denmark WA. We purchased our Bornholm farm as freehold in 1987. We have spent the last 30 years of our lives establishing windbreaks, restoring native vegetation, establishing Avocado and Macadamia orchards, and managing a small beef herd and building our farming and agriculture business named "Bornholm Growers".	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. In relation to file-withdraw-then-refile applicants pay an application fee. Applicants pay for an application fee, with each application fee differing by tenure type and the size of the tenement applied for. Therefore, submitting multiple applications

Ref	Stakeholder	Comment	DEMIRS response/action
		We have supplied and continue to supply local food to the Albany Farmers Market for over 20 years. Our farm goal is to supply local, pristine, healthy food to our local community in Albany. I have lodged Objections to each of three different Mining Exploration Applications that have directly threatened our family farm. My most recent Objection was filed against Mining Exploration Application E70/6409 in August 2023. Two of my objections were against previous Mining Exploration Applications that were lodged in 2022, then later Withdrawn by the Applicant; only to be replaced by other very similar Mining Exploration Applications, such as the recent E70/6409. The process of composition and lodgment of DMIRS Objections to these Mining Applications (which are nearby or include areas of our family farm) has taken up a significant amount of time during 2022 and 2023. I estimate I have spent well over 200 hours of my personal time, since Jan 2022, coordinating my three formal Mining Exploration Application Objections. This time has included research and composing documents, attending information meetings with my local community, learning the DMIRS online system EMITS, lodging documents into the DMIRS online system EMITS, attending mention hearings, satisfying Court Orders resulting from Mention Hearings and in communication with the Mining Applicants' lawyer, Mr Jacob Loveland. The DMIRS staff has been very professional in helping our local community in learning, understanding, and adhering to the government and DMIRS online systems and procedures. Our family farm has been our part of our livelihood and the fulfillment of a lifelong dream, which is to develop, live on and protect a Pristine farm land located in a beautiful, temperate area of the World.	for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 3, 5 and 6 in the *Response to submissions report*. .

Ref	Stakeholder	Comment	DEMIRS response/action
		This includes the collection of pure rainwater from the Southern Ocean in irrigation dams and rainwater tanks... and to develop a food forest for our local community as well as restoring areas of native bush for local birds and native wildlife. Our 24 year old daughter Lucy, plans to live on our Bornholm farm and continue the family farming activity into the future. She will be supported in this work by our other 27 year old daughter, Sonya Barkovic, who currently works as a Health Professional. Our Bornholm farm is a Western Australian family farm. I believe it is our ethical duty and our Right as Western Australian Citizens and as long term Bornholm farm property owners to protect our home, the pristine agricultural land, our farming livelihood and the support of the local Albany Farmers Market and customer community against the threat that a nearby mine would pose to our land, our agriculture and our lives. The government mechanism for me to legally protect our farm is the Objection process facilitated by DMIRS. My neighbours, my local community and I have seriously attempted to become educated and to diligently follow the DMIRS Mining Application Objection process. I personally, have had to lodge three Objections in the time period from January 2022 to August 2023 against three very similar Mining Applications lodged by an experienced Mining Application Solicitor in Perth, and funded by presumably wealthy foreign Chinese investors. I would not have been financially able to lodge my three Objections, had my family been required to pay a fee of $859. for each of these three Objections, within a time period of approximately 18 months, for a total Objection fee of $2577. Our family farm is a frugal operation. We have had to invest money from our personal retirement funds to establish and maintain our farm. We have also had to work outside the farm to establish and maintain the farm and our family. It is reasonable to anticipate that a Wealthy Overseas Mining Company or Wealthy Investor would be able to fund a professional lawyer to file-withdraw-then-refile a series	

Ref	Stakeholder	Comment	DEMIRS response/action
		of Mining Exploration Applications within our local community land area... until myself and my neighbours could no longer fund our own personal Objection fees. It is a complex algorithm to estimate the Mining Exploration Application fee for a Mining Company or Mining Investor, but I suspect that a single Mining Exploration Application fee would have been less than $900. such as for the recent DMIRS application E70/6409. This single Mining Application E70/6409 has affected over 40 local family properties and local enterprises, many of whom have joined myself in filing personal Citizen Objections! I estimate that a single Mining Exploration Application fee of something less than $900, funded by a Wealthy Overseas Investor, would have required over 40 Western Australian families to each pay $859. in order to fund their rightful Objection as a Citizen and local Property owner. The proposed $859 per family does not even include the time and stress spent by each Objector in learning and adhering to the very unfamiliar DMIRS Mining Application Objection process. If DMIRS feels that an Objection fee is required, I believe a fee of less than $60 per Objection would be reasonable for a frugal farming family or local property or business owner. I also believe that the DMIRS Mining Exploration Application system should limit the number of repeated Applications that may be filed and Withdrawn, then re-filed against effectively the same Western Australia community land area; as Mac Sands has done in the case of our small Torbay Catchment community during 2022 and 2023. I appreciate that Mining Companies significantly contribute to the Western Australian Economy. It is my understanding that most of the productive Western Australian mines are located in large tenements, tenements perhaps greater in size than 1000 hectares. Our family is not "anti mining".	

Ref	Stakeholder	Comment	DEMIRS response/action
		Our family is against mining in local community areas that are as Pristine as the Torbay Catchment Community and contain a multitude of small agricultural, tourism and small business properties. The majority of our local Torbay Catchment and Bornholm rural coastal properties are less than 100 hectares in size, many are small 5-10 acre blocks. I appreciate your time and attention in reading this email and considering this complicated issue.	
221	Stephen Grimmer	I strongly oppose the proposed fee for mining objections which I find to be unfair and undemocratic. I note that one of the key objectives of the proposed fee is to reduce the number of active matters before the warden and feel extremely sad that in Australia the country of the" fair go" that a government department would look to silence community voices in this manner. On the one hand you implement an incentive scheme resulting in speculative and unethical mining companies lodging claims in areas that should never be developed, and then on the other hand you are looking to provide a huge financial disincentive to families and communities affected by these applications to object. I could support a fee for people who do not live within the proposed application area but this should never be charged to a family or property owner directly affected by a mining application.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1-2 and 6 in the *Response to submissions report*.
222	Judy Pine	I present my submission formally objecting to the proposed fee for the lodgement of objections under the Mining Act 1978 for the following reasons: • There should be NO FEE for individuals, NGOs, or Native Title Holders. A fee of $859 is unaffordable to the average stakeholder, and therefor impinges on a citizen's right to engage in their civic duties within democratic processes. • Any fee effectively removes or discourages the majority of citizens' right to object, and therefore does not "pass the pub test". Indeed, it appears to be a clear case of protectionism of the mining industries - a dangerous outcome in the age of climate change.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Miners could pay a lot extra if they lodge tenements in areas where there are many landholdings. • Currently there is no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. In this way they could exhaust landholders and community members funds, effectively excluding their ability to have a say. • In some areas multiple companies lodge competing tenements, and fight it out in Warden's Court over who gets to explore, so there may be 2 or 3 tenements over an area. Again, this would require multiple fees of $859 for a community member or landholder to pay, just for the right to object. • Mining companies objecting to mining companies should pay. Communities trying to protect where they live should not. • To prevent the Warden's Court being overrun with community objections, some areas of the state should be excluded from mining. Why? The people of WA still need areas where they can live, and use for holidays and grow food.	Please refer to Key Themes 2, 3, 5, 6 and 10 in the *Response to submissions report*.
223	Natalia Shagina	As a member of the public, I would like to provide feedback on the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee of $859 for lodgement of objections under the Mining Act 1978. While in general I support the principle of charging an administration fee for lodgement of objections, I cannot agree that the proposed fee of $859 is reasonable for the following reasons: ***1. The proposed fee is one-to-two orders of magnitude higher than fees charged in WA in the past and in other states*** In the consultation paper the Department of Mines, Industry Regulation and Safety (DMIRS) noted there was a prescribed fee for the lodgement of objections before 1993. Indeed, according to Schedule 2 of the Mining Regulations 1981, reprinted as of 24 August 1988, objection under Regs. 49, 51B, 55, 67 and 120A, attracted a prescribed fee of **$3.70.**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Given that all objections are currently treated the same, no matter who makes them, there is no readily accessible way to derive reports and analysis of the various categories of objectors. This was a manual analysis done by a staff member going offline to analyse a randomly chosen time period. Please refer to Key Themes 1-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Comparison with other states, provided in the consultation paper, indicates that a fee for objection is charged in Tasmania **($49.84**) and South Australia (e.g. **$46** – plaint for forfeiture and **$18** – plaint for all other matters including objections) but by an order of magnitude lower the proposed fee of **$859**. Other states do not make any charge for lodgement of objections. ***2. The proposed fee would not be affordable to many individual objectors or community groups affecting the quality of decision-making and is not consistent with the intention of the Mining Act 1978*** According to ABS data for 2019-2020, the median total personal income in WA was $55,208, which is equivalent to $1,062 per week. ((Available at https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/personal-incomeaustralia/latest-release#state-and-territory (last accessed 6 November 2023)). The proposed fee is over 80% of the weekly median total personal income. As of May 2023, ABS data on weekly earnings for working adults are $1,514.60 in the private sector and $1,647 in the public sector. ((Available at https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/average-weeklyearnings-australia/may-2023#state-and-territory (last accessed 6 November 2023)). The proposed fee is 57% and 52% of the weekly earnings of working adults, correspondingly. Only a limited number of people would be able to afford to lodge an objection and pay the proposed fee. This would be in contradiction to the Mining Act 1978 allowing a notice of objection to a mining tenement to be lodged by "any" person who wishes to object. During the Parliamentary Debates Mr W.J. Johnston (Parliamentary Debates (Hansard), Legislative Assembly, Tuesday 20 Sep 2022, p.4170) noted, in regards to amending the Mining Act that "…This will allow us to introduce a modest fee that might discourage those serial plainters who simply plaint everything rather than having a look at the individual matters". Possibly, DMIRS should deal with serial objectors in a different, more constructive way. Such dealing may require a government policy change or improvement in procedures within the Department for dealing with such objectors. The Warden has power under the Mining Act 1978 to deal with a party that frivolously and vexatiously commenced proceedings in the Warden's court.	

Ref	Stakeholder	Comment	DEMIRS response/action
		An application for an exploration licence, for example, would be heard by the Warden only if an objection is lodged. Having an application subject to the Warden's court procedures was introduced into the Mining Act in 1978 so that exploration applications would be 'entirely under the public scrutiny'. (Western Australia, Parliamentary Debates, Legislative Assembly, 24 August 1978, Mr Mensaros, Minister for Mines.) With the reduced number of objections due to an excessive fee, the exploration applications would not be subject to public review as was intended by the Parliament of the day. In addition, I agree with the High Court of Australia in relation to the mining lease application (Forrest & Forrest v Wilson 2017 HCA 30, paragraph 88) that 'the provision of the informed views of those who objected to an application was apt to improve the quality of decision making by those charged with the administration of the Act'. It is in the public interest that applications requiring review through the Warden's court to provide quality information for a decision by the Minister are not lost because an objection could not be lodged due to an unaffordable objection fee. In my opinion, review of mining tenement applications through the Warden's court is becoming crucial since publication of the Australia State of the Environment (SoE) Report in 2021. This report defined the state and trend of the Australian environment as poor and deteriorating due to increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. (Australia State of the Environment Report 2021. Available at https://soe.dcceew.gov.au/overview/key-findings (last accessed 16th February 2023). In Western Australia no SoE report has been developed since 2007, which calls into question the quality of environmental information that DMIRS uses in its decision-making process on mining tenement applications. Public is able to provide application-specific environmental information or initiate a proper review through raising an objection. However, if an objection is not lodged due to inability to pay the proposed $859 objection fee, an application could be decided within DMIRS without proper scrutiny.	

Ref	Stakeholder	Comment	DEMIRS response/action
		3. Analysis on the proposed fee structure presented by DMIRS does not provide a clear picture and does not substantiate a provision to charge a flat fee DMIRS analysis provided in s.7 of the consultation paper only covers 2 months in 2022 while an increase in objections was observed in the last three years. The statistics does not represent the whole picture over the last 3-year period. Under the Mining Act 1978, a notice of objection can be lodged to granting an application for different categories; for example, for a licence (e.g. prospecting, exploration etc.), for forfeiture, or for exemption from expenditure conditions. Data presented in the consultation paper do not provide a breakdown of objections in these different categories. It is also not clear from the analysis what percentage of total applications have received objections as there can be multiple objections for one application. It is not clear what percentage of total applications is actually reviewed in the Warden's court? We recently objected twice to different mining tenement applications made over the same area and both applications were subsequently withdrawn. There is no limit in applying for a mining tenement over the same area. But for an individual to object to an application made multiple times over the area where he/she lives and work will become completely unaffordable with the proposed fee. According to the data provided by DMIRS, the majority of objections were lodged by companies or people involved in the mining industry. Therefore, the objections are predominantly related to business interests and the proposed fee would be easily covered by mining businesses. Other objectors, including private landholders, community members, NGOs, would be raising objections related not only to private interest but also (and likely predominately) to the public interest issues and would not be able to afford the proposed fee.	

Ref	Stakeholder	Comment	DEMIRS response/action
		It is not in the public interest that the Warden's court applications would be skewed to only consider cases related to business matters, while other matters, for example, those related to public interest, would not be considered appropriately. ***4. The increase in objections was likely due to the State Government incentive to stimulate mineral exploration in WA, so the Government should allocate resources to all components of the process*** The State Government through its Exploration Incentive Scheme (EIS) stimulates exploration activity in the State. Stimulating the exploration does not only require to allocate additional resources to DMIRS to deal with increased applications and mining activities but also to the Department of Water and Environmental Regulations (DWER) and the Department of Biodiversity, Conservation and Attractions (DBCA) as exploration requires environmental approvals, monitoring and enforcement. The EIS has been funded from Mining Tenement Rent revenue. Additional resources should not be sought from the public to help DMIRS support its staff and provide funding for the second Warden. I also note the recent Auditor General's Report stating that DMIRS and DWER are not fully effective in ensuring mining projects comply with conditions to limit environmental harm and financial risks to the State. (Office of the Auditor General: Compliance with Mining Environmental Conditions, Report 11: 2022-23) Excluding the possibility for public review of applications for mining tenements via charging an unaffordable fee could further increase burden on DWER. For the reasons indicated above, I feel that DMIRS should consider either a significantly lower objection fee or develop a different fee structure depending on the nature of an application and category of an objector. For example, affected communities raising objections to a mining tenement application on environmental or public interest grounds should not pay an objection fee.	

Ref	Stakeholder	Comment	DEMIRS response/action
224	Toodyay Friends of the River	Toodyay Friends of the River Inc opposes the charging of a flat rate fee for lodging objections under the Mining Act 1978. This would act as a major deterrent to small organisations such as our own, and to individuals. If fees have to be imposed, we urge DMIRS to adopt a two-tier fee: one rate for companies and individuals in the mining industry, and a substantially lower fee for organisations and individuals not in the mining industry. This would be simple to administer, and much fairer. Those in the mining industry have direct or indirect financial interests in the decisions of the Warden's Court. Companies have significant resources on which to draw. Community organisations such as ours are run by volunteers, only have minimal resources, and have to do their own fundraising. DMIRS website clearly states its intention to be inclusive and to consider issues from stakeholders' perspectives. Stakeholders include individuals and community groups affected directly or indirectly by its DMIRS' activities and by mining or petroleum activities. A flat rate fee at the suggested level of $859 would be exclusive. It would exclude many individuals from having their perspectives heard. It would severely curtail the capacity of small community groups to have their views considered. The fee for individuals not involved in mining and for community groups needs to be minimal.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. The Department views that the fee will not deter objectors who give serious consideration to the success of their objections before the warden. Any person can lodge an objection on almost any ground whatsoever. Objections are not limited to persons with an interest in the land or directly affected by the proposed mining or exploration activity (as in some other states). Please refer to Key Themes 1, 2, 5 and 6 in the *Response to submissions report*.
225	Margaret Owen	As a regular member of the community interested in the survival of life on Earth and the protection of nature, I find the proposal to re-introduce charging for the lodgement of objections, out of step considering the state of the world. The indicative fee of $859 for lodgement of an objection is beyond the scope of reasonableness. How could a person or organisation pay that amount. We note that an application to object to a Clearing Permit being granted is $10. Whilst $10 will not cover costs, $859 is at the other end of the scale. Item **6 'Cost of dealing with objections'** (page 4 Consultation Paper), perhaps is an indication of community concern about mining, with almost 4000 objections lodged in	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2-4 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		2021/2022. The statement '*The increasing volume of objections last year has resulted in the appointment of a second mining warden in Perth with the cost met by DMIRS'.* Surely it is the role of the DMIRS to fund officers to do the work of the DMIRS and to manage that applications and objections are handled in a timely manner. If the Department is not able to do this, the Minister for Mines must fight through application to Treasury, or by other means, so that the Department can operate effectively and fairly. The DMIRS announced '*WA delivers record $254 billion of mineral and petroleum sales in 2022 -23'* (10 November 2023). It would be hoped with this result that the DMIRS would be adequately funded to run efficiently, even with the State government's cost recovery policy. It is not logical that because there has been an increased volume of objections over the last three years, and that increased costs have been incurred, that costs should be met by people and organisations submitting objections. Is it not logical that some fees be borne by applicants, who will be getting the financial benefits from mining. There is no reward for objectors, other than seeking the protection of flora, fauna, water resources, sea beds, coastlines, air quality, Aboriginal land and places, climate and social surroundings?	
226	M Leggett	Submission on the Department of Mines, Industry Regulation and Safety (DMIRS) proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. My initial reaction to hearing that the indicative fee will be set at $859 per objection was one of disbelief and disappointment. It felt like a gag, an exclusion from one of the official communication channels with Government. Although $859 may be a modest fee to the Mining Industry, it represents an insurmountable hurdle to most of the population. To put this in its financial context, the ABS May 2023 figure for average weekly earnings is $1,400.20. This is averaged across all employees. The indicative fee therefore represents 61% of pre-tax earnings for a whole week for a person on the average wage and more for all those below the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		average wage. (*https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/average-weekly-earningsaustralia/latest-release*) A single person with a dependent child or children, on jobseeker payment, receives a fortnightly payment of $802.50. In this case the proposed indicative fee represents more than they receive in a whole fortnight.*https://www.servicesaustralia.gov.au/how-much-jobseeker-payment-you-can-get?context=51411* The level of this charge is clearly outside an acceptable range for most of the community. Obtaining, respecting and acting appropriately on feedback from the Community is a sign of good Government. Excluding a large proportion of the community by imposing an excessive, divisive fee works against the principles of good governance and needs to be reconsidered.	
227	Nature Reserves Preservation Group of Kalamunda Inc	This submission is made on behalf of the Nature Reserves Preservation Group of Kalamunda (NRPG), a non-profit community organisation which has worked for 30 years to preserve the natural areas in Kalamunda and surrounds. As such we recognise that our Native Forests and ecosystems are incredibly precious, biodiverse and globally unique, and they have been subject to extensive clearing and mining which threatens their survival. The NRPG objects to the imposition of the proposed increase of fee to $859 to lodge objections to mining tenement and other applications on the following grounds: • It is unrealistic to expect volunteer/non-profit organisations to pay these fees and will therefore will inhibit the exchange of local and technical expertise, particularly in light of the fact that the WA EPA specifically asks for this kind of information to enhance the detailed understanding of important issues and threats to our Environment. • Recent experience with a company proposing a mining tenement indicates that some of these applications are largely speculative at a time of a 'frenzied boom' in the search for metals and minerals needed for the 'green' transition. However, it is important that in the rush for this, we do not do further damage to our climate by destroying our natural environmental carbon sinks in the process.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land, how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please see Key Themes 3-4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		It is frequently volunteer and non-profit organisations which raise issues and objections on valid grounds, and it is unfair to place a further burden on them, when the industry (which if it is serious) stands to make substantial profit. Therefore the burden should be on the applicant. • The present requirement on volunteer/no-profit groups to have to attend Wardens Court hearings to make an Objection, is already a burden which discourages them from objecting and should be dropped to simply allow the Objections to be submitted by email, at no cost, as it is with almost all other public consultations. NRPG appreciates this opportunity to comment on such an important topic and we look forward to the simplification of the 'Objection' process, rather than increase the impediments to 'open and free' consultation.	
228	Joris Van Herzeele	I object to the introduction an $859 fee simply to object to a mining proposal. This proposal is simply outrageous. As a tax paying resident, and someone who cares for our environment and its flora & fauna (especially endangered species such as Black Cockatoos), it is my right, indeed responsibility, to make a submission to my government when a mining company, with no agenda other than making money, is ready, willing and likely able with government approval to clear/kill our native flora & fauna.	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different

Ref	Stakeholder	Comment	DEMIRS response/action
			legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 4 and 10 in the *Response to submissions report*.
229	Hillary Tripp	I am objecting to the proposal by DMIRS to introduce an $859 fee to lodge an objection challenging a mining tenement application. DMIRS is basing this proposal on the increase in objections lodged and have provided an example from a 2 month period in 2022. According to DMIRS 56% of the objections were lodged by mining companies or people involved in the mining industry. 44% were lodged from a combination of people not connected with mining which include land owners, community members, water rights holders, pastoral leases, native title parties and other organisations including NGO's and LGA's. The 56% of objectors from the mining sector has a substantial financial resource base to support their actions. The 44% of objectors not connected with mining do not have the equivalent financial backing. Amalgamated Prospectors and Leaseholders Association of WA (APLA) President James Allison whose industry backs the fee has said the sector had faced an increase in "vexatious litigation" which he said would be addressed by new changes. Landowers and community should be given the right to have a say about what occurs where they live. I would suggest that if the mining sector would desist in applying for mining tenements within river catchments, native forest, native titles and priority agricultural land then objections from the 44% not connected with mining would be substantially reduced. In addition once a tenement has been rejected it is generally filled with the next proponent therefore a new objection needs to be made with the associated fee. The community sector and not for profits cannot afford to keep paying these fees on an ongoing basis. This means the fee structure is giving an unfair advantage to the mining sector.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 3-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
230	Julieanne Hilbers	I am objecting to the proposal by DMIRS to introduce an $859 fee to lodge an objection challenging a mining tenement application in the Warden's Court. Landowers and community should be given the right to have a say about what occurs where they live. The mining sector has a substantial financial resource base to support their actions (both applications and objections). If a tenement has been rejected through the Warden's court it is generally filled with a new application and hence a new objection plus associated fee is required. The community sector and not for profits cannot afford to keep paying these fees on an ongoing basis. This means the fee structure is giving an unfair advantage to the mining sector. If the Department of Mines needs more money to administer objections, the cost should be borne by the mining industry.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 3-4, 6 and 10 in the *Response to submissions report*.
231	Elizabeth Pedler	I am writing to express my disgust at the introduction of a $859 fee for lodging an objection in response to a proposed mine site. This is a blatant attempt to stifle community views and place objection beyond the means of individuals and communities. It is already complicated enough and time consuming enough to submit an objection, let alone having to spend $859, and this amount is extortionate. Lodging an objection should be free, to be accessible to all West Australians with an interest in proposed mines in our state. Mining companies objecting to mining companies should pay. Communities trying to protect where they live should not.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1-2 and 6 in the *Response to submissions report*.
232	Sarah Pozzi	I wish to object to the proposed fee of $859 to lodge an objection to mining. This fee is too high and will exclude many people from being able to lodge objections. Surely it is the right of local residents to object to mining proposed in their area. I have lodged two objections over the past 2 years and if this cost was applied I would not have been able to object.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result,

Ref	Stakeholder	Comment	DEMIRS response/action
		A minimal fee such as $50 might be acceptable. However I feel this cost should be paid by the mining company . Mining companies objecting to mining tenements should pay the fee, but communities trying to protect where they live, should not have to pay. To prevent the Warden's Court being overrun with community objections, some areas of the state should be excluded from mining. Why? The people of WA still need areas where they can live, grow food and use for holidays etc. Currently there is also no regulation on how many times a company can apply for a tenement in an area. In areas where there are multiple landowners, miners could use the fee as a way to reduce or even eliminate objectors by lodging a tenement with the aim of withdrawing it, only to lodge another tenement covering the same area. In this way they could exhaust landholders and community members funds, effectively excluding their ability to have a say. I believe the process for tenements from mining companies should be regulated.	submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2-3, 5-6 and 10 in the *Response to submissions report*.
233	Julimar Conservation and Forest Alliance	Julimar Conservation and Forest Alliance wish to voice their opposition to the proposed charging of a significant fee for lodging objections under the Mining Act 1978. Having to pay a flat fee of $859, as this proposal suggests, would prevent small community groups like ours from making their concerns about mining activity known. For our organisation to positively impact the natural environment in our community, we rely on small membership fees and local fundraising throughout the year and will struggle to cover such substantial fees. The DMIRS' website explicitly states its intention to be inclusive and considerate of all stakeholders, including local community groups and concerned individuals. By including this fee, the wider community will not be able to voice their concerns. We ask you to respect our position and continue to enable us and similar groups to voice our objections by imposing a significantly lower application fee on individuals and small groups.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
234	Allison Manners	I am writing as a concerned citizen in response to the proposed increase in fee for lodging objections to mining/exploration lease applications in WA. The Mining Amendment Act (No.2) 2022 made it a requirement that an objection under the Mining Act must be accompanied by a prescribed fee. At issue is the fee amount. The Department of Mines, Industry Regulation and Safety (DMIRS) proposal to charge $859 per objection directly impacts the democratic option for an individual or organisation to voice their opposition in protection of our natural environment. DMIRS argues the fee is needed to resource the Warden's Court and "reduce the number of active matters before the wardens." However a fee of this size will act as a significant deterrent to individuals or organisations participating in what should be a democratic and fair process. It is also vital that all voices are heard in regard to the much needed protection of remnant bushland, northwest regions, forests and wetlands. While DMIRS states the number of objections have increased in recent years, it is most likely the result of the significant increase in the number of mining applications over precious forests, bushland and extensive areas of farmland. I am strongly opposed to the DMIRS proposal to place the lodgement fee for objections to $859 per objection. This undermines the true nature of democracy in enabling all tiers of the community and its organisations to submit their opinion and factual evidence on any given proposal. Considering the Pilbara bioregion alone is approximately 66% covered by active or proposed mining tenements, it is more important than ever that the community and other stakeholders are able to have an unrestricted voice in these matters. The amount of this fee proposal must not be accepted. It stifles public debate on critical environmental aspects of mining proposals – from prospecting, exploration through to full scale mining. It is undemocratic, un-Australian and acts to deter the very important voices of those striving for balance and environmental responsibility in this industry.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1-2, 4 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		I hope you will see this proposal as potentially being on the wrong side of history. The public must be encouraged to engage in the democratic process and their voice must be given a platform without exorbitant fees.	
235	Madeline Insley	I note the proposal to charge a $859 fee. I STRONGLY OBJECT that individuals and not-for -profit organisations should be charged this exorbitant about and the basis that: - it is undemocratic by putting up a significant financial barrier for non-corporates; - it further tips the balance of power away from the general public to deep-pocketed Corporates; - the mining industry has disregarded environmental concerns for decades and will continue to do so unless there is a fair and just mechanism for the general public, who do not have ready access to ministers and government officials, to express their concerns in a formal manner.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 2, 4 and 6 in the *Response to submissions report*.
236	Robyn Cotton	I am raising an objection to a fee being imposed on a landowner objecting to a Mining Application that has the potential to affect their land / region. Any fee imposed can restrict the ability of the average person to oppose an application. This is an unfair practice that will have a detrimental affect on landowners going forward and restricts their democratic right to have a voice on matters that affect them. This proposal cannot be supported.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 1, 2 and 6 in the *Response to submissions report*.
237	Environs Kimberley	We submit the following grounds of opposition to the proposed fee. We request that each ground is carefully considered and responded to. **1. Wrongful purpose**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		The main purpose behind the push to charge for objections in the Mining Wardens Court is to address the alleged delay in approving the grant of mining tenements. In a mining industry-dominated state like WA, where mining activity of one kind or another impinges on communities, property and the environment over almost the entire state (and offshore in the case of petroleum industry activity), it is entirely appropriate that a relatively affordable avenue exists to allow the community to object to the grant of tenements. To effectively remove this avenue via a large new cost imposition simply gives even more unfettered power to the already privileged mining industry. Access to the Mining Wardens Court by the community is a vital public interest right in WA which must not be effectively removed by DMIRS on the basis of weak and unsubstantiated arguments. **2. Costs of objections overlooked** Members of the community who file an objection in the Mining Wardens Court do potentially incur significant costs. This can include costs in the form of hours of unpaid work on research and submissions; travel costs; costs of accessing information and documents, and the costs of engaging legal assistance if required. Furthermore, although not mentioned in the DMIRS discussion paper, cost orders can be made against objectors by the Mining Wardens Court, under Regulation 165. These existing or potential costs should be acknowledged, especially when considering the cost of objections from members of the public or not-for-profit community groups. **3. Potential for mining tenement applicants to 'game the system'** One perverse outcome from the introduction of a fee, as proposed, would be the ability of mining companies/explorers to use the fee to effectively block access to the Mining Wardens Court.	Please refer to *Calculation of Fee for Objection* of the *Response to submissions report*. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralist and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interest to co-exist on Crown land. Comments in relation to broadening the jurisdiction of the wardens and in relation to mine site rehabilitation are beyond the scope of this consultation and would require legislative amendments to the *Mining Act*. Key Themes 2-5 and 7 in the *Response to submissions report* are relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		Example 1: Near Broome, an applicant for a prospecting licence first applied for one area and then, after objections were filed in the Mining Wardens Court by impacted community members, the applicant applied for a second larger area covering the initial area and extending beyond it. As a result, another Form 16 had to be lodged to object to the new application. If DMIRS' recommended fee was in effect, the community member would now be faced with a prohibitive total fee of $1718. There is nothing to stop the applicant from doing another application with altered boundaries and keep going until the impacted community or landholders simply cannot afford to keep objecting. Example 2: A pastoralist speaking on ABC Kimberley radio (3/11/2023) said he has 5 different applications over the same parcel of land on his lease and therefore he would be up for 5 x $859 = $4295 to object which is totally out of anyone's budget. If the landholder subsequently lost the matter he could be ordered to pay costs also. These examples show the serious risk of the fee being used by clever companies to effectively block access by the public to the Mining Wardens Court. Presumably, DMIRS would not wish to enable such a situation to arise. **4. Lack of transparency** Despite the consultation paper having a section titled, "*6. Cost of dealing with objections*", no actual costing is provided. Instead just numbers of objections are cited. Why is DMIRS evasive about the actual cost of the Mining Wardens Court? Is it because it is actually quite tiny, compared to the scale, impact, and profitability of the mining industry? **5. Cost recovery - selective application** DMIRS claims, "*Applying a fee for objections is* ***consistent with the cost recovery policy for government services***." (p.6) This is clearly a very selective application of government policy since DMIRS does not recover the costs of many aspects of its regulation (and promotion) of the mining and petroleum industries. In fact, DMIRS actively campaigns AGAINST cost recovery when it suits (or protects) mining or petroleum industry interests.	

Ref	Stakeholder	Comment	DEMIRS response/action
		For example, DMIRS has successfully lobbied the State government against the establishment of a pooled industry rehabilitation fund for the onshore gas (petroleum) industry – despite this being a recommendation of the WA Fracking Inquiry (2018), all of which were supposed to be implemented. As a result of this lobbying by DMIRS on behalf of industry, which has been proven by FOI documents and Answers to Parliamentary Questions, the public is set to foot the multi-million dollar clean-up bill for at least two onshore gas exploration companies in the Kimberley – New Standard Energy Pty Ltd and Onshore Energy Pty Ltd. DMIRS has estimated the cost of cleaning up multiple abandoned well sites after these two companies alone to be ~$3 million. How does that cost compare to the cost of the Mining Wardens Court? DMIRS actively allowed these companies to continue operating knowing that they had no provision for rehabilitation liabilities and knowing that they had repeatedly ignored DMIRS 'Directions Notices' requiring them to clean up their wells. Despite DMIRS claims that legal avenues were being explored to recover costs, after years of inaction no prosecutions have been commenced. There are many other cases of abandoned petroleum wells and mine sites across the State with similar cost liabilities that DMIRS has done nothing to recover from the industry. The unrecovered costs of these clean-up works runs to tens or hundreds of millions – orders of magnitude greater than the costs of the Mining Wardens Court. Recovering costs from industry, or making sure the costs are not created in the first place through stronger regulation of the mining and petroleum industry, is where DMIRS should be concentrating its efforts. This need has been borne out in the recent WA Auditor General's report highlighting serious flaws and failures in DMIRS environmental regulation of industry**:** Report 11: 2022-23 **Compliance with Mining Environmental Conditions**	

Ref	Stakeholder	Comment	DEMIRS response/action
		This audit assessed if the Department of Mines, Industry Regulation and Safety and the Department of Water and Environmental Regulation effectively ensure mining projects comply with environmental conditions. **6.Inequitable application of fees** The fee charged by DMIRS for an application for a Prospecting Licence is just $434. This is about half what DMIRS is proposing to charge for an objection in the Wardens Court. How does DMIRS justify such cost disparities, especially when one set of fees is for individuals or companies often seeking to make a profit while objectors are often acting in the public interest with no financial benefit or gain. **Recommendations** As stated above, access to the Mining Wardens Court is a vital public interest right in WA which must not be effectively removed by DMIRS based on weak and unsubstantiated arguments. Rather than imposing fees on objectors to the Mining Wardens Court, especially members of the public and not-for-profit community organisations, DMIRS should instead focus on the following cost-recovery and cost-saving measures: 1. Strengthen regulation of the mining and petroleum industry, including greater transparency of regulation and enforcement of strong penalties for breaches of conditions and Directions Notices; 2. Broaden the remit of the Mining Wardens Court to cover petroleum tenements applications and objections under the Petroleum and Geothermal Energy Resources Act – an important public interest facility that does not currently exist; 3. Support (not undermine) the establishment of a pooled industry rehabilitation fund for the onshore petroleum industry as recommended by the WA Fracking Inquiry;	

Ref	Stakeholder	Comment	DEMIRS response/action
		4. Recover costs from the mining industry for legacy mine sites and petroleum well rehabilitation. For the reasons set out above Environs Kimberley is strongly opposed to DMIRS' proposed fee for community members and not-for-profit organisations. If DMIRS wants to charge mining companies for objections to other mining company's tenement applications then it should strictly limit the fee to that purpose.	
238	Susanne Godden	I acknowledge that the number of objections has increased in recent years, and that industry has expressed concern regarding delays and the availability of hearing dates. Clearly, the system is not working effectively at present. I acknowledge that administration has a cost and must somehow be paid for. It seems fair to me that the government (funded by taxpayers) provides any buildings and pays for staff, for the service it wants to provide. I also think it is fair that the users of the service pay a contribution towards the service. Therefore, I agree to having an objection fee. However, I disagree with the amount of the proposed fee, which would be very expensive to most individuals, equivalent to a fortnight's rent or a month's groceries for a family of four. DMIRS says that "any person can object". With this proposed fee, could they really? I think only rich people could object. Such a fee would not be fair and equitable, as miners could likely afford it, whereas members of the public, community groups and perhaps landowners would struggle to pay. The fee may not be designed to stop community scrutiny of mining activities but would likely have this affect.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Instead of the proposed flat fee, I would prefer a differential fee. It need not be complex or expensive to administer the fee. For example, $20 for an individual and a higher amount for a company / corporate entity, as has been done elsewhere. In support of my argument that the proposed $859 fee would be too much for individuals, compare it to the application fees for prospecting licence ($434), exploration licence ($457 for graticular, one block), and mining lease ($638). These fees are all designed to be paid just by miners and are all lower. In conclusion, whilst industry is suffering delays under the current system's operation, members of the public will have an even worse outcome if this proposed fee is put in place; we will be financially prevented from being able to object at all.	
239	Michelle Hourihane	I strongly object to the proposed fee of $859 per Tenement Objection. While I appreciate the increased workload of DMIRS administration staff in recent year, members of the public have a right to object to proposed tenements that will impact their communities. This fee is simply unaffordable and denies the public and small community groups their democratic right to protest. One of the costs of facilitating more mining in this State is the extra administrative load. DMIRS needs to request a larger budget to cope with the increase in mining activity or charge the applicants a significant Fee for Service. The public should not have to pay a fee to object to a tenement. Keep it free and maintain the right for individuals and community groups to object in a fair and transparent process	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 3 and 9 in the *Response to submissions report*.
240	Dwellingup Discovery Forest Protectors	We are writing to express our concerns at the proposal by Department of Mines, Industry Regulation and Safety (DMIRS) to levy a flat fee of $859 for objections to applications for mining rights under the *Mining Act* 1978. DMIRS contends that the nature of the objection process and the services provided is a by and large a business type service, which lends itself to a flat fee structure. This	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		appears to be on the basis that DMIRS data estimates that 56% of objections are lodged by companies or people involved in the mining industry. On closer inspection, 44% of objections are lodged by parties *not* connected with mining. Those parties appear to fall broadly into 2 groups – those who non-mining interests could potentially be directly affected by mining operations if the applications were to be granted (e.g. holders of private land, water rights and native title rights), and members of the community who wish to raise public interest concerns. These public interest concerns could include environmental and other public interest matters which may not otherwise be properly considered if they were not raised in the context of objection. DMIRS cites the Depart of Treasury, as the basis for contending that applying a fee for objections is consistent with a cost recovery policy for government services. With respect, we disagree. We submit that there is a distinction between objections that are more properly considered to be of a commercial or business nature relating to mining rights which comprise the majority of objections, and those objections which relate to: 1. Parties not involved in mining who could potentially be directly affected by the mining operations; and 2. Parties who are raising public interest concerns We have members who own or occupy rural property which have been subject to applications directly affecting the land, or in the immediate vicinity where mining operations would be likely to have an adverse impact. For example, dust from mining operations can have significant impact on the health and amenity of those who live nearby. Some members have property that has been subject to multiple mining applications. Under the proposed fee structure, those individuals would have to pay $859 each time they wished to voice their concerns in relation to a mining application which could affect their interests. It cannot possibly have been the intent of *Mining Amendment Act (No.2) 2022* to impose such an excessive cost on landowners or occupiers to protect their interests.	the private land in accordance with section 29 of the Mining Act. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used to by both pastoralist and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interest to co-exist on Crown land. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Key Themes 1-6 in the *Response to submissions report* are also relevant.

Ref	Stakeholder	Comment	DEMIRS response/action
		Whilst we understand that there instances where mining companies own land or hold pastoral leases to preserve their mining interest, similar arguments would apply to pastoral leaseholders who hold the land primarily for non-mining purposes. We do not agree with DMIRS's assertion that Wardens under Part IV of the *Mining Act 1978* are usually confined to the exercise of executive powers in narrow areas of competency or under specific statutory provisions under which they are called to determine technical matters related to the administration of legislation. While DMIRS operates under the *Mining Act* and other petroleum legislation, it also carries responsibilities under the *Environmental Protection Act 1986.* Wardens' courts have made decisions based on a range of public interest grounds including environmental (*Re Warren Calder; ex p Cable Sands (1998)* 20 WAR per Steytler J at 364-365), groundwater (*FMG Pilbara Pty Ltd v Wilden* [2007] WAMW 13), and native title (B*HP Pty Ltd v Karriyarra Native Title Claimants* [2004] WAMW 22). These matters are generally raised by members of the community either as individuals or in groups which (with the exception of local government authorities) are usually not-for-profit organisations. We note that DMIRS undertook consultation between 14th March 2022 and 8th April 2022 in relation to the *Mining Amendment Bill 2022* on the issue of allowing for an objection against mining tenement applications to be lodged with a prescribed fee. It published a Response to Submissions Ability to Prescribe Fees. ((Mining Amendment Bill 2022 Response to Submissions Ability to Prescribe Fees – DMIRS May 2022 https://www.dmirs.wa.gov.au/sites/default/files/atoms/files/mining_amendment_bill_2022_-_ability_to_prescribe_fees_-_response_to_submissions_-_published_version.pdf (Accessed 14 November 2023)) There were 2 submissions: from the Association of Mining and Exploration Companies (AMEC), and from Chamber of Minerals and Energy of Western Australia (CME). AMEC is quoted as follows: *AMEC reiterates our support in principle for this proposed power to prescribe fees, for the purpose of reducing vexatious plaints. However, if this is merely for the purpose of cost recovery, AMEC does not support the proposal as it is clearly a core service of Government.*	

Ref	Stakeholder	Comment	DEMIRS response/action
		CME is quoted as follows: *The quantum of any fee will also be critical to ensure that a balance is struck between unduly penalizing those who are required to engage in the objection process to protect legitimate interest held, and those who are 'casual' or 'vexatious' objectors or have no direct interest in the land the subject of the application*. None of the other states or the NT charge a fee for lodgement of objections to mining applications, except for South Australia and Tasmania which charge $18 and $49.84 respectively. There are scaled fees in some states should the objection proceed to a court or administrative tribunal. The application fee for a mining lease in WA is $638. In comparison, we submit that the proposed flat fee of $859 for lodging an objection to a mining application is excessive – particularly for non-commercial parties not involved in mining. We submit that it is the *nature* of the application (e.g. the location and extent of the proposed mining activity) which drives the number of objections which relate to public interest (including environmental) matters. Whilst it may be appropriate to calculate a fee based on cost recovery principles to resolve what are effectively commercial disputes relating to mining rights between parties involved in mining, we submit that a flat rate of $859 risks having the effect of deterring the community from raising concerns that should properly be considered in relation to any application for mining rights. It would be concerning if this considered to be vexatious. The DMIRS Consultation Paper states: *Under a differential fee regime an applicant needs to determine which category of fee they are required to pay. This could lead to an incorrect fee being paid with the result that an objection is not accepted for lodgement. It also leads to increased administrative costs, because with a differential fee regime resourcing would need to be applied to verifying that a correct fee has been paid and to compliance ations if it were not paid correctly.* Whilst we appreciate that there are administrative tasks relating to imposing a differential fee regime, we submit that there is a crucial distinction between use of DMIRS resources to resolve commercial disputes relating to mining interests, and to	

Ref	Stakeholder	Comment	DEMIRS response/action
		consider objections raised by parties who are legitimately trying to protect their non-mining interests, or members of the community raising matters of public interest (including groups such as non-government organisations and local government authorities). In any event, the consideration of matters of public interest are arguably a core function of government. We note that s 84 of the *Mining Act* provides that at the time of granting a mining lease, or at any later time, the Minister may impose reasonable conditions for the purpose of preventing or reducing, or making good, injury to the land in respect of which the lease is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land. We submit that this provision emphasises the importance of environmental considerations in relation to mining leases. While s 84 provides that the Minister may impose environmental conditions after the grant of a mining lease, we submit that the objection process before the Warden's Court affords the opportunity for community concerns relating to the environment to be considered early in a public forum. This would enable transparent decision making and reduce the risk of permanent environmental harm because environmental conditions can be imposed on any lease granted at a far earlier stage. We suggest that in the interests of providing certainty to mining applicants, it would be of benefit for objections on environmental grounds to be raised at application stage for exploration licences as well as mining leases. This is because it would give mining applicants a better indication of the level of environmental concern at an earlier stage before substantial expenditure on exploration has been made. We also note that under s 111A of the *Mining Act* the Minister may refuse an application for a mining tenement where there are 'reasonable grounds in the public interest'. While the term 'public interest' is not defined under the Act, it has been held in the High Court that the words 'public interest' are so wide that they comprehend the whole field of objection other than objection founded on deficiencies in the application and in the required marking out of the land applied for.' (*Sinclair v Mining Warden at Maryborough* (1975) 132 CLR 473 per Jacobs J). In the text Hunt on Mining Law in Western Australia, it is stated that: *Because of s111A, wardens have enlarged the scope of objections which they hear arguing that in making a decision the Minister may wish to consider the public interest*	

Ref	Stakeholder	Comment	DEMIRS response/action
		and so the warden should hear relevant evidence and report on it. (Hunt on Mining Law of Western Australia, 5th Ed 2015, M Hunt, T Kavenagh and J Hunt at 11.19). Noting that the *Mining Act* was amended to provide that there must be a prescribed fee for objections to mining applications, we request that DMIRS consider ways to impose fee(s) for objections that do not impose significant financial burden on those who are not involved with mining, who seek to raise legitimate concerns relating to mining applications. We ask that DMIRS not proceed with the proposal to impose a flat fee of $859 for all objections to applications for mining rights. Instead, we respectfully request that DMIRS consider imposing differential fees depending on the nature of the objection. We acknowledge DMIRS' concern that there are likely to be increased administrative requirements in applying differential fees and suggest possible option for DMIRS to consider with a view to minimizing administrative load on implementation: 1) Imposing a nominal fee on objections submitted by parties not seeking to assert mining rights; or 2) Imposing a nominal fee on objections based on public interest, including environmental grounds; or 3) Imposing a nominal fee on objections based on environmental grounds; or 4) Imposing a flat nominal fee on all objections with differential fees should proceeding go before the Warden's Court – (e.g. at the point where an order is made by the Warden where the current applicable fee is $26); or 5) Imposing a fee on applications for mining tenements based on the average number of objections per applications; or 6) Any other option which DMIRS consider would enable an equitable outcome which does not unreasonably impose a significant financial burden on parties legitimately raising public interest, and, in particular, environmental (including health) concerns.	

Ref	Stakeholder	Comment	DEMIRS response/action
241	Paul Douglas	I'm actually not sure how to start this submission. historically there was a fee of $3.50, which was changed to a fee of $0, now to a possible $859 payment for one objection!!! How much more help do mining companies need? The help they are receiving seems endless. I have put in 5 objections over the last 2 years, all valid, not frivolous, because exploration and mining would have a devasting impact on our area. The cost to me, if I had to pay the proposed exorbitant fee ($859) for 5 objection's is $4,295!! For one person. Clearly mining objections will only be for the rich. This proposed fee is UNAUSTRALIAN and UNEXCEPTABLE!!	Noted. The view that the fee is being imposed for some other reason is incorrect and cannot be supported. Please refer to Key Theme 2 in the *Response to submissions report*.
242	Claudia Buters	As an environmental scientist with firsthand experience regarding potential impacts of mining and exploration development programs on environmental factors, cultural heritage and social outcomes, it was extremely disheartening to hear about the proposal by the West Australian Government/DMIRS to implement a flat fee of $859 for any objection lodged in opposition to a proposed mining exploration project (irrespective of the objection outcome). The consultation paper associated with the proposed change outlines the rationale for the implementation of a fee based on an increased number of objections received over the last three years. Despite outlining the increasing number of objections received and providing a breakdown of the proportion of claims the were submitted by various groups, the document fails to clearly demonstrate what proportion of these objections were deemed to be with merit versus those that were dismissed. It also fails to acknowledge potential factors which may be associated with the recent increase in objections, with such trends potentially associated with an increased number of exploration project submissions or an increased awareness by the general	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Administrative functions and costs are incurred as soon as an objection is lodged, irrespective of whether the objection goes to hearing or not. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1, 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		public/community groups regarding exploration projects which may affect them (e.g. recent backlash associated with bauxite mining impacts in the Jarrah forest). This is particularly relevant when comparing the number of objections lodged in Western Australia versus other states, given the wide range of mineral resources present in our environment and large number of mining companies and tenements present. Furthermore, the indiscriminate flat fee schedule proposed as part of the change appears to have been blatantly designed to inhibit the right (and ability) of the general public to lodge a conscientious objection to a proposed project, particularly in our current economic climate with its associated cost of living pressures. The consultation paper demonstrates that 32% of objections received were lodged by individuals not associated with the mining sector, native title claims, NGOs and LGAs. The proposed flat fee schedule would see the same objection fee incurred by a Not-for-Profit organisation, community group or general member of the public raising valid concerns compared to a competing mining company lodging a petty objection to a project without any foundation. Personally, the proposed fee would be large enough to significantly inhibit my capacity to object to a proposed mining exploration in my own backyard should I feel the need. As demonstrated in the supporting documentation, no-fee and staggered fee alternatives exist in other states. Hence the decision by the WA Government/DMIRS to apply a blanket fee, irrespective of objection merit appears lazy at best and consciously cost inhibitive for the public at worst. Alternative solutions that could have been considered (which would not excessively inhibit the public's right to objection) include; increasing the fees associated with lodgement of a proposed exploration program (absorbing the costs associated with increased staffing requirements), implementing a staggered fee where public and community groups pay a significantly reduced fee that which does not equate to nearly	

Ref	Stakeholder	Comment	DEMIRS response/action
		50% of the average Australian's weekly wage (based on Forbes figures as at May 2023) or dealing with objections in a similar way to the legal system, where the cost (or fee associated with the objection) is borne by the losing party if a claim is upheld. Although many exploration projects may be subject to rigorous environmental, cultural and social impact assessment once they move beyond exploration into the mining development stage, this is not always the case and definitely does not address potential impacts which have already arisen during the exploration stage. As such, it is integral that the right of the public to conscientiously object to exploration projects is not smothered by the implementation of exorbitant fees.	
243	David Tripp	The WA Government is planning to charge a new fee of $859 per objection to mining and other private development applications. The main reason given for that fee is that Government cannot cope with all the new mining submissions and objections, it's costing them too much, and the poor mining proponents are complaining that processing is taking too long. Since when has the general public been required to pay a fee to assist a State department decide on a commercial development because of an increase in the number of proposals being made? On that basis, why don't people have to pay a fee to object to the design of a neighbour building a new extension or house? It's a fee that will make submissions too expensive for most of those affected or with wider concerns, to make objections or suggest improvements. Who should pay for what is always a matter of who benefits from what aspects of it. In this case, the primary beneficiaries are the mining companies and their owners, secondarily the Government and through it, citizens. But there are also citizens and aspects of their environment that are damaged by changes like new or extended mining, so it is neither fair nor necessary for them to be made to pay to register objections to it. Furthermore, the intended submission fee is almost exactly the amount of a couple's weekly state pension (i.e. 2% of their annual income), which is quite impossible for	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 4-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		many people to consider, so they are thereby being disenfranchised. It is clear that this proposal seriously ignores two long enshrined common democratic principles — that so far as possible the main beneficiaries pay for the choices and developments they decide to make to enrich themselves, and that as tax and Council fees payers, the public has always had a free voice to Government on any changes that affect them, whether the Government has asked for input or not. This proposal should therefore never have been considered, let alone now proposed for enactment, as it negates both of those major historical principles of government and citizens' right to be heard.	
244	Annabel Paulley	I wish to register my strong opposition to the proposal to amend the Mining Regulations 1981 by introducing a fee of $859 per objection under the Mining Act 1978. A high percentage of people in the WA community will not be able to afford to pay this fee, particularly at a time when inflation is high and cost of living is biting hard into people's budgets. By comparison, mining companies have huge financial resources at their disposal and can easily afford to pay fees, small or large. Having read the consultation paper, I can only say that this is a blatantly obvious attempt by the State Government to make is easier for mining companies to get their various applications approved, and harder for community groups and individuals to object, which is a totally unacceptable situation. The increase in objections appears to be commensurate with the increase in mining applications, particularly in the southern part of WA. There are many locations in southern WA where mining will have such a significant and damaging impact on the natural environment that mining should simply be banned! I refer especially to our native forests, underground waterways and endangered wildlife habitats. Mining should also not occur close to regional centres due to the effects on people's health from the dust and other airborne particles. There are cases in other parts of	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2-5 and 11 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Australian where people have reported ill effects on their health due to being close to mine sites. If the second Perth warden was employed to appease the concerns raised by mining representative groups and individual mining companies about the time it was taking to hear matters, then it is the mining groups and companies who should pay for the extra warden and the administrative support staff, not members of the WA community. The majority of other Australian States and Territories appear to charge no lodgement fee or a reasonably low fee. The comparable mining states of Queensland and the Northern Territory charge no lodgement fee which makes WA's proposal to charge $859 even more objectionable ! If the WA Government and DMIRS truly adheres to its engagement principle of 'seeking the best outcome for the people of Western Australia', it will keep the lodgement fee at nil and levy the mining industry to cover the costs of providing a more time-efficient service.	
245	Jake Scholes	I wish to register my strong opposition to the proposal to amend the Mining Regulations 1981 by introducing a fee of $859 per objection under the Mining Act 1978. A high percentage of people in the WA community will not be able to afford to pay this fee, particularly at a time when inflation is high and cost of living is biting hard into people's budgets. By comparison, mining companies have huge financial resources at their disposal and can easily afford to pay fees, small or large. Having read the consultation paper, I can only say that this is a blatantly obvious attempt by the State Government to make it easier for mining companies to get their various applications approved, and harder for community groups and individuals to object, which is a totally unacceptable situation. The increase in objections appears to be commensurate with the increase in mining applications, particularly in the southern part of WA. There are many locations in southern WA where mining will have such a significant and damaging impact on the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2-5 and 11 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		natural environment that mining should simply be banned! I refer especially to our native forests, underground waterways and endangered wildlife habitats. Mining should also not occur close to regional centres due to the effects on people's health from the dust and other airborne particles. There are cases in other parts of Australian where people have reported ill effects on their health due to being close to mine sites. If the second Perth warden was employed to appease the concerns raised by mining representative groups and individual mining companies about the time it was taking to hear matters, then it is the mining groups and companies who should pay for the extra warden and the administrative support staff, not members of the WA community. The majority of other Australian States and Territories appear to charge no lodgement fee or a reasonably low fee. The comparable mining states of Queensland and the Northern Territory charge no lodgement fee which makes WA's proposal to charge $859 even more objectionable ! If the WA Government and DMIRS truly adheres to its engagement principle of 'seeking the best outcome for the people of Western Australia', it will keep the lodgement fee at nil and levy the mining industry to cover the costs of providing a more time-efficient service.	
246	Jennifer Embleton	Objection to proposed fee for mining exploration license objections. This proposed fee is so unfair to local residents whose townships and lifestyles would be so adversely affected by mining activities. This is the case for Quinninup where the town is practically surrounded by applications to mine. To object to these and future applications would be so outrageously expensive that no-one could afford it. Therefore the proposal blatantly supports the mining companies to the disadvantage of the local population.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		To allow mining in the beautiful forests of south-west WA is so devastatingly wrong and against everything we should be doing environmentally. We should be protecting our forests, not destroying them. We live in a democracy but this proposal prevents us from speaking out against government actions, sounding more like a dictatorship.	
247	Carol Duncan	I wish to register my strong objection to the proposal to amend the Mining Regulations 1981 by introducing a fee of $859 per objection under the Mining Act 1978. A high percentage of people in the WA community will not be able to afford to pay this fee, particularly at a time when inflation is high and cost of living takes a bigger share of people's budgets. By comparison, mining companies have huge financial resources at their disposal and can easily afford to pay fees, small or large. Having read the consultation paper, it would appear that the State Government is primarily interested in making it easier for mining companies to get their various applications approved, and harder for community groups and individuals to object, which is a totally unacceptable situation. Objections from individuals, and native title parties or individuals amounted to 29% in your 2022 sample compared to 56% by mining related companies or individuals. It would seem an incredibly unfair impost on individuals trying to protect the environment often with very limited resources. The increase in objections appears to be commensurate with the increase in mining applications, particularly in the southern part of WA. There are many locations in southern WA where mining will have such a significant and damaging impact on the natural environment that mining should simply be banned! I refer especially to our native forests, underground waterways and endangered wildlife habitats. To be mining areas that are recognised globally as biodiversity hotspots and unique to these areas is madness and flies in the face of climate change and flora and fauna extinctions.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Surely the state government should be taking note of the rising objections and the will of the community rather than to always be seen kowtowing to the mining industry? Mining should also not occur close to regional centres due to the effects on people's health from the dust and other airborne particles. There are cases in other parts of Australian where people have reported ill effects on their health due to being close to mine sites. If the second Perth warden was employed to appease the concerns raised by mining representative groups and individual mining companies about the time it was taking to hear matters, then it is the mining groups and companies who should pay for the extra warden and the administrative support staff, not members of the WA community. The majority of other Australian States and Territories appear to charge no lodgement fee or a reasonably low fee. The comparable mining states of Queensland and the Northern Territory charge no lodgement fee which makes WA's proposal to charge $859 even more objectionable! If the WA Government and DMIRS truly adheres to its engagement principle of 'seeking the best outcome for the people of Western Australia', it will keep the lodgement fee at nil and levy the mining industry to cover the costs of providing a more time-efficient service. Otherwise, a differential fee model would be more appropriate rather than an unfair and financially restrictive flat fee model.	
248	Bill Thompson	I strongly oppose any introduction of a prescribed fee for lodgement of objections under the Mining Act 1978. There may be some case for a small fee to discourage frivolous computer generated objections. I could accept a nominal fee of $5.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Theme 6 of the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
249	Peel-Harvey Catchment Council	The Peel-Harvey Catchment Council (PHCC) appreciates the opportunity to comment on the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978*. PHCC is a community based, Natural Resource Management (NRM) regional body working across the Peel-Harvey NRM Catchment, covering over 1.1 million hectares of the Serpentine, Murray, Hotham, Williams and Harvey River catchments. Our focus is working with the community, landholders and other relevant stakeholders to improve the status of native vegetation, health of waterways and trajectory of a range of threatened species. Given these interests, PHCC is lodging this submission to The Department of Mines, Industry Regulation and Safety (DMIRS). The PHCC strongly objects to the “fee for lodgement of objections under the Mining Act 1978” proposed by the DMIRS for the reasons outlines below: 1. The DMIRS system is the primary means for objecting on mining exploration tenement applications. The system is largely designed for objectors as incorporated companies with commercial interest as opposed to private landholder or community based groups, objecting on public interest or private property grounds. 2. When lodging an objection to an activity under the Mining Act 1978, , community groups are already required to find funds for legal representation as these matters are dealt with by the Wardens Court, and in most cases community groups need to work with other groups to share these costs. The indicative additional fee of $859 is discriminatory to those who cannot afford this fee, such as community not for profit groups. It is demotivating to the community to have to find funds to comment on matters which are of great importance to them, including protection of nature based recreational areas, visual amenity and our unique waterways, flora and fauna, purported to be protected under the WA Environmental Protection Act 1986 and Biodiversity Conservation Act, 2016, and Commonwealth EPBC Act, 1999. 3. As a case in point, multinational Rio Tinto applied multiple exploration tenement licences in 2021-2022 in the Northern Jarrah forest. Their annual gross profit for 2021 was $53.538 billion and in 2022 was $43.077 billion (Rio Tinto Annual Report 2021-	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		2022). The expectation that a registered charity bear the fee burden to object on public interest grounds in addition to legal fees is unreasonable and discriminatory. 4. We strongly object to the points provided on page 5 of the Consultative Paper as a reason to introduce the fee including: - "*Reduce the number of active matters before the wardens*" - the fee infers being a way to ensure the community does not have the opportunity to comment on matters which are of the upmost important to them. The increased number of concerns from the community is indicative that there is now greater awareness of compounding and cumulative pressures on our natural assets and that these need to be thoroughly considered for each proposal under the grounds of public interest. - "*Concerns were expressed by industry representative groups and individual companies regarding delays and the availability of dates for the hearing of matters*" – these comments infer that the voice of the community and their concerns are not relevant. 5. Charging community groups, private landholders, pastoral leases, Local Government and native title parties or individuals a fee to make an objection should not be part of DMIRS cost recovery, these costs should be passed onto the proponents with commercial interest lodging the applications. As per the DMIRS Consultative Paper" Page 6, across a two month period (April and May) in 2022, 44% (350) of the objections came from indigenous groups/community groups/private landholders and similar. This clearly demonstrates the public interest in this matter. In summary, the decision to include a fee for all objections is highly concerning to open democracy within the Western Australian Community and disregards open, transparent and meaningful consultation for the reasons outlines above. DMIRS cost recovery should instead be passed onto the proponents, who will receive private benefit through the action, and competing mining interests.	
250	Shire of Yalgoo	**SUMMARY**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		That Council independently and through the Murchison Country Zone of WALGA lodge an objection to the current DMIRS drafted "Consultation Paper – Fee for Objections under the Mining Act 1978". **BACKGROUND** Amendments to the *Mining Act 1978* to enable a fee to be prescribed for lodgement of objections were made as part of the *Mining Amendment Act (No.2) 2022* which came into effect on 2 November 2022. The amendments provide that an objection under the Mining Act must be accompanied by a prescribed fee. The act provides the legislative authority for a fee to be prescribed for objections. To prescribe a fee, the Mining Regulations 1981 need to be amended. DMIRS has drafted a "Consultation Paper – Fee for Objections under the *Mining Act 1978"* to provide more details on the proposed amendment. The Consultation Paper is available on the DMIRS website. The proposed amendment to the Regulations is to introduce a $859 fee for objections. It is expected the fee will be included in the annual review of fees and charges for the 2024/2025 financial year and will come into effect on 1 July 2024. Written submission to RTD.Consultation@dmirs.wa.gov.au are due before the close of the public consultation period being 5pm on the 21st November 2023. **COMMENT** DMIRS propose to introduce a complaint lodgment fee of $859 per objection which is currently absorbed by the Department of Mines Industry Regulation and Safety (DMIRS). The Shire of Yalgoo believes that this is a discriminatory fee that shifts land right power further towards large scale mining corporations. Costs for external objectors should not be unproportionally shifted outside the lucrative and profitable mining industry.	Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please also see Key Themes 2, 6 and 10 in of the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Costs for Mining Regulation should not be shifted to other industries or authorities The WA Mining Sectors contribution of $12.7 billion in royalties for 2022-23 to the State Government (estimated by CME, cmewa.com.au) should allow for sufficient mining funded regulation of the industry. Through extrapolation of the complaint information provided in the Consultation Paper current fees would equate to 0.015% of the States yearly royalties and does not include other regulatory income. In comparison a 3000ha pastoral property could be overlapped by 20 to 30 separate tenements owned by the same or different companies. All twenty tenements could change hand during the year and apply for multiple permits of work that could disadvantage the operations of a pastoral lease or aboriginal corporation. It is easy to hypothesis that unethical but legal conduct by a mining corporation could result in application fees totaling tens of thousands of dollars, for a SME. This would not include their travel to a Perth based Wardens Court, legal representation, downtime and a number of other factors. This regulatory function could be used as a tool to financially cripple a complainant in situations where the balance of power squarely already sits with the Mining Industry. As a more day to day example 2 small mines requiring dewatering and 3 exploration activities requiring the shifting of livestock and loss of vegetation in a single year could result in the loss of a stations entire yearly profit on a cyclically low year (for just the application fees and none of the compounding factors). (https://library.dpird.wa.gov.au/cgi/viewcontent.cgi?article=1019&context=rd_reports). Local Governments in the Pastoral and Mining Region already spend a significant amount of time negotiating infrastructure usage and mediating access between mines. Policing of prospector activities in large parts of the state is nonexistent resulting in local governments mediating between overlapping landholders and pursuing disruptive small scale operators under other legislation like the Caravan and Camping Act.	

Ref	Stakeholder	Comment	DEMIRS response/action
		Significant trust is handed to mining companies in areas of environmental, cultural and water management. The industry is still able to self-report in these areas with limited oversight however should someone else with a vested interest wish to examine this data or object to the work it will cost them $859. **Separation of complaints originating within the industry from those externally** The discussion paper describes that the majority of complaints originate from within the mining industry itself. Due to the small sample size the research does not adequately describe whether the historical increase in complaints is coming from inside or outside the industry. What needs to be taken into consideration in this instance is the impact the mining industry has on other businesses and landholders. If DMIRS have been unable to curtail discontent in the sector why should other industries have the cost shifted to them for an objection that should be an inherent right. Under recent changes to the Land Administration Act cooperation between all stakeholders and proponents is a primary component of any diversification lease. Objections from outside the sector will typically relate to livelihood, land rights, amenity and the same environmental, social and cultural concerns that DMIRS should be protecting in the first place. This is very different situation to who mapped out a tenement first or has the rights to gold that is contested by an overlapping company. **A flat fee is discriminatory and disproportionally effects some applicants** The reason an objection fee would reduce the number of active matters before the wardens is by taking the opportunity away from those that can’t afford it. The discussion paper claims that flat fees provide clarity and efficiency however the same Department requires tradespeople, local governments and homebuilders to negotiate and understand the variable fees applied to building permits. If this can be accomplished by a lone carpenter based on the type and scale of work then surely a variable system could be understood by a mining company.	

Ref	Stakeholder	Comment	DEMIRS response/action
		The Australian Income Tax system is built on the premise that wage earners earning more money should be required to pay more tax than those earning less. In the examples given of other jurisdictions where fees are imposed there is often tiered or significantly lower consideration to that which is proposed by DMIRS. A local proponent must also contend with the tyranny of distance. A 15min meeting at a local Court could be a 200km one way drive equating to a whole day of travel when compared to a companies legal representation attending multiple sittings in a Perth Court 15km from their office. **Further comments** While Local Governments may only make up 1% of objections it is a role of local government to provide for the good governance of the district. As part of this function we can see how this fee will create a further power imbalance for NGOs, Aboriginal Corporations, Environmental Groups and Landholders. We can also see that it will result in more resources being stripped from local communities and businesses never to be circulated into the local economy again. If serious concerns are held by the Department regarding the timeliness of processing matters, why are regional offices only attended monthly? As this fee has not been imposed in WA for a significant period of time a small scale review does not seem to match the intent of Treasurers Instruction 810. A yearly review should be comparing details to previous years (and involve significant details from previous years) and not use a small sample size to justify the introduction of a significant new charge. DMIRS could consider: 1. A percentage based fee that provides exemptions for parties with overlapping rights and interests	

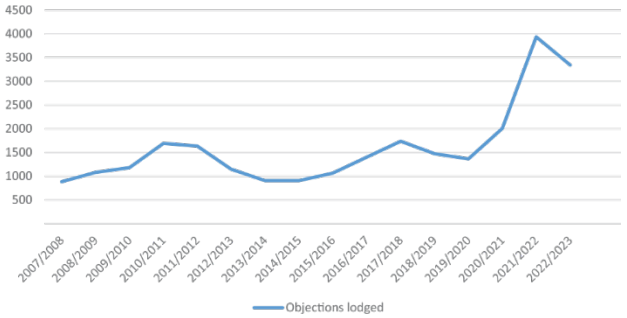
Ref	Stakeholder	Comment	DEMIRS response/action
		2. Higher fees for companies with a poor regulatory history and vexatious complainants 3. A settlement process for the transfer or termination of a mining tenements which will promote better cooperation during the sale of tenements. Proponents with overlapping land tenure such as local governments, aboriginal corporations and pastoral stations have a legislated responsibility to environmentally protect or care for, control and maintain their respective land. If they are unable to field these cost increases and not object to a Mining proposal could they be in breach of their own legislation? As a caveat to the following comment some local corporations like 29 Metals Golden Grove go above and beyond with their interactions in the local community but being a socially responsible and ethical corporate citizen was barely a concept when the Mining Act 1978 was written. It may not be politically expedient to reform the Mining Act but there are many areas other than cost shifting where it could see improvement. If administering mining activities cannot be sustained on a fee free basis then maybe a levy or royalty should be considered… The Shire of Yalgoo has circulated this information to industry bodies and local businesses which overlap with mining tenements. Since the writing of this report WALGA has released a briefing note for the sector which is attached. **STATUTORY ENVIRONMENT** Local Government Act 1995 Mining Act 1978 **POLICY/FINANCIAL IMPLCATIONS** NIL **VOTING REQUIREMENT** Simple Majority	

Ref	Stakeholder	Comment	DEMIRS response/action
		OFFICERS RECOMMENDATION That Council: 1. supports the Chief Executive Officers written submission and its lodgment with DMIRS; and 2. authorizes the CEO to submit an item for consideration at the Murchison Country Zone of WALGA which encourages a WALGA policy position. COUNCIL RESOLUTION – C2023-10-17 Moved: Cr Stanley Willock Seconded: Cr Gail Trenfield That Council: 1. supports the Chief Executive Officers written submission and its lodgment with DMIRS; and 2. authorizes the CEO to submit an item for consideration at the Murchison Country Zone of WALGA which encourages a WALGA policy position.	
251	CME	"Stakeholder must file objections to protect land interests. Noting this, CME is not confident that introducing a fee for objections would result in the desired outcome of reducing the number of objections." "CME recommends that the Department encourage all parties to resolve land access complaints without objections and prior to the Warden's Court by providing an appropriate negotiation mechanism." "CME considers it would be reasonable for industry and other objectors to expect regular and transparent updates on the progress of objections and matters before the warden, in addition to accelerated resolution times." "Partial refund for objections that are withdrawn." "Discounted fees or exemptions for vulnerable stakeholders, such as Indigenous Groups." "Discounted fees for small operators and junior explorers." "A fee only for objections that are brought before the Warden."	The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. DEMIRS agrees that all parties should be encouraged to resolve land access issues prior to the Warden's Court. DEMIRS has recently been in consultations with industry to consider a standard "No Mining" condition which may be imposed upon grant. DEMIRS will take your submission about publishing timeframes in a regular and transparent manner into account. In the meantime, please refer to the Wardens Court Listings and Decisions on the Wardens Court Noticeboard which can be found here: Wardens Court (dmp.wa.gov.au)

Ref	Stakeholder	Comment	DEMIRS response/action
		"Low or no fees for affected tenement holders to protect their right to object." "In the case of a ballot process, a single fee should apply."	The submission about small operators and junior explorers is not clear, specifically as to who would fit the definition, and how the administration of such a fee would work. In relation to the submission on the ballot process, this would require amendments to the Mining Act, and is beyond the scope of this submission. Further, it would not be possible for an objector at the time of the objection to know that an application is going to a ballot process. Please refer to Key Themes 6-8 in the *Response to submissions report*.
252	Laura Beck	**Resource Tenure Division Consultation (DMIRS)** For consideration: • I have just this week become aware of the proposed new fee required when an individual and/or community group lodges an objection to a mining proposal. I therefore formally express my objection to the proposed fee for the lodgement of objections under the Mining Act 1978. • Considering that the current fee is 0, a fee of $859 is far too high. If a fee is required to help ensure that only serious objectors lodge submissions then the maximum amount should be minimal e.g. $10, but preferably remain at 0. • Miners could pay additional fee since, for them, this would be a business expense. The State Government should completely fund the second Warden position but not through user-pay systems involving individuals, landowners, and community groups who lodge an objection. There should be a shift in resources within the State.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 3, 5, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• I consider that the most Western Australian would appreciate encouraging a wide range of people to comment and to object when required. It is vital that those locals who are aware of all the values retain the opportunity to voice their concerns. Whether a person has money or not, he or she should be able to lodge an objection. The proposed cost of $859 is prohibitive for many who currently are already struggling. Most wouldn't be able to afford to lodge objections and this would effectively remove their right to object. • Communities trying to protect where they live should not have to pay. The mining industry and the WA government are both in good financial health so why impose a heavy cost upon citizens who are interested and active in these planning decisions. • The people of WA still need areas where to live, enjoy holidays and grow food so I believe certain areas should be exempt from mining.	
253	Amalgamated Prospectors and Leaseholders Association (APLA)	**General Comments** APLA supports a deterrent for nuisance objectors to limit the congestion caused by the increase in workload for the Warden's court as a direct result of the lodgement of ambiguous and frivolous objections. The prospecting industry is best served by having the ability to access land with the potential of discovering a resource that could be exploited to the benefit of the State. However, the introduction of a fee would be an unfair impost on tenement holders who need to legitimately object to applications such as SPLs and Miscellaneous Licenses. Rent, rates and costs are continually rising, putting increasing pressure on tenement holders, and in terms of cost recovery, tenement holders are already paying for the Department's processes through our application fees. The data analysis provided by the Department is insufficient to understand where the problems with nuisance objections truly lie, and hence whether the proposed fee would solve the problem. APLA would like to know what other options have been explored, such as setting criteria for valid objections, etc.	Noted. Wardens do not divide objections into nuisance and non-nuisance objections. There are no statistics of nuisance objections. At issue here is the financing of a second warden in Perth together with the associated support staff. Valid objections are those that comply with the Mining Act. DEMIRS does not have any role in assessing whether objections could be considered "vexatious". DEMIRS' role in the objections process is to provide administrative support to the wardens. Currently, there is no legislative basis to distinguish different categories of objections, such a requirement would require a legislative amendment to the

Ref	Stakeholder	Comment	DEMIRS response/action
		Cost of dealing with objections DMIRS quote; “The number of objections lodged has increased over the last three years, resulting in an increasing number of matters before the warden and affecting the timely processing to grant of tenement applications. The increasing volume of objections has resulted in the appointment of a second mining warden in Perth with the cost met by DMIRS”. DMIRS needs to list the breakdown in the supposed cost of dealing with objections. It would appear that they are simply bundling all objections together – from the low end, small quick fix issue through to the larger complex vexatious issues. The cost recovery model should only focus on the initial DMIRS costs of lodgement and the associated processes to get the matter before the court. APLA questions why should a prospector, who is simply protecting their own rights as granted under the 1978 Mining Act, financially subsidise a complicated vexatious objection that ties up the departments resources just because they lodged the same form? This is a result of inappropriate use of the objection process by a few and DMIRS has not adequately spelt out why objections have increased. This issue shouldn’t be dealt with by simply advocating a large fee but should address the root cause of the problem. The approach taken by DMIRS is does not address a system that is obviously under stress as indicated by the massive increase in 2019/21. (see chart). There is an anomaly that occurred in 19/20 without a clear explanation. Is this justifiable by something or simply an abuse of the system that DMIRS and fellow bureaucracies (Native Title/Heritage/Environment etc) haven't bothered to correct?	Mining Act as well as careful consideration of relevant criteria. Monitoring and regulating the grounds of objection would not be within this role. What is within the role is to ensure that the applications are dealt with efficiently, and that is why a second warden was appointed in Perth. The benefits of that appointment can be seen in the graph. Wardens provide a public service independent of the Department, and through the provision of specialised expertise, it is a service with high value to the Western Australian community. DEMIRS does not support introducing limits on the number of objections that any person can lodge. Such a measure would require an amendment to the Mining Act and would go against the principle that any person can lodge an objection to an application under the Mining Act. Section 117 of the Mining Act already has protections for granted mining tenements. In the case of objections against special prospecting licences, it would be possible for objectors to recover their costs, including the cost of the objection fee, either through a settlement agreement or by requesting a cost order. There is a long established principle that any persons can make objections, including objections on public interest grounds.

Ref	Stakeholder	Comment	DEMIRS response/action
		 APLA believes that DMIRS' role is to apply good management of the 1978 Mining Act and they should respond to the root cause of the issue not to the resulting burden. It may prove challenging to separate the vexatious objections from the legitimate, but this is the issue that DMIRS should investigate and come back to industry with a workable solution. One solution could be the introduction of criteria for a valid objection, and/or limits on the number of objections that can be lodged by any organisation or its members. **Cost recovery** DMIRS comment; "Applying a fee for objections is consistent with the cost recovery policy for government services. As a government agency, DMIRS is governed by rules about the amount and the purpose of fees." DMIRS is governed by applying "good governance with fair process". Simply dropping an extraordinarily high fee onto industry isn't going to fix anything. Large corporations, Aboriginal Land Councils, Environmental groups etc will likely still pay it and use the payment as a tax deduction. Prospectors, on the other hand, will suffer as surplus money for an objection is not readily available as many eke out a frugal living. "The relevant rule for imposing fees is found in Treasurer's Instruction 810. This requires agencies to conduct reviews of their tariffs, fees and charges on at least an annual basis." DMIRS conducts an annual review of fees and charges, with adjustments implemented from 1 July each year.	DEMIRS does not seek to overturn this principle. Costs and expenses are incurred as soon as an objection is lodged. It is not the case that only minimal costs are incurred before an objection has been resolved or heard. The wardens exercise two types of jurisdictions under the Mining Act, a judicial and an administrative jurisdiction. The warden's jurisdiction to deal with objections against an application under Part IV of the Act is an administrative jurisdiction. Negotiations occur between parties in dispute before other tribunals and courts, that is in jurisdictions that impose filing and other fees. In addition, companies as well as individuals are entitled to negotiate with an applicant. Regulation 165(2) - These provisions are only concerned with costs incurred by the parties, they are not relevant to the resourcing of the court itself: "a warden hearing and determining proceedings under Division 2, including interlocutory applications related to those proceedings, may make an order for a party's costs to be paid by another party." Valid objections are those that comply with the Mining Act. There is no ability for DEMIRS to apply further considerations. It is not clear how a fee for objections, including objections against applications for

Ref	Stakeholder	Comment	DEMIRS response/action
		DMIRS comment; “The increase in the number of objections and subsequent increasing cost of administering the objection process can no longer be sustained on a fee free basis” DMIRS provides a service and enables the fair and equitable access to the state’s resources by the mining industry of which prospectors are a key part. The resulting royalties, taxes and economic growth makes the costs of providing the service somewhat insignificant. Government treasury revenue (via royalties/economic growth etc) is not divorced from the operations of the DMIRS. They are connected - a healthy resources sector leads to healthy government revenue as has been demonstrated over recent years with record multi-billion dollars surpluses. An impost such as this proposal does nothing to encourage exploration and mining - it imposes a debilitating objection fee for a simple yet vital court process. This process has recently proven to be inefficient under the weight of multiple objections being lodged over single tenement applications, yet it’s still allowed to be abused. DMIRS does not charge a fee every time you walk in the door and there are many examples of services that are a day-to-day feature of government. Ensuring a fair and equitable operation of the 1978 Mining Act is not done solely on a cost recovery basis. We pay an application fee for a mining tenement and objections are a part of that application process and APLA would argue that there is a fee already being paid. The proposed fee will be a huge burden on prospectors who can least afford it (as well as other small operators who legitimately use the objection process). They are lodging an objection to protect their operation or tenement. It’s a part of the 1978 Mining Act. There is no benefit or financial gain for this so called 'service'. Applying a fee is fair enough when you are being given a product or service - but not when you are simply protecting your rights granted to you via the 1978 Mining Act. Objections lodged by a tenement holder or applicant (the mining industry) are different than those who have caused this increase and are using 'our' process	prospecting and exploration licences, will negatively impact exploration activity. The State encourages exploration activity through other means, eg. Exploration Incentive Scheme. The Mining Act allows any person to object. It is not clear how a prospector’s rights would be imperiled by an objection fee. Please refer to Key Themes 6 and 8 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		as a way of improving 'their' chances of success by abusing the Wardens Court process. **Proposed fee structure** DMIRS comment; “A flat fee is proposed for administrative simplicity and consistency with all other prescribed fees applied under the Mining Regulations 1981. This can be contrasted with a differential fee model that charges different fees to different people for the same service” As previously mentioned, there is an abuse of the objection system by those operating outside of the 1978 Mining Act (non - mining industry) using it to suit their own purposes. If the DMIRS can’t or won’t fix this then perhaps a way forward is to continue with no fee for tenement owners and as suggested above "different fees to different people" via the ‘differential fee model’. Vexatious objectors that seek to play the system should be made to suffer the impost – not the battling prospector trying to protect their rights. After discussions between the parties, many objections are often resolved and withdrawn before any real action has occurred. There are minimal costs incurred however, under this proposal, the end result will be a windfall for DMIRS whilst causing financial stress to prospectors. Courts in general have a differential fee structure because they exercise judicial powers over a wide range of subject matter, not infrequently associated with matters of personal justice affecting members of community at large. Tribunals exercise executive powers, usually in narrow areas of competency or under specific statutory provisions under which they are called to determine technical matters related to the administration of legislation. Wardens under Part IV of the Mining Act similarly exercise executive powers, rather than judicial powers. Objections are a mechanism for legitimate leaseholders/applicants to protect their rights under the 1978 Mining Act. They are in effect acting as police to alert the courts that their rights may be being impinged. There are other types of objections that could be considered to be a service but all cannot be lumped together.	

Ref	Stakeholder	Comment	DEMIRS response/action
		The Wardens Court is not a Tribunal and it's operated by a Warden not an Executive. There are a wide range of subject matters that objections are used for and a simple flat fee type won't address the issue. Considering a simple objection with a predictable outcome could attract a small fee whereby complex, multi-party objection should attract a higher fee. APLA finds it very difficult to homogenise all objections and their varied outcomes by the justification of a single high fee. Under a differential fee regime an applicant would need to determine which category of fee they are required to pay. The risk being that an incorrect fee being paid with the result that an objection is not accepted for lodgement and no recourse for reimbursement. Although it leads to increased administrative costs, because of a differential fee regime, resources would be needed to verifying that a correct fee has been paid. DMIRS has many different fees already that a couple more using a differential system isn't going to matter and APLA is of the opinion that a differential system is the fairest and best solution. For objections against expenditure exemptions, restoration of tenements or marking out anomalies the fee should be no higher than the original tenement application fee of $434 for a prospecting license with the proposed higher fee of $859 having no substantial justification. When addressing the objections against application for any mining tenement, this could come into two separate categories: (a) Objection by natural person - no fee. This relates to the actual tenement holder(s) being named on the tenement title deed. APLA members will fall under this category. (b) Objection by another legal entity (eg. incorporated association or company) - $434 fee (which is currently the lowest fee which an applicant pays for applying for the tenement). This relates to pastoral lease holders trading under a company or corporation name Where an objection is to proceed to a substantive hearing (not a mention hearing), then the objector and applicant could jointly pay a substantive hearing fee. Hearing fees exist	

Ref	Stakeholder	Comment	DEMIRS response/action
		in many other jurisdictions (eg. SAT, Courts) and are a way of recovering some costs for the operation of the Warden's court There are two reasons for why APLA is advocating a no fee for objections to tenement applications by natural persons. Firstly, the system predicts it is appropriate for people to negotiate with a tenement applicant about conditions which may help address their concerns. By applying a large fee, this may be deemed barrier for a negotiated settlement to occur. Second, the Warden retains a discretion under reg 165(4)(a) to make an order for costs against a party where the party has frivolously or vexatiously commenced or defended proceedings. So there is an established mechanism whereby costs can be recovered and, where a case has been proven to be frivolous or vexatious, the Warden(s) should be encouraged to impose such costs. **Proposal** APLA considers that in the first instance, other options for dealing with the issue of rising vexatious objections should be explored before the introduction of a fee is considered. Further understanding of the data on the issue would support the development of these options, however one option could include the introduction of a triage process, similar to the new expedited procedure process. This could be supported by the development of criteria for a valid objection. These criteria could include: (a) organisations (including their members) can only lodge one objection to represent that body (b) the objection needs to include details of how the application is creating inconvenience or interference.	

Ref	Stakeholder	Comment	DEMIRS response/action
		This could both act as a deterrent to frivolous and vexatious objections, as well as providing a process to weed them out to alleviate the burden on the warden's court. **Conclusion** 1. Objections are a valid and integral part of tenement ownership and are used by our members to protect their rights. 2. The problem is the increase in the vexatious use of the objection process and it's not the lack of cost recovery by DMIRS. APLA's proposal for a triage process, including the development of criteria, is a way of addressing the root cause of the problem. *(3-4 in above sequence)* It is well documented that the State needs to be encouraging exploration and by introducing an excessively high objection fee would have a negative incentive. The proposed fee is exorbitant and placing such an impost on prospectors will see many of them elect to not lodge an objection to either protect their rights or to instigate an action. This non action would be a travesty as the ramifications of losing your claim or application will be traumatic with the flow on affect that there will be no winners and the State will lose in the long run. Many prospectors own Exploration Licences and SPL's can be applied for (often vexatiously) over these exploration licenses and an objection needs to be lodged to be able to argue your case against such an application. Paying for this 'privilege' doesn't make sense. If no objection is lodged the SPL will be granted and ownership of the ground lost to the tenement owner. APLA asks "who wins"?	
254	Conservation Council of WA	**CCWA's submission points** CCWA presents the following grounds for its submission: **1.The Proposal is unlike any other Objection fee in Australia** **The only Objection fee over $50**	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted

Ref	Stakeholder	Comment	DEMIRS response/action
		The Proposal would be the first of its kind in Australia. Currently, South Australia (SA) and Tasmania (TAS) are the only states with Objection fees for matters related to mining (Table 1 the Proposal). DMIRS proposes an $859 fee, which is substantially higher than the $18-$46 and $49.84 fees for SA and TAS respectively. The Proposal also references a range of other fees for General Dealing and Transfer in Australia's states, however, CCWA contests their relevance to the Fee for Objection in WA. The Proposal (p. 3) argues: *There is no other fee-free tribunal or court of such a nature in Western Australia.* **Irrelevance of the Magistrates Court and Supreme Court fees** CCWA also contests the relevance of the Application and Lodgement Fees of the Magistrates Court (Civil) and Supreme Court (General Division), to the Objections under the *Mining Act 1978.* Objections under the *Mining Act 1978* provide an important mechanism for citizens to respond to proposals that affect them. That is, Objections under the *Mining Act 1978* are an element of the public consultative process and not simply a mechanism for general administration (e.g., filing fee) of projects by proponent bodies. The Magistrates Court and Supreme Court are designed to represent litigants on different matters to those managed by the Warden's Court. **The fees of other similar mechanisms** Furthermore, mechanisms for citizens to contest environmental proposals under other legislative instruments (e.g., under the *Environmental Protection Act 1986*) include explicit and free-of-charge procedures, and low cost ($10-50) mechanisms to appeal decisions (e.g., through the Office of the Appeals Convenor). These mechanisms support public consultative processes without the requirement for high fees that would otherwise stifle public debate on important environmental matters. **2. The Proposal undermines democratic process and equality.** **The value of public participation to democracy** The proposed fee would pose an obstruction of justice and democracy, by hindering stakeholders from participating or consulting on important environmental matters.	both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 1-2 and 4-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Public participation is a fundamental pillar of democracy, that rests on the belief that all citizens are equal and have a right to contribute to civic affairs. (Richardson, A. (1983). *Participation*. London: Routledge & Kegan Paul), (Burton, P. (2009). Conceptual, Theoretical and Practical Issues in Measuring the Benefits of Public Participation. *Evaluation*, 15, 263. DOI: 10.1177/1356389009105881.) The importance and value of public participation is widely appreciated under frameworks supporting democratic principles - it advances ethical perspectives, recognises the public as knowledgeable, promotes respectful interactions between regulatory bodies and the groups whose interests they represent, and increases trust in decision-makers. (Campbell, J. W. (2023). Public Participation and Trust in Government: Results from a Vignette Experiment. *Journal of Policy Studies, 38(*2), 23-31. https://doi.org/10.52372/jps38203). Public participation has been promoted as a 'must do' element of WA Government decision-making. (Western Australia – Department of Premier & Cabinet. (2003). Consulting Citizens: Planning for Success. *Citizen and Civics Unit, Department of the Premier and Cabinet, 2003*). The WA Department of Premier and Cabinet states: *Consultation promotes active citizenship by encouraging individuals to provide real input into public life and decision-making. The benefits of genuine consultation, involving listening and actively responding to concerns and issues raised, cannot be overstated. It means decision-makers are better placed to make informed judgements by tapping into fresh ideas and new sources of information. For individual citizens this provides an opportunity to express their views and influence the outcomes of decisions that affect them. (p. i)* (Western Australia – Department of Premier & Cabinet. (2002). Consulting Citizens: A Resource Guide. *Citizen and Civics Unit, Department of the Premier and Cabinet, 2002*). **The Proposal will likely reduce public participation** By introducing a fee that will place an unfair cost on those least able to afford it, for example, individuals and the not-for-profit sector, including most environmental groups, this fundamental pillar would be undermined by the Proposal. All stakeholders deserve to have a say on matters that affect them, regardless of their financial status.	

Ref	Stakeholder	Comment	DEMIRS response/action
		If implemented, the Proposal will likely result in lower participation amongst certain sectors of the community. This will have the effect of restricting the audience for consultative process and thus reducing the content and quality of public participation and engagement with DMIRS. "Procedural rights and environmental democracy" are crucial for environmental protection. Insufficient consultation that is not representative of those affected by a decision, results in negative impacts for the environment and people affected by poverty. (Kravchenko, S. (2009). The Myth of Public Participation in a World of Poverty. *Tulane Environmental Law Journal, 23*(1), 33-55. http://www.jstor.org/stable/43294074) 6. The Proposal (p5) explicitly states that it is the intention of the fee to "reduce the number of active matters before the wardens." That is, the Proposal is designed to reduce public participation and further consultative process in government decision-making and is, therefore, undemocratic. CCWA asserts that fee mechanisms designed to reduce public participation will lead to poorer outcomes for the environment and are fundamentally undemocratic. **3. The Proposal inadequately addresses the source problem – mounting environmental impact from industrial activity.** The Proposal seeks to address a resourcing issue that has arisen from the recent increase in Objections lodged under the *Mining Act 1978* by introducing a fee to reduce Objections lodged, and thus acknowledging the intent to reduce public participation. The problem, however, does not lie with public participation per se. The rise in Objections lodged during the 2020/2021 period is likely attributable to a number of phenomena linked to industrial activities, including: • climate change (Australian Government Solicitor (2022). Legal briefing – recent trends in climate change litigation); • an increase in climate change events, for example, adverse weather events, the 2019-2020 Australian Bushfire season (CSIRO. (2021). The 2019-20 bushfires: a CSIRO explainer. https://www.csiro.au/en/research/natural-disasters/bushfires/2019-20-bushfires-explainer), and increase in heatwave frequency and intensity; (Australian Government. (2021). *Australia State of the Environment 2021. Climate Change and extreme events.)*	

Ref	Stakeholder	Comment	DEMIRS response/action
		• a historical loss of Australian biodiversity (Legge, S., Rumpff, L., Garnett, S. T., Woinarski, J. C. Z. (2023). Loss of terrestrial biodiversity in Australia: Magnitude, causation, and response. *Science.* 381(6658) pp.622-631. DOI:10.1126/science.adg7870); and • associated increasing public interest in matters of Australian conservation and climate change. Furthermore, under DMIRS regulatory mechanisms that have a tendency to stifle preliminary consultative mechanisms for environmental proposals, the Warden's Court remains the only device for meaningful public engagement under the *Mining Act 1978*. However, as previously outlined in this submission, implementing an $859 fee presents an additional risk to public participation, and this does not address the (previously noted) phenomena as the cause of increased use of the Warden's Court. The International Association for Public Participation (IAP2) is an international leader in public participation. The 'IAP2 Core Values for Public Participation'11 are: *1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.* *2. Public participation includes the promise that the public's contribution will influence the decision.* *3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.* *4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.*	

Ref	Stakeholder	Comment	DEMIRS response/action
		5. Public participation seeks input from participants in designing how they participate. *6. Public participation provides participants with the information they need to participate in a meaningful way.* *7. Public participation communicates to participants how their input affected the decision.* In accordance with these values, public participation should facilitate the involvement of stakeholders, and seek input from participants on how they will participate. In WA, the Office of the Appeals Convenor (OAC), Environmental Protection Authority (EPA), and the Department of Water and Environmental Regulation (DWER) have participatory mechanisms that do not involve a Warden's Court, and yet they maintain effective regulation and review of environment impacts, at low cost to participants. In CCWA's experience, the mechanisms offered for public participation under the *Environmental Protection Act 1986* have established strong public and regulatory review processes without placing an extra burden on the courts. These regulatory mechanisms exemplify strategies that promote democratic principles, information sharing, sound environmental management, and regulatory review processes, while fostering higher levels of trust in government protections for the environment. Mounting public concern over environmental impacts caused by mining activities, combined with the restriction of access to information and the capacity to comment on proposals assessed under the *Mining Act 1978*, has led to an increase in Objections. CCWA asserts that providing unrestricted routes to public participation is critically important to, not only, ensure citizens' democratic access to the regulatory decision-making process but to improve environmental outcomes. **Outcomes sought**	

Ref	Stakeholder	Comment	DEMIRS response/action
		In view of the above points, CCWA recommends that the Proposed Amendment Fee for Objections under the Mining Act 1978 be rejected for the following reasons: i The fee is substantial and will restrict legitimate public engagement in the environmental assessment process. ii The restriction of public participation through a substantial fee is undemocratic. iii Reducing public participation in environmental debates undermines critical mechanisms for environmental protection. The Proposal does not address the underlying reasons for the increase in Objections to the Warden's Court, being growing public concern for the environmental impacts from industrial development.	
255	Councillor Thomas Brough City of Albany	My submission relates to the proposed amendment to introduce a $859 fee to lodge an objection under the Mining Act 1978. The Mining Act 1978 encourages natural resource extraction within Western Australia, whilst concurrently enshrining the primacy of property rights which underpin our society's prosperity. Mining activities have the potential to impugn on private land use interests through proximity. It is therefore right and just that interested parties should be able to lodge an objection to proposed activities related to mining. Imposing a fee on objectors will have a number of consequences: - Discourage the submission of valid objections due to cost imposition - Limit the domain of objection lodgement to the wealthy, with resultant disenfranchisement of Western Australian citizens who do not have the financial means to buy a voice in the Warden's Court	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 1-2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		- Likely reduce the overall number of objections made I wish to stress that it is not necessarily a bad thing to craft a policy whereby the overall number of objections is reduced. Indeed, a reduction in the number of malicious, obfuscatory, or spurious objections is desirable. But if the consequence of pursuing this objective prevents, limits or restricts the ability for genuine objections to be raised, then the proposed policy must be rejected on grounds of fairness. The attempt to cross-subsidise the operating costs of DMIRS Warden's Court under the guise of a fee is pernicious. By any other name it is a form of taxation through levy on having a fair say at the table. To draw a local government simile, it would be like a neighbour wanting to raise planning objections to the development of a piggery next door, but being charged a punitive and exorbitantly inflated fee by the City or Shire to make such a submission. In the interests of expedited mining development, the proposed $859 objector fee serves well. In the interests of a free and fair Western Australian society, which should be at the apex of the DMIRS and WA Government value hierarchy, the proposed $859 objector fee is odious.	
256	James Mumme	SUBMISSION ON **PROPOSED $859 TO LODGE ANY OBJECTION TO EXPLORATION AND MINING ACTIVITY** My concerns arise from my understanding of the need to balance interests of mining and State Government revenues from which we all benefit against the interests of the inhabitants of the State's ecological communities from which we benefit in ways that conventional economic thinking is only recently beginning to take into account. In most people's thinking, particularly politicians' and bureaucrat's, the latter has had not role at all. So please allow yourself to be challenged. As I citizen scientist I base my concerns on 40 years residence in WA and my personal and professional involvement in a range of activities that include testing of inland and marine water bodies, restoration projects in areas from urban lakes to costal Bush Forever sites to farming communities at Clackline and Wickepin, six years as member of	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the

Ref	Stakeholder	Comment	DEMIRS response/action
		Cockburn Sound Management Council, 10 ears as member of the Rockingham Lakes Community Advisory Committee and 17 years as convenor of Friends of Point Person, three years in the Gibson Desert at a remote indigenous community, and extensive travel throughout the State supplemented with attempts to inform my self of the issues. Moreover I have read Clearing Permit applications to DMIRS/DWER and grants and at times have objected. I do not recall ever receiving any feedback – my feedback went into a black hole! I object strongly against this proposal essentially because it reduces the current minimal transparency and accountability with which decisions affecting the environment and therefore us all into the future are made. My specific grounds for objecting in summary are: DMIRS Conflicts of interest; Lack of priority to environment; Funding misrepresentation; Misrepresentation of situation with Warden's Court; Efficiency of DMIRS; OAG concerns; Credibility of regulation; 1) Before this proposal DMIRS has been from the outset subject to a blatant conflict of interest in being able to rule on any proposal to clear native bush. In the words of someone high up in the EPA, 'the fox is in charge of the henhouse'. The delegation of this power to DMIRS is in direct contradiction to the purpose and intent of the Environmental Protection Act. Reversing that would be a first step to improve the level of confidence that the general public have in decisions regarding clearing of native bush and reduce the incidence of complaints. As well the liking for DWER and DMIRS to foster conflicts of interest is further evidenced by the following. 2) In terms of DMIRS' operation their Annual Report 2022/23 raises further questions about gaps in environmental regulation due to conflicts of interest.	land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please see Key Themes 2, 4, 5 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The statement “Mining, petroleum and geothermal activity proposals that may have a significant impact on the environment will be referred to the environmental Protection Authority (EPA) …” sounds reassuring but the decision regarding significance is left up to DMIRS. So also is the situation regarding Commonwealth environmental approvals where the situation is even less clear – “Mining, petroleum and geothermal activity proposals likely to have significant impact to matters of national environmental significance should be referred by the company for environmental impact assessment …” Who decides about significance and then the decision is up to the company ! It is no wonder that there is scepticism in the community about DMIRS and environmental regulation in general. 3) Reporting further The Annual Report lists key indicators of DMIRS’s success as a regulator: Regulated entities know and play by the rules; Individuals and businesses have the confidence to operate in Western Australia; Better regulatory outcomes at a lower cost to the community; Public confidence is high in our area of responsibility. Elsewhere DMIRS’ KPIs about customer service and efficiency (Annual Report) are mentioned but there is no mention of protection of the environment as a KPI. 4) The proposal to charge $859 for objections represents an extraordinary overreaction. The claim by a DMIRS spokesperson (ABC Report) that “The fee for objections is not designed to stop community scrutiny of mining activities”, makes no sense in the light of fees charge by other Government agencies for similar objections – either nothing or $10 or $100. It’s how our democracy works! The related claim of the funding of the Warden’s Court does not hold up in view of the other income sources for DMIRS and the EIS as discussed below. 5) Claims of excessive workload in the Warden’s Court as flimsy. A scan of Warden’s Court cases from June to November 2023 shows that only 40 cases were dealt with in over 4 months and of those very few were objections. DMIRS own data says that “more than half of [350] objections” in one two month were from mining and petroleum source (DMIRS consultation paper). The increase in objecions before the Warden’s Court of 144% to 3,328 in 2022/23 (ABC) is indeed exceptional and a cause of concern. But instead of reactively attempting to impose an excessive charge aimed to discourage objections, it is logical to	

Ref	Stakeholder	Comment	DEMIRS response/action
		look at the circumstances. Some of that increase is no doubt due the intense community reaction to one particular proposal and the community's understanding of that proposal. Honest problem solving by the Department would entail examining why the public were so incense rather than attempting to shut the public down. 6) There is no evidence form DMIRS to show to show that their efficiency in 2022/23 has been affected. The Annual Report claims high levels of stakeholder satisfaction (Annual Report 2022-23) by all above 74% of respondents and "The 2022-23 result reflects the highest level of stakeholder satisfaction achieved to date". Further the Office of the Auditor General raised no concerns about efficiency of approvals. 7) But the OAG did raise concerns about "management of compliance and enforcement' by both DMIRS and DWER. My own experience with one clearing permit in the metro area issued to a government corporation backs up the OAG's view. Three hygiene conditions in the Clearing Permit were demonstrably not followed by the contractor. In DMIRS case this issue goes in my opinion to their conflict of interest: with DWER I fear that the cause is lack of proper funding. 8) This issue of credibility of DMIRS regarding respect for environmental issues is highlighted by omissions from the 2022/23 Annual Report. There are no figures for percentages of mining/petroleum proposals approved by DMIRS as against those not approved. One website list of projects refused contains no projects. Neither are there any cumulative figures for the amount of land proposed to be cleared. My own figures based on CPS approvals of mining/petroleum projects in 22/23 is that there may be at least 260 of these projects approved totaling 39,000ha to be cleared (at an estimated average of 150ha per permit). 9) For DMIRS to be crying poverty in having to fund objections to the Warden's Court is an embarrassment. The Exploration Incentive Scheme aims to increase greenfields exploration generates for each $1 million invested a net benefit to WA of $21 million or $25 million in additional private sector exploration which includes $9.9 million dollars in royalties and taxes for each $1 million invested (Annual Report).	

Ref	Stakeholder	Comment	DEMIRS response/action
		10) DMIRS must recognize that there is change in how Australia values our environment and that his proposal is counter to the direction proposed by the Albanese Government. The State of the Environment Report issued in June 2022 and commissioned (and then withheld) by the previous Commonwealth Government found environmental assessment to be failing nationwide. The new government's proposed "National Nature Conservation laws call for "**An independent national Environmental Protection Agency** (to be called Environment Protection Australia) that would sit at arm's length from the Government of the day and would be responsible for making decisions on project proposals that could harm threatened birds and important natural areas". They also call for "**The development of a more robust system for the management and use of environmental data** by a statutory office, Environment Information Australia". (Quoted by ACF).	
257	Friends of Coolbinia Bushland	We are very concerned by the proposal of DMIRS $859 fee for objections under the mining act 1978, on the grounds of: (1) being an exorbitant fee designed to curb opposition from the public and not for profit environmental groups. (2) the high fee is undemocratic and extremely unfair, and will result in less opposition submissions, which in turn will not give a balanced consultation on proposed projects. It's never a good idea to only have one "side" of a debate. I would like to remind you that the DMIRS website states "Our purpose - support a safe, **fair and responsible future for the Western Australian community**, industry, energy and resources sector". How is it fair to be charged $859 to object to a particular mining project, or even make recommendations? Very few people could afford that. Fees accompanying submissions should not be more than $20, and no fees would be even better in this high cost of living climate.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2, 4, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		(3) the public play a very important role, do not discourage them from sharing their knowledge, especially in areas of the environment and conservation, where we are facing a climate change crisis and rapid loss of biodiversity. Western Australians' have a right to have a say about what happens in the place they live.	
258	Deborah Ferrara	I am writing to express my disappointment in learning the WA Government is trying to bring in new fees to stifle public objection to any mining proposals. I believe the fee proposed is $859 just to have a say. So freedom of speech now comes at a cost? This department is destroying our state just for the money it brings into the state coffers, there doesn't appear to be any accountability for the regeneration of the forests destroyed in the quest for minerals. If you want to earn some money please charge a hefty fine to the mining companies for every year the soil remains barren following the destruction of our native habitat. Shame on you in considering to charge a fee to people who are concerned for the well being of our state and the climate crisis that is affecting the world. We need more trees not destroy the ones we have and people should be allowed to have a voice at no cost.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.
259	Elli Mutton	As it stands, the proposed fee for an objection made under the *Mining Act 1978* is unacceptable for the following reasons outlined below. 1. Objections to mining licenses are in response to, moreover provoked by, mining company licence application submissions. Should mining companies wish to undertake	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		activities which invoke administration requiring analysis, regulation and approval, they should incur the cost of carrying out that process in entirety. 2. Citing that a fee is required to reduce the number of matters before the warden completely overlooks the reason as to why the number of the objections has increased. That being because mining operations and the unremediated damage their operations cause, continues to increase. 3. Citing that a fee is required to reduce the number of matters before the warden indicates the contempt of the process for considering reasons as to why a mining licence should not be approved. 4. It must be considered that the increased time taken for objections to be processed is relational to the lack of detail required to be submitted by a mining company when making an application for a licence. 5. The rationale of a flat fee regardless of corporate, enterprising, not-for-profit, community or individual status in aim of "clarity to the applicant as to the fee payable", indicates both contempt for applicants, and an admission of the administration's inability and lack of attention in providing clear instructions for applicants. 6. The value of the fee is clearly disproportionate in comparison to other States or even WA tribunal costs, especially under the proposal of a flat fee structure. For these reasons, I object to the proposed fee and urge reconsideration to the flat fee structure and the process by which various categories of objecting applicants can include their considerations in the process of mining licence applications.	Please refer to Key Themes 1, 3, 5 and 6 in the *Response to submissions report*.
260	Steve Benzie	I object to the outrageous and anti-democratic proposal to charge us $859 to say no to mining exploration applications. People shouldn't have to pay exorbitant fees to express concerns about mining which would destroy critical habitat.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		This email to the Dept of Mines today is to tell you that your proposed fee is unacceptable. We need to #endforestmining and protect what's left of our precious and irreplaceable forests.	
261	Henk and Deborah Dirks	I object to the outrageous and anti-democratic proposal to charge us $859 to say no to mining exploration applications. People shouldn't have to pay exorbitant fees to express concerns about mining which would destroy critical habitat. This email to the Dept of Mines today is to tell you that your proposed fee is unacceptable. We need to #endforestmining and protect what's left of our precious and irreplaceable forests.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 4 in the *Response to submissions report*.
262	Judy Savic	I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. While I understand the scope and purpose for the indicative fee of $859 per objection, and that there are no other fee-free tribunal or court of such a nature in Western Australia, the fact that these tenements could potentially affect anyone, they should be able to make an objection without cost. The ability for landowners and community members to partake in consultation, particularly the lodgement of formal objections regarding amenity and environmental impacts, should be available without any financial burden or exclusive access for those with financial means. $859 is a lot of money to the vast majority of people. Recovering the additional costs resulting from the increase in number of objections being lodged may be difficult though, your analysis undertaken by DMIRS indicates the second highest number of objections [21%] were received by people or landholders not connected with mining. Therefore, at the minimum, maybe the proposed flat fee should be reviewed, where those involved in the mining industry could pay a higher share of the costs than the private land holder personally affected who is without the same financial means to object.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 3, 6 and 7 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. Conversely, I can see the sense in charging mining companies the $859, to prevent vexatious objections based on commercial interest. Landholding pensioners that would be affected by a local tenement would not have the funds to object, especially to multiple claims. Additionally, if a proposal is withdrawn, all objection fees should be refunded.	
263	Katherine Forrest	I am responding to the Department of Mining, Industry Regulation and Safety (DMIRS) proposal to introduce fees for objection under the *Mining Act 1978*. I am steadfastly opposed to the introduction of any fee on the basis it is fundamentally undemocratic and can exacerbate an already existing power imbalance between well-resourced mining companies and impacted parties who are often individuals. The attempt to reduce the number of valid objections to the Wardens Court via the introduction of a significant financial barrier is entirely counter to the core purpose of the Wardens Court – to firstly hear objections and then resolve mining disputes. The graph provided on page four of the DMIRS consultation paper does not provide a true representation of a broad statewide increase in the number of objections received. Approximately 1500 objections were received in response to a single issue, Rio Tinto Exploration mining tenement applications in the Southwest. It should be clear from the quantity of objections received the availability of land for mining in this region is the issue to be addressed and not a general rise in the number of objections being received across the state. Whilst it is a fair and reasonable expectation to have timely hearings of matters by the Warden's Court the resourcing to allow that to happen should not be coming from the parties seeking the protection of it. DMIRS is a taxpayer funded government department and should be appropriately resourced via state finances. The mining industry's economic contribution to the state of Western Australia is unparalleled and as such the	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1, 2 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Wardens Court should not be under-resourced particularly given its crucial role in ensuring a fair and effective mining industry into the future. Given the existing significant lack of transparency the general public has into the activities of mining companies e.g. Mining Proposals, Program of Works, Closure Plans are difficult to access via the DMIRS website, the further eroding of any remaining stakeholder ability to object further prevents the public from the critical role they can and do play in being the voice of social licence. It is foreseeable there will be more public protest in response to key stakeholders being denied judicial platforms to have their concerns heard. As a landholder in the Southwest I am never even informed by either DMIRS or the local council whenever there in a tenement application lodged over my property. This is a disgraceful situation and constitutes an absolute failure in stakeholder engagement. How can I exercise my right to object if I am not notified of the submission of a tenement application in the first instance? It is foreseeable the proposal will indeed reduce the workload of the Wardens Court but that should not be a key motivation of the Wardens Court. The introduction of financial barrier by way of a fee for objections is entirely counter to the Wardens Court core function to hear and resolve mining disputes and significantly erodes the right of citizens to access justice and procedural fairness.	
264	Jane Hammond	I wish to lodge my strong objections to proposals to impose fees for objecting to any mining proposals. I find this proposal at odds with the government's promise to be transparent, accountable and accessible. It is without doubt undemocratic and unfair.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals).

Ref	Stakeholder	Comment	DEMIRS response/action
		It breaches the Aarhus Convention on Access to Information, Public Decision Making and Access to Justice in Environmental Decision Making, to which Australia is a signatory. In a democratic society, citizens have a right to participate in matters of environmental concern. Those matters include proposals to mine or explore in environmentally sensitive areas. The imposition of a fee will preclude public participation. No doubt that is the desire of the mines department. The department seems to have a view that they, and they alone, own the minerals of the state, not the people; and they, and they alone, will decide who shares in the benefits of those minerals and who pays the cost. Our environment is fundamentally important to life and human health. Time and time again we have seen mining companies ignore the impact of their developments. Concerned citizens are often the only ones who stand up to say No. Concerned citizens need to be able to voice their concerns and protect the places they love. Right now we are seeing mining proposals pushing ahead in Julimar and Coconarup despite both these areas being critically important breeding areas for the endangered Carnaby's black cockatoo. This demonstrates how little the concerns of people are regarded when it comes to environmental protection and trying to stop extinction. The public is exhausted by the endless rounds of submissions and disengagement. You will make this situation even worse by charging concerned citizens a fee just to raise their concerns. When access to participation is denied people become more desperate and more willing to take more extreme actions to protect the planet. When this happens we all lose. We need better more open systems of participation to ensure a healthy environment and build a better community. If objecting to mining proposals is restricted to those with the cash to afford it we all lose out.	Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please see Key Themes 1, 2, 4 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		As Principle 10 of the Rio Declaration points out "Environmental issues are best handled with participation of all concerned citizens, at the relevant level...Each individual shall have the right to participate in decision-making processes." I urge you to dump this proposal to charge for objections and become the open, equitable, fair and just department and government that the people of this wonderful state expect and deserve.	
265	Alyssa Nixon-Lloyd	My comments are as follows: 1) Objection should be free for communtiy members. The companies who are submitting the application are likely to have a financial gain from the exploration being granted. However, community members who are objecting to the licence are generally objecting on environmental, community or societal grounds, which are difficult to quantify. The community members who are objecting should not be financially penalised for taking the time to exercise their democratic and social right to object to a proposed mine. 2) The expense for additional Wardens and expense of court matters should be borne by the companies that will financially profit from the licence being granted. 3) The proposed fee is exorbitant and the proposed fee will be a significant expense for most community members and not for profit organisations. 4) If the Wardens Court are concerned about the number of objections being lodged in recent times, a review should be included to understand why these objections are being put forward. In my own experience, I have lodged 4 objections in an effort to protect the farming land and environmental value of the Torbay / Marbellup area. The DMIRS and WA State Government should act to rezone areas as exempt from mining, to ensure areas of our beautiful state remain available for people to live, work and enjoy without the negative impact of mining.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please also see Key Themes 2-4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
266	Pastoralists and Graziers Association of WAPGA	The PGA strongly opposes the introduction of the prescribed fee for objections. The introduction of the prescribed fee for objections will impose a new and considerable financial impost for pastoralists and graziers in areas where there is a high level of mining activity. Whist mining and pastoralism are not always mutually exclusive, many pastoral leaseholders receive numerous applications, often from multiple sources, which may impact on current or future pastoral activities, including carbon offsets projects. It is unreasonable to expect that these legal leaseholders will have to pay a fee to object to an activity on their property which may impact their businesses. The PGA does recognise that the introduction of the prescribed fee for objections may be appropriate to reduce trivial or malicious objections from third parties and individuals. However, this "one-size-fits-all" approach will only create a barrier of significant fees for leaseholders where there are legitimate concerns that an activity may impact their commercial enterprise. Further, it is the PGA's opinion that given that the WA State Budget has recorded six consecutive years of surplus, including an expected $3.3 billion surplus in 2023-24, that the State Government can fund an additional Perth Warden and support staff for DMIRS without having to tax landholders. **It is the PGA's recommendation that the prescribed fee for objections not be applied to leaseholders or landowners.** **ISSUES** Western Australia's (WA) rangelands cover 87% of the State. Around 39% of the State's rangelands (87 million hectares) is under pastoral lease. The remainder consists of unallocated Crown land (UCL), land reserved for conservation or indigenous purposes, non-pastoral leasehold, and freehold.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used to by both pastoralist and miners, following the legislative arrangement for pastoral and mining interests on Crown land to co-exist. Please refer to Key Themes 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		There are 491 registered pastoral leases in WA, held in 436 pastoral stations: 152 stations in the northern rangelands (92 in the Kimberley and 60 in the Pilbara); and 284 stations in the southern rangelands. Pastoral leases exist in a complex matrix of land tenures and uses. Lease ownership includes large corporations, private companies, family operations, Indigenous organisations, and, particularly in the Pilbara and Goldfields, mining companies. However, particularly in the Southern Rangelands, most leases are owned and operated by individuals or family businesses, and often these businesses may own two or more pastoral leases, as well as other types of leases (ie grazing). As these leases can often receive several applications within a week, the imposition of a prescribed fee for leaseholders to object to any of these applications would place an unfair financial burden on many pastoral businesses, to the detriment of both the pastoral industry and the rangelands. Although there is no question over the importance of the mining industry to the Western Australian economy, one cannot underestimate the value of the pastoral industry to regional and remote WA. Any move to limit the rights of pastoral lease holders to the advantage of the mining industry should be treated with concern.	
267	Lyn MacLaren	I would like to make the following comments in response to the proposal to introduce a $859 fee to lodge an objection under the Mining Act 1978. I am not involved in the mining industry, however as a citizen who is impacted by activities of the mining industry I value the laws in place to regulate those activities. The ability to object to mining applications is important and the rules are set out in legislation. It is unjust to curtail those rights by imposing a fee of this magnitude.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		If the Warden's court is burdened by an increase in objections, then funding for the court could be increased or a reduction in costs associated with objections should be explored. It is appropriate that there has been an increase in community objections given the significant increase in the number of mining applications over precious forests and extensive areas of farmland. I note that DMIRS figures show that that 56% of objections were lodged by companies and individuals in the mining industry, while NGOs and members of the community accounted for half of that proportion (23%). Potentially, the number of objections will not be reduced greatly, as the proposed fee is not a barrier to vested interests and wealthy organisations who make up the 56% who choose to object. Conversely, the proposed fee is prohibitive for those of us who act in the public interest rather than personal financial interest, namely, NGOs, small non-profit organisations, and individuals. It is also prohibitive to small business. It appears that the proposed fee is designed to deter the community from objecting. This curtails our rights. The proposed fee is unacceptable.	
268	Rachel Starr	I have read your Department paper 'Fee for Objections under the Mining Act 1978' and refer to item 7, 'Proposed fee structure'. One aspect of your paper that stands out is that the majority, 56%, of objections are from mining companies or individuals involved in the industry, whilst the next largest group, 21% are 'those not connected with mining' such as private homeowners, landholders and communities. I am presuming that the objections from mining companies are towards other mining companies or individuals, where there are investments and potential profits at stake, should one or other company be granted license to dig the earth for silica or other 'strategic minerals'.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The 21% lodging objections to mining from individuals or communities, on the other hand are simply objecting to having their community and environment desecrated for the needs of capital. The 'flat fee' being recommended to all objectors is simply not an equitable or democratic model. The $859 proposed 'flat fee' is spare change to a mining company but to a pensioner living in a small rural community is an impossibility. Having lived with the possibility of millions of tons of silica sand being extracted annually very near my home, it was a difficult process to object as individuals and a community. Had an exorbitant fee been added to the mix it would have been impossible. Whilst I agree that a fee to cover the increasing work of the Warden's Court is becoming necessary it must be applied in an equitable manner, a level for mining industry objections and an affordable level (with discounts for those with pension/health cards) for individuals and community groups. I feel the industry level and a far lesser fee for individuals and community groups would be a democratic solution, enabling all to have a say in what happens to their homes, communities and environments. The introduction of a flat fee of $859 is punishing to individuals, households and communities.	
269	Kimberley Land Council	The KLC has significant concerns about the current proposal for a standard fixed fee on the basis that it fails to include an exemption for objections lodged by native title parties (being PBCs and registered native title claimants). The majority of native title parties in the Kimberley region are almost entirely reliant on tied native title grant funding administered by the KLC as the native title representative body for the region, and have little to no funding available to deal with non-*Native Title Act* procedures for grants of interests such as mining lease and licence applications under the *Mining Act*. The proposed $859 fee will be prohibitive for the vast majority of native title parties.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The

Ref	Stakeholder	Comment	DEMIRS response/action
		Native title parties currently utilise the objection rights under the *Mining Act* for the purposes of preserving the rights and interests of Traditional Owners and protecting country and cultural heritage. Objections in the Warden's Court provide an important and accessible avenue for native title parties to challenge applications that are not compliant with the Mining Act where this non-compliance threatens to interfere with native title rights and interests, 1 or to challenge applications that are not in the public interest, such as where the applicant is known to refuse to engage with native title parties in negotiating agreements for the grant of the lease or licence, or where the applicant is known to breach obligations to protect Aboriginal cultural heritage. 2 This is in stark contrast to the majority of objections that are lodged under the *Mining Act* by mining companies and persons involved in the mining industry. These are most often commercial competitors and the objections process is used to gain an advantage for commercial purposes. Unlike these objectors, native title parties do not stand to financially benefit from lodging an objection in the Warden's Court and lodge objections on the basis of preserving their existing native title rights and protecting country and heritage. The Department of Mines, Industry Regulation and Safety's (**DMIRS'**) Fee for Objections Consultation Paper at page 6 posits that the flat fee structure is justified on the basis that the objection process and service provided by the Warden's Court is "by and large a business type service". Plainly, this does not apply to objections lodged by native title parties. A fee exemption for native title parties is appropriate, not administratively burdensome, and easily managed as is demonstrated by the administration of similar exemptions in other jurisdictions such as the National Native Title Tribunal and the Federal Court of Australia. A fee exemption for native title parties would not undermine the financial viability of the Warden's Court because of the low number of objections lodged by this type of party as compared with other fee-paying parties.	Native Title (Tribunal) Regulations 1993 (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. It is also important to note that Wardens are unable to consider objections lodged for the purposes of the NTA. Please refer to Key Theme 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		3 Further, qualification for an exemption available to PBCs and registered native title claimants can be verified on the National Native Title Tribunal's public register. This reduces any administrative burden on DMIRS in administering such a fee exemption. The KLC urges DMIRS to provide for fee exemption for native title parties lodging objections under the *Mining Act* to ensure these parties are able to continue to access the objection regime under the *Mining Act* to protect their native title rights and interests, and to ensure the administration of the fee scheme is fair, equitable and reasonable.	
270	Brenden Metcalf	I oppose the implementation of the proposed fee of $859 for lodging an objection under the Mining Act 1978. I would support a considerably smaller fee for individuals and community groups that helped to cover costs involved in the process but did not discourage individuals and community groups from voicing their objections to projects that would otherwise impact the communities and places they love. I would support a system that differentiated between individuals/communities and other mining companies, the latter of which often have considerable financial resources and currently make up a large portion of cases heard within the mining wardens court. Alternatively, another system needs to be developed to allow individuals and communities a viable option for opposing projects that would impact on their communities and places they love.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 6 in the *Response to submissions report* are relevant.
271	WA Forest Alliance	The *Mining Amendment Act (No.2) 2022* made it a requirement that an objection under the Mining Act must be accompanied by a prescribed fee. At issue is the amount of the fee. DMIRS is seeking to introduce a fee where the purpose is to raise revenue, but also to 'reduce the number of active matters before the wardens', in other words, to curtail the number of objections lodged. It is unlikely that the proposed fee will deter objections from companies and individuals in the mining industry, but a $859 fee is manifestly too high for non-government	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please see Key Themes 1-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		organisations and members of the community, especially when multiple objections are required for multiple tenement applications by the same party. The fee will be an additional barrier to objections being lodged before their legitimacy is determined by the Warden. This jars with written communication from the Minister for Mines and Petroleum, Hon Bill Johnston, which makes it plain that the government views the Warden's Court as the 'appropriate avenue' for objections in line with the principles of 'natural justice'. In a letter to WAFA member organisation, the Jarrahdale Forest Protectors, dated 23 August 2022, Minister Johnston stated (emphasis added): "The Mining Act specifically provides a legislative mechanism allowing for a comprehensive examination of opposing parties' testimony under oath before the Warden, to consider the application and any objections. **I consider the Warden's Court to be the correct forum to investigate this matter, and encourage you to continue to participate in that process**." Thus, we have the absurd scenario in which DMIRS is seeking to limit objections to mining tenement applications by pricing community members and non-government organisations out of the very process that the Minister deems most appropriate. At the same time, nothing is being done to address significant issues with transparency and community/stakeholder consultation by mining tenement applicants. With regard to the recent and significant Rio Tinto objections, it emerged through FOI documentation that the Water Corporation only found out about the applications via WAFA's social media. Water Corporation had serious concerns around impacts on drinking water and had not been consulted or even notified of the exploration applications. In other cases, individuals have discovered mining tenement applications over their	

Ref	Stakeholder	Comment	DEMIRS response/action
		properties through third parties but have not been informed due to a loophole whereby mining companies are not required to inform landowners if the applications are for minerals that are expected to be 30m or more below the surface. WAFA considers that the current application fees paid by companies for tenements should be higher, and consideration should be given to applicants being required to pay any objection fees where community objections are lodged in the absence of demonstrable community consultation. This would incentivise robust community consultation in the first instance, as opposed to the 'sub-surface' rights loopholes being exploited by applicants. Determination of whether community consultation has occurred could be determined by the Warden in mention hearings. As a fee is now required under the Act, WAFA submits that there should be a simple, three-tier fee structure: a higher amount applied to companies and individuals with business connections to the mining industry and a lower amount applied to non-government organisations and members of the community. This second-tier amount should be no more than $10 per objection. Land-holders, Traditional Owners and local government councils who have tenement applications made over their respective lands (both surface and subsurface) should be notified by the applicant, and enabled to object without charge, or with a minimal token fee of no more than $10. The introduction of a fee for objections is an opportunity to correct distortions in community consultation processes. It ought not be used to silence Western Australians' concerns about mining in inappropriate places, especially in our remaining intact ecosystems given their increasing biodiversity and climate importance.	
272	Kristie Buss	I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. While I understand the scope and purpose for the indicative fee of $859 per objection, and that there are no other fee-free tribunal or court of such a nature in Western Australia, the fact that these tenements could potentially affect anyone, they should be	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		able to make an objection without cost. The ability for landowners and community members to partake in consultation, particularly the lodgement of formal objections regarding amenity and environmental impacts, should be available without any financial burden or exclusive access for those with financial means. $859 is a lot of money to the vast majority of people. Recovering the additional costs resulting from the increase in number of objections being lodged may be difficult though, your analysis undertaken by DMIRS indicates the second highest number of objections [21%] were received by people or landholders not connected with mining. Therefore, at the minimum, maybe the proposed flat fee should be reviewed, where those involved in the mining industry could pay a higher share of the costs than the private land holder personally affected who is without the same financial means to object. Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. Conversely, I can see the sense in charging mining companies the $859, to prevent vexatious objections based on commercial interest. Landholding pensioners that would be affected by a local tenement would not have the funds to object, especially to multiple claims. Additionally, if a proposal is withdrawn, all objection fees should be refunded	the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 6 and 7 in the *Response to submissions report*.
273	Wendy MacKinnon	I was extremely concerned to hear of the proposal that financial penalties will be incurred by anyone raising concerns or objections to tenement applications. This will be an insidious development in a democratic country and surely compromises our right to free speech. Being that mining companies are able to withdraw and re-apply any amount of times makes for an extremely uneven playing field and highlights the unfairness and obvious favouring of mining companies over all others. Why aren't mining companies also being asked to take on some of the financial burden of legal costs? It seems that the introduction of this new penalty structure is simply a way for mining companies to do exactly what they want, where they want and with	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		very little accountability. There is no denying that we need mining to occur, but we need to retain the freedom for informed, concerned citizens to add their say as to which areas of our natural and cultivated world are subject to mining, and not rely simply on those driven by the bottom line who may have very little understanding of a different type of wealth they are destroying in the process. Allowing corporate profit to drive a carte blanch approach to mining will devalue our unique place in the world for natural beauty, which needs to be understood and recognised as an extremely valuable tourism asset for our country. The bottom line is we should not be impinging on free speech, and if some fee must be introduced, then keep it low and fair for the general public. That would mean the mining companies should incur a far heftier fee than an individual who is fighting to keep their land free of destruction.	
274	Trudi Franklin	I believe the proposed fee of $859 for lodging an objection does not meet the Treasurer's Instruction 810 where imposed tariffs, fees and charges are fair and equitable. I believe there should not be an objection fee for the reasons listed below. • As stated in the consultation paper the proposed fee is a result of the increase in the number of objections being submitted over the last 3 years. It is difficult to see this as anything other than an attempt to deter individuals from objecting. It is already a costly exercise for objectors with lost hours of work while attending hearings not to mention any legal fees that are likely to be incurred. Mining companies are making huge profits from the exploitation of West Australian land which is owned by all west Australians. Surely if anyone should be held to cover the cost for this extra workload it should be the mining companies. • Also, in the consultation paper it is stated "Analysis undertaken by DMIRS indicates that in a two month time period in April and May 2022…". Why select a two month period when the increase in objections over a 3 year period is discussed? Why April and May 2022? Have those months been cherry picked? In relation to this dubious data it appears that the fee of $859 is a result of the slim majority (56%) of objections that have been submitted by companies or people involved in mining.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Cost Recovery is in line with the *Financial Management Act 2006* and the Treasurers Instruction 810. The objection fee has been calculated related to the cost involved in providing resources for the second Mining Warden. Please refer to the Calculation of Fee for Objections in the *Response to Submissions* Report. Please also refer to Key Themes 2-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		This infers that $859 is an appropriate fee for this cohort. Whether the fee is $859 or $50 it is small change to mining companies but to the regular citizen or landholder who are trying to protect their livelihood or lifestyle it is more appropriate to have a fee, if there has to be one, that is affordable to most people. • The statement that it should be a 'flat fee' to simplify the process shows the disregard for individual community members who wish to object to protect their livelihoods, way of life or properties for the sake of bureaucracy. A scaled fee would be a fairer way of implementing a fee. The argument for a flat fee, that is a mistake may be made and the wrong fee charged, is hard to accept as a valid one. • The consultation paper shows the increase in the number of objections, however it does not show if there is an increase in the number of exploration/mining applications and if so what percentage increase is that and what affect does it have on the workload of DMIRS. Also the increase in objections does not necessarily correlate with the increase in workload for DMIRS as all objections against one application are heard in court together. For example, I believe one application for exploration had over 1,000 objections which I'm sure does not result in 1,000 times the workload for DMIRS. As mining companies encroach more and more onto heavily populated areas there is bound to be an increase in objections. • Many of the other states, such as NSW; NT; QLD; VIC, do not have a fee for lodging objections and as WA is faring better financially than the eastern states surely the government can afford to wave the fee or at the very least have a token fee similar to SA. I accept as stated in the Consultation Paper that WA has a higher rate of applications for exploration and mining than the other states, therefore creating a greater burden. However, this also means WA generating far more income from mining than the other states and should be able to afford the cost incurred by the increase of objections. • In my local area a company currently has 2 applications for exploration to which I have submitted an objection. This particular company had previously submitted an application for two almost identical tenements and then withdrew their application only to re-submit it. This means with an introduction of an $859 fee I would have had to pay $3,436 to object. This is way beyond the means of the average person making it a very inequitable situation as mining companies are usually well financed	

Ref	Stakeholder	Comment	DEMIRS response/action
		and can afford to apply and re-apply. In another scenario I believe it is not uncommon for a company to withdraw an application only to have a second company to submit an application immediately thereafter. To be paying $859 2, 3, 4 or however many times an application is put in over a tenement is unfair. I am disappointed with the information provided in the Consultation Paper it appears that it has been hastily written with very poor arguments for the introduction of a largely prohibitive fee. If a fee must be introduced, I strongly believe a more affordable fee (ie $50) should be set or possibly a sliding scale regardless of the perceived administration difficulties.	
275	Craig Hatch	I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. The establishment of new mine has permanent changes to the landscape and ecosystem affecting a variety of individuals, groups and business. Therefore, community should be able to provide input and feedback or objections based on their perspective without a cost deterrent. Community should be able to make an objection without cost or a financial burden restricted to wealthy members of the community. Permanent changes to a landscape or use of land should be done fairly and with equity. You will be aware of mine operator James Hardie operating the Wittenoom Asbestos mine. Government allowed these operations which was a catastrophe for the lives of many and cut my father's life short 50 years after working at the mine. Any restrictions to new mine submissions is a deeply concerning action and bitter disappointment to potential adverse mine outcomes decades in the future.	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.
276	Katanning Landcare	Our environment is under enormous pressure, and we must collectively make decisions to ensure that it is protected.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		The imposition of this proposed fee will largely remove the ability of the grass roots community and those who will be most impacted to voice concerns about potentially destructive processes which will permanently alter the environment, economy and amenity of their area. Katanning Landcare has always placed community at the centre of what we do, and we are deeply disturbed at the potential this proposal has to silence the voices of many in the community. We note from the information presented in the Discussion Paper that around a quarter of all objections come from individuals, not-for-profits, landholders and similar entities, with a further 8% from traditional owners. We strongly believe that these groups best represent community, and we are fearful that a substantial fee for lodging an objection will lead to a significant decline in objections from the broader community. This means that the interests represented in an approval process will be narrowed, and could lead to an increased number of approvals that impact environment, productive agricultural land and cultural values. Whilst we recognise that DMIRS is facing an increased administrative cost due to the rising number of objections, we don't feel that the creation of this fee is the solution. Proponents of mining activities stand to make a financial gain from a state (and hence community) owned resource and as such should meet all of the costs of their application, including the cost of processing objections. The increased number of objections is potentially reflective of changing community attitudes, and concerns around matters such as climate change, food security and environmental and cultural damage. Instead of moving to block these issues being raised, we call on the mining industry to tighten its controls and reduce the impact that it is making in these fields – address the cause, not the symptom. If a public consultation process has been correctly and respectfully conducted by a proponent and community concerns adequately addressed then the number of objections should be significantly reduced. Katanning Landcare does not support the imposition of a fee for Objections lodged under the Mining Act.	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 1-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
277	Veronica Metcalf Locals for Environmental Action and Protection (LEAP)	I oppose the implementation of the proposed fee of $859 for lodging an objection under the Mining Act 1978. I would support a considerably smaller fee for individuals and community groups that helped to cover costs involved in the process but did not discourage individuals and community groups from voicing their objections to projects that would otherwise impact the communities and places they love. I would support a system that differentiated between individuals/communities and other mining companies, the latter of which often have considerable financial resources and currently make up a large portion of cases heard within the mining wardens court. Alternatively, another system needs to be developed to allow individuals and communities a viable option for opposing projects that would impact on their communities and places they love.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 6 in the *Response to submissions report* are relevant.
278	Hannah Halls	I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. While I understand the scope and purpose for the indicative fee of $859 per objection, and that there are no other fee-free tribunal or court of such a nature in Western Australia, the fact that these tenements could potentially affect anyone, they should be able to make an objection without cost. The ability for landowners and community members to partake in consultation, particularly the lodgement of formal objections regarding amenity and environmental impacts, should be available without any financial burden or exclusive access for those with financial means. $859 is a lot of money to the vast majority of people. Recovering the additional costs resulting from the increase in number of objections being lodged may be difficult though, your analysis undertaken by DMIRS indicates the second highest number of objections [21%] were received by people or landholders not connected with mining. Therefore, at the minimum, maybe the proposed flat fee should be reviewed, where those involved in the mining industry could pay a higher share of the costs than the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 6 and 7 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		private land holder personally affected who is without the same financial means to object. Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. Conversely, I can see the sense in charging mining companies the $859, to prevent vexatious objections based on commercial interest. Landholding pensioners that would be affected by a local tenement would not have the funds to object, especially to multiple claims. Additionally, if a proposal is withdrawn, all objection fees should be refunded.	
279	Heather Marr	I wish to register my objections to the $859 fee proposed to be levied against landholders objecting to mining or exploration across their properties or within the area in which they live. This amount is a massive increase in costs to be met by people who are trying to ensure proper (that is, **real** consultation) and assessment of mining proposals, many of which cover areas of agricultural, tourist, heritage and environmental significance. I believe that this significant impost will serve to shut down properly considered objections based on valid landholder concerns. It is fundamentally antidemocratic in nature and will paint an entirely false picture of landholder “consent” to projects. This of course is a completely false picture as people who cannot afford to object cannot be said to have assented in any meaningful way to these applications. If a fee must be levied on objectors, it should be minimal, in the region of $50 / objection. Mining and exploration companies should also be required to pay more for lodging their applications as they generally have extensive resources and can, of course, offset these exploration expenses against their business costs. Affected landholders are generally unlikely to have access to such informal subsidies. Further, If the Department is facing a budget deficit due to the increased costs associated with dealing with objections, then it is up to the Department to request additional finding from the State Government.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 1-3, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		It appears that the interests of mining and exploration companies enjoy substantial advantages over affected landholders. There is currently no regulation on the number of times a company can apply for a tenement in an area. This may well result in miners using the increased fees as a means of reducing or eliminating objectors by lodging a tenement application with the aim of withdrawing it and then re-lodging a new tenement covering the same area. This concern is not unfounded as it has happened previously. The net effect will be to financially exhaust landholders and community members' funds, further eroding the rights of impacted citizens. Where several companies lodge competing tenements, multiple fees would be levied against objectors, further limiting a person's right to be heard. Community members, using lawful, legislated avenues and working to protect their homes, landholdings and the amenity of their neighbourhoods should not be required to pay such a substantial impost as that being currently proposed. If a fee is required, it should be paid by the mining companies and not by communities fighting to protect their residences, environment and livelihoods. Community based objectors should not have to pay, but if a fee is required, it must be minimal and not designed to engineer a fraudulent assent to destructive industries.	
280	Malcolm Traill	I wish to register my objection to the proposed excessive fee to be levied against landholders and community members who lodge objections under the Mining Act 1978. Such a proposal will close off the ability of members of the public to lodge objections aimed at protecting areas of significant economic, environmental and agricultural value. Its effect will be shut down proper consultation for those most affected by extractive industrial developments. If the Department of Mines, Industry Regulation & Safety is unable to properly fund current operations of the Warden's Court, it is up to the Department to argue for proper financing of its activities by the government and the proponents	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4, 6 and 9 in the *Response to submissions report.*
281	Michael Giles Tenement Manager	**Consultation paper - Fee for Objections under the Mining Act 1978 Sept 2023** This consultation paper published by DMIRS is pushing the case for a $859 fee to be introduced. To justify this position, they have published a consultation paper, which I refer to below.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		There are a small number of groups that have learnt how to exploit the objection process and are objecting to be a nuisance. The rise in social media has meant that these groups are able get a message out to a large audience and encourage people to lodge objections. I have seen these groups objecting to applications in the southwest of WA. The introduction of a fee would no doubt reduce these 'nuisance' objections. But is the answer to hit everyone with a large fee to stop a small minority? The majority get punished to stop the minority. ***Cost recovery*** *Applying a fee for objections is consistent with the cost recovery policy for government services.* The concept that all costs should be a cost recovery exercise is wrong. It is a core service that is a vital tool and the only method of protecting a tenement holder's assets and interests if another party applies for competing tenure which affects them. The introduction of a fee at $859 is one that will penalise tenement holders who have done nothing wrong. There is no other way to for a tenement holder to protect their interest in a tenement other than to lodge an objection. Objections are required on the basis of protecting existing rights, activities and infrastructure from potential third-party interference. If a fee is to be introduced, it needs to be balanced. The amount of fee increase needs to be considered to ensure that the right balance is meet. That is, the nuisance or vexatious objectors are discouraged from objecting, whilst the genuine prospector is not penalised at an excessive level for having to lodge an objection to protect his rights. $859 is too high. **Point 7. Proposed fee structure.** *fee is proposed for administrative simplicity and consistency with all other prescribed fees applied under the Mining Regulations 1981.*	Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Wardens do not divide objections into nuisance and non-nuisance objections. There are no statistics of nuisance objections. At issue here is the financing of a second warden in Perth together with the associated support staff. Section 117 of the Mining Act already has protections for granted mining tenements, such as prospecting licences held by prospectors. In the case of objections against special prospecting licences, it would be possible for objectors to recover their costs, including the cost of the objection fee, either through a settlement agreement or by requesting a cost order. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Please also refer to Key Themes 1, 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		DMIRS have proposed a flat fee structure. This is an approach that means that a person who resolves the objection quickly gets charged the same as someone who draws the process out and takes up a lot of time and resources of the warden's court. Having a system which provides a financial incentive to resolve the objection quickly outside the warden's court is in everyone's benefit. Most objections are genuine. Everyone will be penalised because of a minority group. **Point 8. Comparative assessment** The $859 fee proposed by DMIRS is excessive. Other states fees are far less than the proposed fee in WA or have a fairer system of a differential system. There is no fee to lodge an objection in the NT, QLD, NSW and VIC. SA is $18 & TAS is $49.84. Why is DMIRS proposing &859 which such a huge difference compared to other states? **DMIRS should not support the proposed fee of $859 for an objection.** 1. The fee will likely hurt prospectors who hold tenements. 2. A prospector who owns a tenement will be financially penalised for protecting his rights and assets. He has done nothing wrong other than ask for his tenement interests to be protected, but he will have to pay for this right going forward. 3. The fee is excessive. a. It is far more than what other prospector in other states pay for a similar process. b. It is not aligned to the other fees charged by DMIRS. 4. Why not start with a small fee and see how it goes. Why impose a fee of $859 if a fee of $100 -$150 achieves the desired outcome of reducing nuisance objections.	

Ref	Stakeholder	Comment	DEMIRS response/action
		5. The flat fee structure is not fair. An objection that is resolved quickly and has no court appearances will be charged the same as one that takes years and multiple court appearances. Effectively the objector who resolves their objection quickly will be subsiding the long drawn out objections. 6. The idea that a fee increase will deter nuisance objections may work to a degree, but how much it will work is anyone's guess? DMIRS is supporting a fee it has no data on what the outcome will be. 7. Most pastoral lease objections are lodged by corporations who own many stations. There are very wealthy individuals behind these corporations. Are these corporations going to stop lodging objections? I doubt it. Given that Pastoral lease holders are spending many thousands of dollars on lawyer's fees, I would question if a $859 will deter these large corporations from continuing to object. 8. DMIRS could propose other ways to look at suggestions of dealing with this. Legislative reform of the Mining Act & Regs would help. 9. The cost of owning a tenement for a prospector is very expensive. With rents, rates, native title, the list goes on and on. Now another fee just to protect your rights. If this trend continues, WA will be for corporate tenement holders only. The Mining Act should allow everyone to have a go. From the little guy to the multibillion-dollar company. This is another impediment to the prospector starting in the industry. 10. The fee structure suggested does not differentiate objections. A wealthy objector who has lodged an objection will take this to many warden's court appearances, and will get charged exactly the same amount as a prospector that wishes to raise his concern, but also endeavours to resolve it quickly. Surely this is not right and surely there is a better way. 11. The fee will make lodging a vexatious a SPL more advantageous. The primary tenement holder will now have a $859 fee just to protect the land within his tenement. Why should a prospector have to pay a fee just to protect his	

Ref	Stakeholder	Comment	DEMIRS response/action
		tenement? I have seen a person apply for 10 SPLs on an EL. Under the proposed fee structure, it would cost the primary tenement holder $8,590 to object. 12. Exploration/prospecting needs to be encouraged. DMIRS should be providing a service to the public for an industry that funds this state. Are they going to charge for people going to the front counter going forward? Where will these costs stop. **My suggestions are the following.** 1. No fee is introduced until other options be investigated and considered. 2. If a fee is to be introduced, it should be like other state objection fees or aligned with the existing fee structure used by DMIRS. A more realistic figure of $100 - $150. 3. Encourage DMIRS to undertake reform of the warden's court. In recent years there have been decisions (such as 'True Fella') which has created a chaotic situation and resulted in more work for the courts. This is not in anyone's interest. Fixing the Mining Act & Regs will create less work for wardens. 4. Apply a fairer fee structure based on the court resources used. An objector who takes a lot of the court's resources should pay more than an objector who uses little of the court's resources. Pay as you go through the court. An initial fee of lodging the objection and another fee if the matter requires a hearing. The advantages of this are: a) Allows objections without a large cost. b) Encourages parties to resolve the objection prior to a hearing.	

Ref	Stakeholder	Comment	DEMIRS response/action
		If there is a long complex objection, let the parties involved pay for it. Don't have the majority of objections which never go to a hearing subsidising the long-drawn-out objections.	
282	Shire of Nannup	Over recent years, the Nannup community has become more aware of mining activities and are taking a higher level of interest in those that are up for consultation, lodging objections and or lodging support. There are a number of concerns that the Shire has with the proposed $859 fee for lodging objections as part of the *Mining Amendment Act (No.2) 2022*. 1. Value of the Fee. The fee is far too high. It is understood that Department of Mines, Industry Regulation and Safety (DMIRS) are attempting to install a flat fee for all, whether the submitter be a large company, small business, landowners. residents, impacted landowner, government body or any other form of entity/person. This approach is wrong as it is not affordable for the average resident, small business entity and small local governments. It is suggested that a non-standard fee system is applied as per the following; a) Directly impacted landowners, such as those who an application impacts directly on their property either being on their property or on a neighbouring property to an application area. These landowners should be able to make an objection at no cost. b) Non-directly impacted members of the public should be able to make an objection for a nominal set fee of $20 per application and be limited to one objection for application. c) Local Government bodies and small business owners should be able to make an objection to an application for a set fee of $100 per application. d) Large businesses who are not mining companies should be able to make an objection to an application for a set fee of $500 per application.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Local Government Authorities are not frequent users of the objection process before the wardens because they already have other avenues for consideration under the Mining Act including sections 24 and 120. Please also refer to Key Themes 5 and 6 of the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		e) Mining companies of small size should be made to make an application for a set fee of $1,000 per application. f) Mining companies of small size should be made to make an application for a set fee of $3,000 per application. 2. Equal Fees for both objectors and supporters. The exact same fee structure as listed in part 1 should be implemented for all lodgements whether they object or support the application. The proposed DMIRS fee structure sends the message that DMIRS want to make it as difficult as possible for objectors to make submissions and as easy as possible for supporters to make submissions, whether this was intended or not, this is the message that is being sent in the current proposal. I believe that the above alternative proposals would provide better government leadership through a fairer and transparent process with equal rights for both objectors and supporters and ensuring that communities are genuinely heard during applications.	
283	Stuart and Tracie Blair	I do not think it is reasonable to force pastoralists to pay a fee for objecting to proposed mining and exploration leases. We have already paid the lease rent, the Shire rates, BAM rates and we are currently paying higher prices for everything as we live in remote areas. We have only objected to two lease applications in our many years in the business both involving miscellaneous licences that have been too broad to be able to tell what was involved and both close to the homestead. We already have to have native title documents and lawyers bills to run our business as it is today. Currently we are having to deal with one mining company ready to start a mine, another wanting to restart a mine that has been in mothballs for years ("to save the cost of rehabilitation") and the latest request is a powerline corridor which we presume will be like the gas pipeline with an endless list of requests to cross, travel, inspect and monitor.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralist and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interest to co-exist on Crown land. Please refer to Key Themes 2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We have had planes flying over our cattle and pushing them into and through fences looking for minerals. The cattle are clearly there and they are our business' future. A mining company flying/ drilling /removing the minerals will mean more to the government's bottom line than to us so let the government pay any fees. We have been offered the pitiful sum of $1000 a year to let the miners in, nearly $5000 a year to shut down a third of our property for 20 years so the mine can ruin the countryside. Neither of these will cover the amount that we will lose by agreeing to these 'requests' or even the lawyers' fee to read the documents. We are facing losses and now you are suggesting we pay a fee on top of this? Our lease says that we are entitled to 'quiet enjoyment of the land, without disturbance or interference.' Surely we should be allowed to object to this peace being shattered without paying a fee? Presumably the miners think they will make money from their application to explore/ mine, the government most definitely will. We will almost certainly be facing a situation where we will lose income which is after all the purpose of us working in these remote areas. We are forced to put up with exploration companies or their contractors cutting locks, wrecking roads and camping wherever they like. Prospectors add to this mix; with both claiming the other is responsible for the damage. A mining company next door to our property managed to run over 5 cattle in four separate incidents within the first two months of removing the ore. Their responses when we requested action were; 1. Regarding the cattle killed - "contractors did it - not our fault" – no action	

Ref	Stakeholder	Comment	DEMIRS response/action
		2. Regarding them putting up signs to slow the contractors down - still "designing the signs" 18 months later! Apart from being unable to drive on the main road to town, because of the trucks that no-one is responsible for and the corrugations, we are now several thousand dollars short in income and several cows short of being able to "just breed more." These quotes above are an indication of the attitude we face -nothing at all matters as long as their goals are met. We get inspected by DPIRD and we are found to be at fault because the grass has not grown or the ground has washed out... bulldozers and motorbikes are what are causing these problems not cattle and pastoralists. Our latest objection has so far been lodged for 8 months and we have had approx. 25 emails regarding how the mining company wants us to proceed. Apparently some mistake was made with the initial filing so it has had to be redone and the previous one withdrawn. I presume this type of event would also lead to me paying another fee? In summary all of this activity is what *the miners want* to do. We are forced to accept the exploration, the interruption and the destruction that comes along with it. We do not want all this activity on our leases but we have been told by mining company representatives that, "We have the government backing us and you *can't* stop us from doing what we want." Adding an enormous fee to the objection process certainly makes this seem to be the case – we do not support the introduction of a fee for objections. DMIRS is a government department, the government has set the rules and requirements and also the rates they pay their staff and other expenses. If they can't afford the costs for this department they are obviously not running a good business model and this is where the improvements need to be made.	

Ref	Stakeholder	Comment	DEMIRS response/action
		WE are the people who are forced to deal with this department and mining companies (and therefore the objection process.) It is absolutely unreasonable to insist that we participate in this procedure and pay a $859 fee on top of the disruption to our business.	
284	Abby Metcalf	I oppose the implementation of the proposed fee of $859 for lodging an objection under the Mining Act 1978. I would support a considerably smaller fee for individuals and community groups that helped to cover costs involved in the process but did not discourage individuals and community groups from voicing their objections to projects that would otherwise impact the communities and places they love. I would support a system that differentiated between individuals/communities and other mining companies, the latter of which often have considerable financial resources and currently make up a large portion of cases heard within the mining wardens court. Alternatively, another system needs to be developed to allow individuals and communities a viable option for opposing projects that would impact on their communities and places they love.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1, 2 and 6 in the *Response to submissions report* are relevant.
285	Jo Hanna	I am writing to object to the above proposed fee. I have observed the recent assertions from Western Australian Department of Mines spokespersons via mainstream media outlets that “objections are clogging up the Wardens Court ". I put to you that this is only anecdotal without any empirical evidence whatsoever to support the claims. Rather, I would ascertain that it has, in fact, been the proponents that have consistently wasted the court’s time over the past 2 years at least, with withdrawals and consistent no-shows to the court hearin1gs. If any administration cost is incurred to objections, they should all be borne by the proponent. This would clearly separate the wheat from the chaff and ensure that applicants were seriously interested in their proposed mining project, rather than just speculators wanting to make a quick buck on the court and community’s dime.	The Consultation Paper *Fee for Objections under the Mining Act* in section 6 provides further information. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please also refer to Key Themes 1-4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The financial deterrent of the proposed $859 fee is a clear obstruction of the justice process. In a social environment where protesting against government sanctioned ecocide is a crime and citizens have been told not to glue themselves onto pavements or hold up traffic, but to use the court system with regards to their current and future climate change concerns this fee is an offensive attack on democracy that should not be entertained.	
286	Diane Evers	This is a submission regarding the introduction of a fee for objections when the objector is an individual person acting for themselves or other individuals who may be affected by the potential approval of an exploration or mining lease. My submission also regards objections submitted by not-for-profit orginisations (NFPs) and those objections related to native title. The Consultation Paper issued by the Department of Mines, Industry Regulations and Safety (DMIRS) at point 7, first dot point, refers to “companies or people involved in the mining industry”. For the purpose of this submission, I am referring to all other objectors who are not companies or people involved in the mining industry. For the purposes of this submission, I will refer to them as non-industry objectors. I fully understand the government objective for user pays systems, however, in regard to tenement applications where the objector has no financial interest to be gained by the outcome of an application, there is no democratic rationale to charge a fee as the situation has only arisen because a third party has made an application. I have no issue with a fee being charged to mining related financial organisations where there may be a financial benefit gained with the outcome of the application. Non-industry objectors who object in order to protect the existing environmental, social or economic systems are responding to a threat to their existing way of life, livelihoods or environment and should not have to pay a fee in order to maintain what currently	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.

Ref	Stakeholder	Comment	DEMIRS response/action
		exists. While recognizing that the Wardens Court is expensive to operate, any cost recovery should be provided by the industry that relies on the existence of the court. **Increase in Applications** The costs associated with a second mining warden have been required in large part due to a substantial increase in tenement applications particularly over high public value regional areas. It is not the fault of the public in trying to protect areas that are highly valued by a large community and by the biodiverse ecosystem. It seems to be the responsibility and even the obligation of the public to bring these concerns to the government when mineral exploration is being proposed as there is minimal or no regulations to ensure that these concerns would otherwise be considered prior to approval. I would be interested to see the statistics to demonstrate whether the doubling of objections of ~2000 in 21/21 to ~4000 in 22/23 was due to a significant rise in applications in the southwest of the state where not only do we have a treasured and vulnerable biodiversity hotspot, but also an increasing social presence in regional living and tourism activities. Clearly the increased objections in the southwest were undertaken as the only legislated option available to raise concerns and work to stop damage to the region. Understanding that many of these applications were withdrawn after objections were lodged clearly increased the workload and pressure on the court system. This was due solely to activity within the industry, and had a fee system been in place, non-industry objectors would have been saddled with paying for the objection to the original application as well as any subsequent applications following the withdrawal and resubmission. **Amendment to Enable a Fee to be Prescribed**	Please also refer to the Calculation of Fee for Objections, Key Themes 1-4, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Recognising that the Mining Act 1978 was amended last year to include a prescribed fee, it must also be recognised that there is justification for the regulations to provide waivers to the prescribed fee. The change to the Act must not be used to justify a fee for all objectors. The relevant rule for imposing fees is found in Treasurer's Instruction 810. The Costing and Pricing Government Services Guidelines (the Guidelines) that support this rule state at 4.1 that there is allowance for "a reason to provide a discount or free service". At 1.3(f), the Guidelines state that the subsidiary legislation may provide for "the reduction, waiver or refund, in whole or in part, of such fees and charges". I propose that for objectors other than companies or people involved in the mining industry, there should be a full waiver of the fee to support objectors who are making an objection of either a public interest or private interest when the application may have an impact on their property. The Guidelines often refer the requirement not to set a fee that may exceed "cost recovery". In the recent circumstances, if all objectors were to have paid the proposed fee, I would question whether the total may have exceeded the cost of the second warden and supporting infrastructure. I would also question how the costs were divided between the existing system and the introduction of the second warden. Considering much of the activity was to address the backlog of cases, it would seem that the workload would lessen once the two courts were fully operational for a period of time. This backlog was due in part to the significant number of applications which were subsequently withdrawn and resubmitted. Non-industry objectors should not be responsible for the errors and omissions of the applicants. **Mining Industry and Mining Activities to Cover Cost of Wardens Court** Greater mining activity should generate increased royalties to cover Wardens Court. The mining industry creates considerable royalties for the state. There should be a	

Ref	Stakeholder	Comment	DEMIRS response/action
		review to increase these royalties. It is a wealth generating industry and should certainly be able to fund the necessary administration costs of the Mining Act 1978. “Concerns were expressed by industry representative groups and individual companies regarding delays and the availability of dates for the hearing of matters.” This line from the consultation paper demonstrates that the demand for change to the current Regulations is coming from the industry, therefore the industry should cover the cost. “A fee for objections is required to: • provide ongoing funding for the second warden in Perth; • support staff; • ensure there is sufficient resourcing to deal with the number of objections being lodged each month; and • reduce the number of active matters before the wardens.” These lines from the consultation paper are admirable, however they demonstrate the issue is solely to do with the mining industry. Private citizens/NFP organisations with no potential financial gain should not be funding this system when the difficulty and need for the Wardens Court process is a factor of the industry itself. Non-industry objectors act as a check on the system when tenements are not in the best interests of the public. **Fee Structure** From the Guidelines at 4.1: **“Why the Service is Provided?** Consideration should be given to the reason for government provision of the service. This will generally be due to some form of 'market failure', in which the private sector either does not provide the service, or does not do so at optimal	

Ref	Stakeholder	Comment	DEMIRS response/action
		prices and quantities. Examples are where the service is a natural monopoly, it has public good characteristics or there are significant positive externalities (such as the benefit to the wider community of people being educated). Governments also provide services to achieve social welfare outcomes." Non-industry objections to mineral exploration applications and mining lease applications are unlike most other court matters. The tenement applicant has the weight of government legislation behind them effectively promoting and sometimes subsidising the proposed activities. The Wardens Court is not required due to a 'market failure' or as a public good. And the non-industry objectors are not involved for personal gain nor are they frivolous or vexatious. The data provided for the 350 objections in the two-month period of 2022 states that 56% were internal to the industry, that is individuals or companies involved in mining related financial activity and financial resources to support their activity. Should it be that a second warden continues to be required, it may be that doubling the proposed objection fee for these industry related objectors would cover the costs of the second warden. This would more likely be fair and equitable. With regard to the other categories described in the consultation paper, that is local governments, pastoral lessees and native title rights objectors; it is my expectation that these are also objecting without expectation of gain. If there was to be a financial interest in the outcome of mineral exploration or mining activity, it may be that no fee waiver is provided. However, should these objections be free of financial interest, they must also qualify for the waiver. **Concession** The Treasurer's Instruction 810 (TI810) and the Guidelines at 1.4 Review of Fees and Charges, state that reviews are to ensure that the fees and charges:	

Ref	Stakeholder	Comment	DEMIRS response/action
		• are fair and equitable, and recognise household capacity to pay; The proposed fee is not fair and equitable for objectors whose concerns are for the environment, access to water, or private land. It is perfectly understandable that industry bodies intending to protect their existing tenements or compete for new tenements should have the resources, financial capacity, and motivation to pursue objections. This can be any prescribed fee deemed necessary to recover government costs as per the TI810. Non-industry objectors are simply responding to a threat and protecting the environment and their personal livelihood. It should be noted that a fee of $3.70 had been prescribed in 1988, and removed through subsequent amendments. Using the RBA CPI calculator, this fee would now be $9.46. A fee of this amount would hardly be worth collecting from private citizens and NFP organisations. Particularly when it should be refunded should the applicant withdraw the application. Any fee above a nominal amount of say $10 would effectively be a deterrent to non-industry objectors who have no potential gain from the process. The imposition of a fee is designed to recover costs, it is not intended to be used as a deterrent to action, particularly an action that is intended to maintain and protect public interest with regard to the environment, the community or the existing economy. A fee of $859 would be prohibitive for most non-industry objectors and essentially stifle a democratic right to express concerns through the legislated channels. The fact that the industry, through their mistakes and aspirations have made the process sluggish, is not something to be rectified by removing non-industry objectors from the process. People must have an opportunity to raise concerns through the Wardens Court as this is the only avenue available, and people must not be stopped from this avenue by a fee that is neither fair nor equitable. A full fee waiver must be available for individual	

Ref	Stakeholder	Comment	DEMIRS response/action
		objectors and not-for-profit groups who are acting in the best interests of the public and have no potential for individual gain. **Alternative Court or Tribunal** With regard to waivers for objectors other than individuals, NFPs and those related to Native Title, it is for the department to determine with the government. If there is any concern by the industry as to why a full fee waiver is available for certain objectors, the question would have to be raised as to whether the fee was simply being introduced to deter individuals and others from lodging objections. A deterrent must be avoided as it removes an important check from the system. The strength of public interest against the tenement application is clearly conveyed by the numbers of people willing to go through the cumbersome process of objecting and continuing the objection process through the Wardens Court. A possible alternative may be to legislate a concurrent objection process whereby private citizens and NFPs can effectively object to mineral exploration applications and mining lease applications through a process outside of the Wardens Court. This however would need a legislative mechanism whereby an individual or organisation could demonstrate adverse public interest, harm to the environment including water systems, harm to the community, or damage to the existing economy, that would be sufficient to require a refusal of the application. It is likely this would require a court or tribunal with powers to make a determination and ensure a democratic outcome. **Review of Mining Act** The Wardens Court exists to address issues within the mining industry. It is logical that the industry must cover the cost of the Wardens Court. I propose that the industry must fully fund the Wardens Court. Objectors who are not companies or people involved in the mining industry have nothing to gain through the objection process other than	

Ref	Stakeholder	Comment	DEMIRS response/action
		maintaining the status quo. They must not be penalised for raising concerns that are in the public interest. In order to avoid considerable public objections in future, the Mining Act 1978 should be reviewed and amended to exclude areas of the state that have strong public sentiment against mineral exploration or mining activity. This would include places of indigenous cultural heritage. Consultation and involvement of the public in determining such locations of high public value must be undertaken urgently to give notice to industry applicants of selected areas that are not available for exploration. The review could also address the current graticular block system which is incapable of excluding restricted access areas from the tenement application. A change of this system, would be beneficial so that applicants and potential objectors understand that National Parks and “A” Class Reserves will be excluded. **Conclusion** The public came out in large numbers to object over the past two years as they were highly motivated to protect the environment and their livelihoods. This was possible for many as there was no fee. Many of the people objecting would be on pensions or very low incomes. To create a financial barrier to their legislated right to object is not in the public interest. It effectively makes objection impossible when the proposed fee is nearly the amount of a full seniors pension. When multiple applications have occurred within a short period, as has happened in the Torbay catchment, we have had some land owners affected by five applications in one year. Under the proposed fee structure, they would have had to outlay $4295. For a person who may be living on a seniors pension, this would not meet the Guidelines requirement that fees “are fair and equitable, and recognise household capacity to pay”. The costs of the Wardens Court must be recovered from the mining industry itself, that is, the applicants and the industry objectors. Under the guidelines provided for the	

Ref	Stakeholder	Comment	DEMIRS response/action
		Treasurer's Instruction 810, a waiver for the prescribed fee is available as an option. All non-industry objectors should be given a waiver as their objections are not frivolous nor vexatious and they have no possibility of financial gain from the process. The Wardens Court is not required due to a 'market failure' or as a public good as suggested in the Guidelines, it exists to carry out the regulations associated with the mining industry.	
287	Kylie Macpherson	It was with considerable concern that I read of the Department's intention to impose financially punitive measures to deter community opposition to mining activities, including those which risk permanent damage to, or destruction of our natural heritage. As you must be aware, Australia has the unenviable reputation for being the world leader in extinctions of native species. Loss of native habitat is one of the drivers of climate change, increases soil erosion and detrimentally impacts water quality. All Western Australians have a vested interest in the protections for endangered species and landforms, and how our environment is managed. Placing barriers in the way of independent scrutiny, and government and corporate accountability is inconsistent with an open and democratic society. With the cost of living crisis currently being experienced, these measures appear designed to prevent community concerns being expressed, and protect the profits of minority interests.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1 and 2 in the *Response to submissions report*.
288	Mary Gee	The imposition of an Objection Fee as outlined in the Consultation Paper referenced above is iniquitous because it would penalise members of the public acting in a private capacity and would work in favour of the company applying for a licence. The Department of Mining, Industry Regulation and Safety (DMIRS) should look in more detail at the tenement areas where applications for a licence have been objected against. There is a strong possibility that a significant amount will: a) encroach on small scale intensive farming and lifestyle blocks and; b) be sited in areas with little to no history of mining, i.e. relatively densely populated areas.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		If this is the case perhaps the Mining Act 1978 needs amending to limit applications for licences in those situations. This would reduce not only the number of objectors and objections but also the number of licence applications made. Note that if an Objection Fee is introduced it is quite possible that the company applying for a licence would simply withdraw their application and submit another one across the same or a very similar block of land thus forcing Objectors to pay more than one fee, the cost to the company would be insignificant. Furthermore, even if the Application is rejected by the Warden another application is not ruled out. Currently I am objecting to two applications for exploration licences in what I think is an unsuitable area, and the same company has already withdrawn one set of applications and submitted another, therefore, under the proposed Objection Fee I would be 4 x $852 poorer, a sum I simply could not afford. Having recently been a plaintiff in a Supreme Court matter (Building Industry) I understand the fee system in both the Supreme and District Courts as well as the State Administrative Tribunal. However, in these legal arenas significant damages are usually being sought, that is not the case here. Rather than full cost recovery surely a minor administrative fee would be much less iniquitous, i.e. ordinary folk who do not have the funds to pay $859 per license application would be prevented from objecting. Objections would only be lodged by the wealthy who either do not work or can afford to take unpaid leave to appear in court, can afford legal representation, AND the objection fee for every license application. This is patently not in the Public Interest. The data presented by DMIRS (pg 6), apparently to be interpreted as being in favour of introducing an Objection Fee, show that over 70% of the Objections during the two-month period were by Private or Public Limited Companies and NGOs and LGAs, rather than private individuals or parties representing private individuals. Therefore the iniquitous fee would only reduce less than 30% of the objections, questioning the effectiveness of such a punitive Objection Fee. Finally I would like to add that I would have expected that, in the best interests of the public, the Government would act to maintain food production in areas forecast to be relatively resilient in the changing climate, thus balancing the need for food security against the extractive industries.	

Ref	Stakeholder	Comment	DEMIRS response/action
289	Carolyn Bryars	I am writing to express my opposition to the proposed $859 fee to state my opposition to future mining applications. I am very concerned at the ever increasing powers that mining corporations are exerting on the incumbent governments to continue raping our unique and invaluable Swan Coastal plain Jarrah forests for mining profits. The mining licenses were awarded decades ago when very few members of the public truly realised what had been given away. The Jarrah forests are biodiversity hotspots for flora and fauna of worldwide concern and it is the public's democratic right to object to the total clearing of what is left and to protect what is left. Therefore I submit this letter categorically stating that the Department of mining and Industries should not use financial penalisation as a means to quash the ever increasing tide of public disapproval for future mining applications.	Noted. Please refer to Key Themes 4 and 10 in the *Response to submissions report*.
290	Linda Johnson	Proper scrutiny of the applications that your department receives is a vital part of the service we expect your department to provide. Charging people who may have an opinion, contrary to yours or not, to make a submission is simply obscene. 'Streamlining' and 'cutting green tape' are dishonest ideas to avoid scrutiny of your decisions and have no place in fair and proper decision making. Please review this policy and reject it before any real harm is done. Approvals of all projects are most important and must consider all opinions.	Noted. Please refer to Key Themes 2, 4 and 10 in the *Response to submissions report*.
291	Fortescue	Note Submission marked Private and Confidential Fortescue recognises that the introduction of a cost recovery fee for lodging objections is important, particularly for DMIRS to be able to manage the resourcing, time, and cost requirements for administering the objections process under the Mining Act. We also support the concept of a fixed fee to bring an objection before the Warden. However, Fortescue considers that the proposed amount of the fee is excessive and unreasonable. In particular, we note that:	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Key Themes 1-3, 6 and 8 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		1. Companies with large-scale operations over vast areas of land, such as Fortescue, are required to lodge objections on a regular basis to protect their infrastructure and operations – there being no legislative protections for major infrastructure as evidenced by the matter of *Blue Ribbon Mines Pty Ltd v Roy Hill Infrastructure Pty Ltd* [2022] WASC 362. This can sometimes require the lodgement of dozens of objections during a year. A fee of $859 would add a considerable cost that has not previously been incurred by such companies. 2. Lodging objections is a right under the Mining Act which allows tenement holders and other land interest holders to protect their interests in land. By introducing, an excessive and unreasonable fee for lodging objections, many smaller companies, pastoral lessees, NGOs and individuals would be discouraged from (or lack the financial resources to) lodge objections and therefore forego the opportunity to protect their interest, infrastructure and/or operations and negotiate suitable access arrangements. 3. Many non-mining land interest holders do not understand the nature of tenements under the Mining Act. By introducing a fee, many such land interest holders would be discouraged from lodging objections without fully understanding the rights they are potentially not reserving by failing to lodge an objection. A smaller fee would be less likely to discourage objections from being lodged in genuine circumstances. 4. Under section 33(2) of the Mining Act, objectors have the right to be heard in relation to any application. An objection only arises in response to an application. The objector is only seeking to protect existing rights and interests consistent with the Mining Act. The introduction of such a substantial cost against an objector is penalising the party seeking to protect rights and interests in a disproportionate manner. The focus should be on fees for applications rather than the proposed fees on objections. 5. The Warden's Court is generally considered a 'no cost' jurisdiction. Regulation 165(1) states that "each party is to bear the party's own costs". The cost proposed to be imposed on objectors may be unrecoverable even in circumstances where the applicant subsequently withdraws the application.	

Ref	Stakeholder	Comment	DEMIRS response/action
		6. In some limited circumstances, costs may be appropriately awarded to the objector. Introducing an objection fee will likely encourage more objectors to seek cost orders irrespective of the merits, asking the Warden to order the applicant to cover their objection costs. While we acknowledge the need for DMIRS to manage its resources efficiently, this could create a counterproductive scenario. The increased administrative workload involved in processing objections and potential cost orders would likely place additional strain on DMIRS resources and likely delay grant of applications through unnecessary arguments regarding costs, negating the intended objective of easing the burden on DMIRS. We believe it is essential to carefully consider the potential downstream effects of introducing objection fees and how they may impact the overall efficiency and effectiveness of the objection process. 7. Objector's may lodge erroneous objections where there is no proper basis to do so. However, to the proposed high cost of lodging an objection, objector's may become reluctant to withdraw the objection and instead insist on the applicant paying the costs for the objection. To avoid delay and the costs of a hearing, the applicant may be compelled to pay for an erroneous objection. This should not be considered an inherit cost of the application process. This would create a further unnecessary burden on the Warden's Court and create uncommercial outcomes for industry. 8. Where applicants may have previously varied applications to take into account objector's concerns, for example altering the shape of a miscellaneous licence to assist an underlying third party, applicants for tenure may be unwilling or unable to make secondary applications where multiple objectors are involved as it would create a cost burden on other unaffected parties to the issue. Prohibitive costs may limit latitude for parties to resolve matters where multiple parties are involved leading to a higher number of applications being determined at hearing where they may have otherwise been settled between the parties. There is a very real risk that the proposed cost for objections will undermine the commerciality of the jurisdiction. 9. Where there are competing applications in a ballot, which DMIRS ordinarily conduct outside of the prescribed objection period, applicants would be required to object to all competing applications to protect their interests and secure conditions upon grant. While we acknowledge that these objections pose an administrative	

Ref	Stakeholder	Comment	DEMIRS response/action
		burden on DMIRS, the associated costs for applicants are prohibitive and will prevent less resourced applicants from participating effectively in ballots. These expenses are likely to reach figures that are cost prohibitive for interest holders seeking to exercise their rights under the Mining Act This will deter smaller and more financially strained companies from pursuing opportunities, as the prospect of exceedingly large costs associated with attempting to secure mining tenure could be prohibitive. The proposed cost will likely stifle competition to the detriment of the junior sector of the mining industry. 10. Each objection has different resourcing requirements depending on the stage at which an objection is withdrawn or determined. Some objections are withdrawn shortly after being lodged whilst others proceed to a full hearing. It may be suitable for objections to attract different fees depending on the stage at which they are determined. We note that other jurisdictions, particularly South Australia, have introduced a stepped model where the upfront costs of making applications are smaller but are increased if the matter proceeds to a hearing. 11. The DMIRS consultation paper refers to the fact that before 1993, there was a prescribed fee for the lodgement of objections. The fee was removed by the Mining Amendment Regulations (No 5) 1993 on 24 December 1993. The consultation paper does not refer to the amount that was charged for an objection. The cost of an objection as seen from the reprint of the Mining Regulations 1981 (WA) published in the Gazette on 24 August 1988 was $3.701. That is approximately $11 dollars adjusting for inflation. It can also be seen from the relevant schedule that the costs of all applications were far greater than the cost of lodging an objection at that time. The obvious intention was that the cost of an objection should only be a relatively minor administrative fee, and not a fee comparable to the cost of an application as is being proposed currently by DMIRS. For the reasons set out above, it is Fortescue's view that a fee for the lodgement of objections may be reasonable if set at an amount that does not unreasonably create impediments to objectors or have the effect of matters not being conducted efficiently due to prohibitive cost exposures. A fee of $859 is excessive and not in keeping with the original legislative intention as seen from the excerpt of the regulations attached as Attachment A. The result of such a	

Ref	Stakeholder	Comment	DEMIRS response/action
		high fee could lead to unintentionally excluding any person from objecting against applications as provided for under the Mining Act and should therefore be substantially reduced.	
292	Norma Calcutt	Strongly oppose the proposal to amend the Mining Regulations 1981 to impose a Fee of $859 for lodging an Objection in the Warden's Court under the Mining Act 1978 for the following reasons. The proposal to introduce a fee for the purpose stated in the Consultation Paper, September 2023, of reducing the number of active matters before the Wardens, is fundamentally undemocratic. Most other States and Territories appear to impose no lodgement fees or very, very low fees. The comparable mining state of Queensland and the Northern Territory charge no lodgement fee. This comparison makes Western Australia's proposal to introduce a fee of $859 reprehensible. To remain consistent with its engagement principle of "seeking the best outcome for the people of Western Australia" the West Australian government and DMIRS must keep the lodgement fee at Nil and levy the proponents, the mining industry, to cover the increasing costs of their increasing activity.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 3, 5 and 11 in the *Response to submissions report*.
293	Remco van Santen	I am writing to express my concern regarding the recent proposal by the Department of Mines to impose a fee of $859 for filing objections to mining exploration applications. I acknowledge the Department's intention to mitigate the impact of frivolous objections that incur costs for taxpayers. However, this proposed fee introduces a significant imbalance in the process, disproportionately affecting unfunded individuals and community groups. These parties often represent broader community interests and environmental concerns, yet lack the financial resources of the applicants, who stand to gain economically from the approval of their projects. The proposed fee structure exacerbates an existing asymmetry in the decision-making process. The mining applicants, potentially benefiting financially from their projects, are supported by the taxpayer-funded resources of the Department of Mines. In contrast,	Noted. The fee amount will be reduced to a partial cost recovery of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		community representatives, typically volunteers, would face a substantial financial burden to voice legitimate concerns. Imposing such a fee not only deepens this disparity but also risks undermining public trust in the fairness and accessibility of the regulatory process. It is imperative that the Department considers alternative measures to address the issue of frivolous applications without compromising the democratic right of individuals and community groups to participate in environmental decision-making. I strongly urge the Department to reconsider this proposal and explore other viable solutions that maintain the integrity of the process while safeguarding public participation and interest.	
294	Urban Bushland Council	**DMIRS Proposal** The UBC is most concerned that significant barriers are being proposed to reduce the opportunity for effective, inclusive community/public/stakeholder engagement with the introduction of a fee to lodge objections to exploration &/or mining lease applications. This concern is exacerbated as it appears to be contradictory to DMIRS' stated valuing of stakeholder input as highlighted on the agency website (refer extract below) Whilst the UBC is cognisant that there are costs associated with due diligence regarding effective and meaningful consultation and assessment of exploration and mining leases, we are also sure that the Government does not want community members to not engage in the process through costs that are non-trivial. We believe the Department should be resourced sufficiently so that it can deliver its commitment to consultation. Perhaps the annual budget needs to be reviewed accordingly. In addition, the adoption of a cost recovery mechanism from proponents (eg relative to the size &/or value of their impact) should be assessed.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please see Key Themes 1, 3, 4 and 9 in the *Response to submissions report*.
295	WC and MA Shanklin	We are writing to object to the proposed DMIRS $859 Fee for filing objections to mining related applications.	Applicants are required to pay an application fee that varies depending on the

Ref	Stakeholder	Comment	DEMIRS response/action
		The Warden's Court process is not one for mediation; it is purely aimed at declaring an end result with a declared winner and a declared loser. Given that the "DM" in "DMIRS" stands for the Department of Mines, there is an overwhelming and undeniable bias toward granting mining related rights to applicants. **Objection 1: Unfair allocation of costs** Objectors can generally be grouped as Primary Producers and other business, private property owners, Aboriginal groups defending their cultural heritage, or conservation organisations defending natural assets in the environment. The motivation underlying their objections is the long-term defence of private or public property, or of private or public interests from permanent damage from previously unanticipated threats. All serious objection preparation efforts are expensive in terms of time and money. Yet, if objectors are successful, they do not gain financially. Their gain in the case of a favourable determination is strictly in being able to carry on their businesses, or lives, or conservation efforts in the public interest, as existed prior to the threat. In simple terms, they simply get to keep what was theirs to begin with. Mining industry motivations and goals are purely financial. Their goals are supported by legislation and approval systems that were clearly written, designed, or influenced by their industry. Their interests are short term; no mined resource lasts forever. Mining activities may be legally bound by government-imposed conditions during their tenure, but not by any consideration of compensation for any permanent, irreversible damage that may occur to quality of life in affected communities, to other businesses, or to the natural environment. In consideration of the above, if there is to a fee to support faster processing of mining related applications, the fee should be imposed on those parties who stand to be the financial beneficiaries of the Court's favourable decisions. **Objection 2: Probability of multiple applicant filings to exhaust objectors' funds.**	type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 2, 3, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		As recently demonstrated in the case of Castle Minerals application 70/ 6116 and 70/6294, applicant companies are free to withdraw their applications then, immediately re-file for the same physical land area. Objections against the original application filing are therefore voided and must be re-filed by all objectors. If the proposed objection application fee is put in force, objectors will be required to pay another filing fee as well as another round of legal representation fees. In such scenarios, applicant companies can pit their standing legal resources against objectors until the objectors simply run out of funds. **Objection 3: The proposed fee shows a clear intention to silence public dissent.** The proposed fee will stifle formal objections by Individual citizens, aboriginal groups, small community-based volunteer groups and local conservation organisations. Most often their objections are based on community wellbeing and preservation of the remaining natural good that is Australia. As small groups, their defence of Australian nature and cultural heritage is perennially underfunded. The proposed punitive and unfair fee will simply deny such groups the opportunity to be heard. **Objection 4: The outdated Mining Act is responsible for the needless government costs** There is a need for recognition that significant government expense and delays lies not in processing objections but in an outdated Mining Act, its application and its entrenched inefficiencies, obfuscation and secrecy. The proposed fee simply adds another layer of needless complexity and expense to efforts of all parties seeking or objecting to applications. By its definition, the fee will be used to add to staff; not to streamline the processes. If the Warden's Court process is to continue, it may be speeded up making the process of lodging applications or objections much easier and transparent than the present arcane system. As exists now, the tangled legislation and nearly inaccessible on-line DMIRS systems support an industry of dedicated lawyers whose interests are contrary to streamlined application / objection processes.	

Ref	Stakeholder	Comment	DEMIRS response/action
		If there are fixed grounds on which the Warden's Court will not consider objections, such grounds should be openly published. If contested, the Supreme Court of Western Australia could then be availed to decide if particular categories of grounds should be allowed or disallowed. Thereafter, disallowed grounds would not be proposed or considered resulting in a massive savings of time and expense on the part of all parties concerned.	
296	Juliet Batemen	• **The public should not have to pay a fee to object to a tenement.** • **It should be kept free and maintain the right for individuals and community groups to object in a fair and transparent process.** • **Mining companies should made to pay for the increase in costs in the Warden's Court as they are the reason that objections have to be made in the first instance. Objectors are trying to protect their homes, environment and social and economic fabric of their lives.** Western Australia is a state containing vast amounts of mineral wealth that belongs to all Western Australians. Large mining companies (most not Australian owned) are extracting our State's resources for hundreds of millions of dollars in profit. It is these mining giants who place an extensive financial burden on the resources of Department of Mines, Industry Regula□on and Safety (DMIRS) which includes the Mining Wardens court. Are DMIRS now so overwhelmed and under-resourced by the workload produced by these mining giants that they are unable to restructure to incorporate the costs of one extra Mining Warden? It is these mining companies that should be taxed to contribute towards the increasing costs of the DMIRS. The Western Australian public should not be forced to carry this financial burden - not the farmers, not the small landholders and community groups and not the concerned members of the public - who are trying to protect their homes, their communities and our	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please also refer to Key Themes 3, 4, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		fragile environment through having the ability to lodge an objections to a mining tenement. I appreciate the objections process was set up to deal with competing mining companies, however as mining companies are now attempting to lodge tenements over valuable food producing and environmentally fragile areas, many objections are now being received from the public. The present system of managing objections is outdated and unviable, and a new system needs be developed and implemented. We live in a democratic society, and all parties must be fairly heard without the significant costs which are being proposed by DMIRS. Under the Cost Recovery section in the Consultation Paper, it states that fees should be 'fair & equitable'. The proposed fee for objection is unacceptable and discriminatory towards the lower socioeconomic sec□on of our communities. They unable to bear this financial burden to protect their lands and communities through this fee the DMIRS are proposing – and then will go on to suffer resultant worry and stress which can impact negatively on their mental and physical health. That situation will be further magnified if multiple tenement applications are lodged around their communities. Under the Proposed Fee Structure section of the consultation paper, it states 56 per cent (of objections) lodged by companies (180) or people involved in the mining industry (15). Mining companies and people who are involved in the mining industry who have the most to gain through the profits evident in mining should be charged double the proposed fee - which would cover the costs of DMIRs objections process, - and the remaining categories of objectors should be fee free. This would be a fair and equitable process. If a *'flat fee model is more efficient, making it easier for the correct fee to be lodged with objections and doing away with resourcing for administrative and compliance actions necessary to differential fee models,*' then charge the mining companies the flat fee, not the objectors. If the mining companies were charged the objectors fees, it would be a catalyst for the mining companies to contact the community and actually communicate	

Ref	Stakeholder	Comment	DEMIRS response/action
		with the population who would be affected by the proposed exploration and mining before lodging a tenement. On a personal level, I am part of a large community group who care deeply about our environment and the impact of human activities on our fragile ecosystems. It is stressful enough to see the damage by bushfire, storms, flood and climate change on our native flora and fauna, without dealing with the imminent threat of mining. Mining in the Great Southern Region of WA should be banned as this region is so precious and biodiverse. There are many other areas of our state where mining could be conducted with much less impact on our environment. If mining was banned in the populated, forested and environmentally sensitive areas of our state, then the objections would reduce significantly – as would the workload in the Warden's Court. To object to a mining tenement through the DMIR is a stressful and laborious process. It is threatening at each level of the process and difficult to navigate without lawyers being involved – trying to protect our farms, homes and community from the potential impact of mining has an enormous impact at a personal level for all objectors involved. Introducing a large fee will magnify this impact significantly for us all. The perpetrator who arrives in our regions seeking a profit should be charged the fees, not the defendant who resides here and is trying to protect their homes and communities from mining.	
297	Mid West Chamber of Commerce and Industry	The Mid West CCI is opposed to the introduction of a prescribed fee of $859 for lodging objections, as indicated in the consultation paper released in September 2023. We believe the introduction of a prescribed fee for lodgement of objections would have a significant impact on the rights of community members, SME's, not-for-profits, Traditional Owners and Aboriginal Corporations to raise concerns about the impact of proposed mining activities. The discussion paper notes that the fees would be applicable to an objection lodged against the following:	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 3-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Against an application for a prospecting licence – section 42 (1A); • Against an application for a miscellaneous licence by virtue of section 92; • Against an application for a special prospecting licence located on a prospecting licence – section 56A (4); • Against an application for a special prospecting licence located on an exploration licence – section 70 (4); • Against an application for a retention licence – section 70D (1A); • Against an application for mining lease – section 75 (1AA); • Against an application for a general-purpose lease by virtue of section 90(3); • Against an application for the restoration of a mining tenement after forfeiture – section 97A (6A); • Against an application for exemption from expenditure conditions – section 102 (4B); and to the survey of a mining tenement or of land the subject of an application for a mining tenement section 162 (2) (ka) (iii). In acknowledging that the Department has the capacity to create a cost recovery mechanism for objections, we suggest that this cost should be borne by the proponent or supplemented by the proponent such that fees incurred by parties objecting may be greatly reduced in line with examples in other states. This may also incentivise proponents to engage early and meaningfully with stakeholders across the community to avoid objections and ideally reduce the volume of objections which the warden must then address. As noted in the consultation paper, the number of objections in the WA mining jurisdiction was significantly greater than in other states. This correlates to the number and extent of mining activities both proposed and implemented across Western Australia and thus provides a rationale as to why a flat fee of several hundreds of dollars should not be applied in the WA context. With such large-scale mining activity in WA, community groups, SME's, Traditional Owners and NGOs would be more adversely	

Ref	Stakeholder	Comment	DEMIRS response/action
		impacted and have their opportunity to lodge lawful objections greatly reduced due to a financial impediment. Further, the greatest volume of objections are being received from within the mining sector already. It is noted within the consultation paper that three out of seven states have NIL fees applied to objections and that in other states, the fees applied to lodging an objection range from $18 - $49.84 or are scaled. The application of an $859 fee for an objection seems grossly inflated and would serve to reduce the lawful right for citizens of WA to object to mining activities that they believe may have negative impacts on environmental, social, cultural or economic outcomes within their communities. We trust that the Department, in considering the need to amend the Act to adopt a cost recovery model for objections, notes the substantial resources that proponents in the mining sector have. These resources should be used by proponents to demonstrate how identified impacts will be mitigated, including, how objections raised have been considered in the planning process and addressed. With a proponent pays model, fees associated with addressing objections can contribute towards supporting the Department and warden in processing objections, providing for the additional resources identified within the consultation paper. Community groups, SME's, Traditional Owners, and NGOs often have valuable local knowledge about sites that may be subject to a mining tenement. A significant fee imposed on making an objection may cause to deny the decision-maker information critical to mitigating impacts at a cultural, social or environmental level due to the financial barrier imposed.	
298	Amanda and Andrew McConney	We understand that a fee of $859 for lodging an objection to mining or exploration is being proposed. We strongly believe that this fee is too high for landowners and could be used as a strategy by mining companies or other resource extraction companies to silence future objectors. Objectors are opposed to mining applications in areas that already have established land use including, but not limited to tourism and agriculture. Further, objectors are voicing the need to protect ecological services such as drinking water and biodiversity. If an $859.00 fee was introduced many landowners and business	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act.

Ref	Stakeholder	Comment	DEMIRS response/action
		owners would not be able to afford the fee and would be silenced. We believe this is in direct conflict with the democratic process and has the potential to negatively affect current and established land use in a community. We believe that the $859 fee is undemocratic because the high cost to the community is unbalanced when compared to the resources available to mining companies. We also wonder if this fee could be used as a strategy against future objectors by mining companies. For example, we have lodged four objections over the past year which would be a total of $3,436.00. Two of the applications were withdrawn by the mining company with two more submitted in the same area. We wonder if withdrawal and resubmitting applications over the same area is a strategy that could be used by mining companies to silence objectors. The relative cost to Western Australian landowners and community members, compared to potential profits of mining companies is inequitable. We believe the proposed fee is punitive and supports resource extraction over the needs of community members. If a fee is introduced to support the administrative needs of the Warden's Court, we suggest a fee of $25 to help cover the costs of lodging an objection. Further, to reduce the growing number of objections, we propose that some areas with established residences, established businesses, biodiversity hot spots and other land use should be off limits to mining applications.	Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please also see Key Themes 2-4 and 6 in the *Response to submissions report*.
299	Wilderness Society WA	We are responding to the proposed increase in the fee for lodging objections to mining/exploration lease applications in Western Australia to $859. We raise concerns that an objection fee, especially of the magnitude proposed, will act as a deterrent to participation in the process by most, if not all, members of the public, thereby only allowing for objections from State and Federal governments, industry groups and mining interests themselves. This would especially impact First Nations peoples on whose Country mining operations take place. An exorbitant objection fee risks excluding First Nations peoples from being able to raise any concerns over how their Country is being used and would deny their right to give or withhold their free, prior and informed consent.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and *the Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects.

Ref	Stakeholder	Comment	DEMIRS response/action
		The Wilderness Society is campaigning to enshrine community rights in environmental decision-making in Australia, including in our new federal nature laws. All communities in Australia have three basic universal rights as specified by the United Nations' Rio Declaration on Environment and Development, and other international human rights instruments to which Australia is a signatory. These rights should be recognised and respected to ensure the public has a fair say in environmental decision-making: ● **The right to know—**access the information authorities hold. ● **The right to participate—**have a genuine say in decision-making. ● **The right to challenge—**seek legal remedy if decisions are made illegally or not in the public interest. This proposal would seriously harm the community's rights to participate and to challenge poor or even illegal decisions. Barriers to genuine community involvement in environmental decision-making have serious ongoing impacts. This contributes to current policy settings, which are driving a wildlife extinction crisis, destroying globally important ecosystems, and leaving people to suffer the consequences. In a report by the Wilderness Society, based on legal analysis from the Environmental Defender's Office, Western Australia was assessed as having 'weak' community rights in environmental decision-making (page [5]). It is one of the worst performing jurisdictions in the country. Another finding from the report was that meaningful community participation is fundamental to transparent and accountable government. This proposed fee would weaken community rights in our state even further, damaging the transparency and accountability of our government. We urge you to make the following amendments to the proposal:	The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 1-4 and 8 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		1. Remove the proposed fee or charge the proponent to cover the costs, not the objector. 2. Remove the objection process from the purview of the courts, and instead appoint an independent board to review objections. Should you proceed with the proposed fee we suggest that: 1. Not-for-profit organisations, including licenced charities in Western Australia and charities registered with the Australian Charities and Not-for-profits Commission (ACNC), First Nations organisations or groups, and individuals submitting objections on behalf of themselves, be exempt from the proposed fee. 2. That any fee for objections only becomes payable if and when the substantive matter proceeds to a decision. Especially given that tenement applications are frequently withdrawn prior to a final decision, and fresh applications over the same areas can be lodged at a later date, requiring a new objection – and thus new fee. This proposed fee will have an adverse effect on the ability of both the community and groups such as ours to protect what is already rapidly being destroyed – our forests, wetlands, waterways, and the unique species which call our country home. These losses will have devastating impacts on human lives as well. We urge you to reject this proposal for the integrity of our democratic systems and for the future of our natural environment and our very way of life.	
300	Janet Macmillan	The charging of an Objection Fee as outlined in the Consultation Paper *Fee for Objections under the Mining Act 1978* is unjust because it would penalise members of the public acting in a private capacity and would work in favour of the company applying for a licence.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The Department of Mining, Industry Regulation and Safety (DMIRS) should consider the nature of the tenement areas where multiple objections against applications for a licence have been lodged. There is a strong possibility that a significant amount will: a) encroach on small scale intensive farming and lifestyle blocks and; b) be sited in areas with little to no history of mining, i.e. relatively densely populated and/or environmentally sensitive areas. If this is the case perhaps amendments to the Mining Act 1978 should be considered to limit applications for licences to include these scenarios. This would reduce not only the number of objectors and objections but also the number of licence applications made. Note that if an Objection Fee is introduced it is quite possible that the company applying for a licence would simply withdraw their application and submit another one across the same or a very similar block of land thus forcing Objectors to pay more than one fee, the cost to the company would be insignificant. Furthermore, even if the Application is rejected by the Warden, further applications covering the same area or similar area is not ruled out. Currently I am objecting to two applications for exploration licences in what I consider to be an unsuitable area, and the same company has already withdrawn one set of applications and submitted another, therefore, under the proposed Objection Fee I would be 4 x $859 poorer, a sum I simply could not afford. Having recently been a plaintiff in a Supreme Court matter with regard to the Building Industry, I understand the fee system in both the Supreme and District Courts as well as the State Administrative Tribunal. However, in these legal arenas significant damages are usually being sought, that is not the case here. Rather than full cost recovery, a modest administrative fee would be much less iniquitous, i.e. ordinary folk who do not have the funds to pay $859 per licence application would not be prevented from objecting. An Objection Fee of $859 would limit the ability to lodge an objection to those who are fortunate enough to be able to afford the fee in addition to the not insignificant costs of	

Ref	Stakeholder	Comment	DEMIRS response/action
		unpaid leave to appear in court and fees for legal representation. This is not in the Public Interest. The data presented by DMIRS (pg 6 of the Consultation Paper), apparently to be interpreted as being in favour of introducing an Objection Fee, show that over 70% of the Objections during the two-month period were lodged by Private or Public Limited Companies and NGOs and LGAs, rather than private individuals or parties representing private individuals. Therefore the iniquitous fee would potentially only reduce objections by 30% or less, questioning the effectiveness of such a punitive Objection Fee. Finally, I would like to add that I would have expected that, in the best interests of the public, the Government would act to maintain food production in areas forecast to be relatively resilient in the changing (drying and warming) climate, thus balancing the need for food security against the extractive industries.	
301	Environmental Defenders Office	The imposition of a prescribed fee is an attempt to reduce the volume of objections filed by those unrelated to the mining industry. EDO submits the introduction of a fee will reduce access to justice and disproportionately affect certain objectors. **Recommendations** EDO recommends that no fee be introduced. If a fee is imposed, a differential fee structure should be considered which takes into account the financial circumstances of each objector and allows for exemptions for objections made on public interest grounds. **Public participation in the objections process** Objections can be made to the grant of a prospecting licence, exploration licence, retention licence, mining lease, restoration of mining tenement after forfeiture, and application for exemption.	Noted. Including recommendations for reduced fees for certain categories. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please also refer to Calculation of Fee for Objections, Key Themes 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		The Mining Act provides members of the public with an explicit right to participate in the objections process through lodging of an objection. The Mining Act only states, 'A person who wishes to object…must lodge a notice of objection.' The Mining Act does not restrict who can file an objection or on which grounds an objection can be made. It is well established that a person is entitled to make an objection under the Mining Act on public interest grounds. It is accepted that 'the Warden should first investigate matters of public interest "so that the Minister is fully apprised of all relevant material that has been fairly and publicly ventilated before making a decision". The warden has what has been described as a 'filtering role' in the context of objections, including public interest objections, meaning access to justice and the timely resolution of matters is important. It is important to understand the nature of the people or organisations making objections. According to the Consultation Paper, in April and May 2022, more than half (56%) of objections were made by companies or people involved in the mining industry and 12% were lodged by pastoral lessees. Approximately a third (32%) of objections were made by people not connected with mining (private landholders, community members, water rights holders), native title parties or individuals on the basis of native title rights and interests, non-governmental organisations, and local government organisations. The difference between the nature of the objectors cannot be ignored. Any imposition of a fee must be considered in this context, along with the consequences of imposing such a fee. **The proposed fee creates a barrier to accessing justice**	

Ref	Stakeholder	Comment	DEMIRS response/action
		The proposed fee creates a direct barrier to access to justice and disproportionately affects individuals and not-for-profits, who are most likely to bring public interest objections. The Consultation Paper notes that in relation to costs recovery, tariffs, fees and charges should be 'fair and equitable' consistent with the cost recovery policy for government services. 7) This principle is derived from the Department of Treasury's guidelines, Costing and Pricing Government Services. 8) Those Guidelines explicitly state that fees and charges should be fair and equitable and recognise household capacity to pay (emphasis added). 9) The second part of this principle (being household capacity to pay) is missing from the Consultation Paper. While EDO agrees with the Department that fees and charges should be fair and equitable, we submit the full principle from the Guidelines should be adopted - including recognition of 'household capacity to pay' when determining fees and charges. As stated above, 56% of objections are made by companies or individuals involved in mining. Objections over tenements made by Rio Tinto, Alcoa and South32 10) are of a different nature to those lodged by community members in public interest cases or in the context of native title claims. Imposing a flat fee in circumstances where different types of objectors will be disproportionately affected by the fee is not fair nor equitable. The fee that is proposed certainly does not 'recognise household capacity to pay', particularly at a time when Western Australians are facing a cost-of-living crisis. The Consultation Paper states that one of the reasons a fee for objections is required is to 'reduce the number of active matters before the wardens.' In its submission in response to the Productivity Commission's Draft Report into Access to Justice Arrangements (2014),	

Ref	Stakeholder	Comment	DEMIRS response/action
		11) the Law Council of Australia noted: *Australia is an egalitarian society, which values fair and equal treatment before the law. This means that access to the courts and legal assistance should not depend on an individual's capacity to pay. High court fees and restrictive legal assistance funding guidelines are inimical to this concept.* The Australian Lawyers for Human Rights made the following submission to the Legal and Constitutional Affairs References Committee on the Impact of federal court fee increases since 2010 on access to justice in Australia (2013): 12) *Increased court fees are a blunt instrument to deter litigation. Such imposts deter cases without merit but they can also deter cases with merit. This is not a preferable approach. The courts have an inherent power to stop proceedings that are frivolous, vexatious, or otherwise an abuse of process. The use of these rules allows the Courts to deter litigation that has no merit, in a way that does not operate as a blunt instrument deterring access to justice to other cases.* While these submissions were made in the context of court fees, the principles are applicable to the imposition of an objection fee. The warden has ultimate discretion in deciding whether to give an objector an 'opportunity to be heard' and therefore has control over objection matters. 13) As His Honour Justice Seven Rares said '*There is a significant threat to our democratic values if the executive or the courts can use fees to regulate or control the rights to equality before the law and unimpeded access to the courts*.' 14) The introduction of a fee of $859 to reduce matters before the warden will reduce the public's access to justice, by making it financially impossible for some objectors to have their voice heard. **No fee should be imposed** On the basis of the matters set out in this submission, we strongly recommend that no fee be imposed for the lodging of objections pursuant to the Mining Act.	

Ref	Stakeholder	Comment	DEMIRS response/action
		The Consultation Paper seeks to support the introduction of a proposed fee through its comparative assessment of fees imposed in other jurisdictions. We submit that the comparative assessment supports the maintenance of a fee-free jurisdiction. <u>Nature of objections hearings</u> The Consultation Paper asserts that 'applying a fee for objections before the warden would bring such objections into line with Part VII and VIII proceedings,'15 where fees apply (though we note these fees are less than the proposed objection fee, at $525 per plaint). We submit there is no basis to bring Part IV objections into line with Part VII and Part VIII proceedings where the warden is performing different functions under those parts. Objections are made under Part IV of the Mining Act. In determining an objection lodged under Part IV, the warden is not performing a judicial function, but rather an administrative function. For example, in relation to exploration licences, the warden hears the objection and assists the ultimate decision-maker, the Minister, who makes the final decision regarding the mining tenement application. 16) In relation to an objection to a prospecting licence application, the warden will hear and determine the objection. 17) However, any appeal in relation to the warden's determination is made to the Minister, rather than a court. 18) Under Part VIII of the Mining Act, the warden is sitting in the Warden's Court and is performing different functions. In *Telupac Holdings Pty Ltd v Hoyer* [2022] WAMW 26 at [16] the warden found: The Warden's Court is established under Part VIII of the *Mining Act*, and given specific powers. Generally, the warden sitting as the Warden's Court has jurisdiction to hear proceedings relating to claims of right arising from matters that the warden deals with under the Act.	

Ref	Stakeholder	Comment	DEMIRS response/action
		Under s 134 the warden sitting as the Warden's Court resolves actions, claims, questions and disputes in relation to matters relating to any civil proceedings and in a court of civil jurisdiction. When the warden is dealing with objections proceedings, noting they are not sitting as the Warden's Court, the warden must act with as little formality as possible, is not bound by the rules of evidence, but is bound by the rules of natural justice and may be informed in any way appropriate. In contrast, when sitting as the Warden's Court, the warden is subject to the formal rules, practice and procedure of the Magistrates Court. 19) This difference in functions must be appropriately considered by the Department when comparing fees in other jurisdictions. <u>Comparative analysis</u> The Consultation Paper states: *There is currently no fee to bringing an objection before the warden. There is no other fee-free tribunal or court of such a nature in Western Australia.* For the reasons explained above, the reference to a fee-free tribunal or court, and the comparative analysis undertaken in the Consultation Paper, is misleading. The proper comparison is to administrative assessments of objections. A similar administrative approach to the determination of objections in Western Australia is taken in: • the Northern Territory, where objections are determined by a Delegate of the Department of Industry, Tourism and Trade, for no fee; and • Victoria, where objections are determined by Earth Resources, Department of Energy, Environment and Climate Action, who can also refer to the mining warden for mediation, for no fee.	

Ref	Stakeholder	Comment	DEMIRS response/action
		The fact that Western Australia has a dedicated warden to consider objections does not mean that the administrative nature of the role can or should be disregarded. The most appropriate comparison to other jurisdictions is not to court or tribunal fees but to administrative fees. The Consultation Paper notes that 'court fees apply' in New South Wales where objections are dealt with in the Land and Environment Court (**LEC**). It is correct that the LEC has jurisdiction to hear and determine proceedings relating to any question or dispute of a decision of the Secretary of the Department of Regional NSW in relation to an objection to the grant of a mining lease. 20) However, the Consultation Paper does not refer to the first stage of the objection process. Objections are at first instance made directly to the Secretary who makes a recommendation to the Minister, the ultimate decision maker. 21) There is no fee for this process. The Consultation Paper includes the fees for review of environmental and resource matters in the Victorian Civil and Administrative Tribunal (**VCAT**) where the fee for an individual and not for profit organisation is $934.90. However, the review process in the VCAT is not comparable to objections to the mining warden. Under the *Mineral Resources (Sustainable Development) Act 1990* (Vic), only a licensee can apply to the VCAT in relation to a decision of the Minister. The VCAT does not deal with first instance objections (which are made directly to the Minister), but rather is a tribunal with power to review a decision already made by the Minister. A more accurate comparison would be the fees imposed for judicial review of the Minister's decision to grant or refuse an application. The VCAT fees are therefore not comparable to present circumstances and should be disregarded in any comparative analysis of fees. 22) If the Department intends to ensure that fees are 'competitive, in comparison to service providers locally and in other jurisdictions.	

Ref	Stakeholder	Comment	DEMIRS response/action
		23) as it is required to do, it must ensure that its analysis is fair, transparent and based on similar factual circumstances. **Recommendations if a fee is to be imposed** Based on the matters set out in this submission, we strongly recommend that no fee be imposed for the lodging of objections pursuant to the Mining Act. If, however, the Department decides to impose a fee, it should impose a vastly smaller fee than that proposed or introduce a differential fee model. <u>Flat fee – amount</u> The Department seeks to justify the amount of the fee by reference to the significant mining activity that occurs in Western Australia. For the reasons previously articulated in this submission, this is not an acceptable argument. In South Australia, the fee for lodging an objection is $18. In Tasmania, the fee is $49.84. Each of these amounts is far more reasonable than that proposed by the Department. The Consultation Paper notes that there was a prescribed fee for the lodgment of objections prior to 1993. In the *Mining Regulations 1981* (WA) as they were in 1988, the fee for objections was $3.70. According to the Reserve Bank of Australia's Inflation Calculator, that fee would be $9.46 in 2022. The Department now seeks to impose a fee almost 10 times greater than that. There is no reasonable basis upon which a fee of $859 should be imposed for each objection. This fee is comparable to lodgement fees in courts and tribunals around Australia, which is not appropriate. <u>Differential fee structure</u> The Department has not articulated a reasonable justification for the imposition of a flat fee structure. The primary reasoning behind the introduction of a flat fee appears to be an increased administrative cost of a differential fee model. The suggestion that differential regimes 'could lead to an incorrect fee' or lead to 'increased administrative costs' does not detract from the fact that a differential fee	

Ref	Stakeholder	Comment	DEMIRS response/action
		model is a more equitable approach. While a flat fee model may be 'more efficient', an increased administrative burden does not provide an adequate basis for the erosion of the right of access to justice. Courts and tribunals throughout Australia provide a differential fee model. It is open to the Department to provide a community education resource regarding applicable fees if confusion or administrative issues are a concern. Further, the following justification is particularly inaccurate: *Courts in general have a differential fee structure because they exercise judicial powers over a wide range of subject matter, not infrequently associated with matters of personal justice affecting members of community at large.* 24) As explained throughout this submission, the warden does determine matters that 'affect members of [the] community at large'. Describing the objection process as a 'business type service' ignores the role of the warden in considering, determining, and making recommendations to the Minister on public interest objections. The community is entitled to make objections based on environmental concerns, tourism, and visual impact. 25) The distinction made by the Department on this basis is unfounded and inaccurate. If the Department intends to introduce a significant fee for the lodgment of objections, it is essential that there be a mechanism for objectors to apply for a reduced fee, or that there be an exemption for public interest objections made by not-for-profit organisations and people not associated with the mining industry. Without such a mechanism, people who have a right to lodge an objection will be prevented from doing so for financial reasons. This approach is consistent with our democratic principles and right to access to justice. <u>Recommendations</u> EDO makes the following recommendations in relation to a prescribed fee for the lodgment of objections:	

Ref	Stakeholder	Comment	DEMIRS response/action
		1. Consistent with the comparative analysis of objection fees (or lack of) in other states, no fee should be imposed for the lodgment of objections. 2. If a fee is to be imposed, it should be significantly lower than what is proposed. 3. If a fee is to be prescribed, objectors should have the opportunity to apply for a reduced fee based on their financial or not-for-profit status. In other words, the Department should allow eligible entities and individuals to submit objections for a far lesser fee. Alternatively, there should be an exemption for public interest objections.	
302	Toni Dearle Pemberton Discovery Tours	I am writing to express my strong objection to the recent proposal that imposes a $859 fee for lodging objections to mining exploration applications. This proposal is not only exorbitant but also fundamentally anti-democratic. As the owner of Pemberton Discovery Tours, our commitment extends beyond providing exceptional experiences to our guests. We are dedicated to preserving the natural beauty and ecological integrity of our region. The imposition of such a fee directly undermines the ability of concerned citizens and businesses like ours to voice legitimate concerns about activities that could potentially destroy critical habitats and compromise the environmental sustainability of our region. Mining activities, particularly in sensitive forest areas, pose significant risks to biodiversity, water sources, and the overall ecological balance. It is crucial that the community has a fair opportunity to raise concerns and objections without facing prohibitive costs. I urge the Department to reconsider this proposal and remove the fee. Public participation in environmental decision-making is a cornerstone of a healthy democracy and should be encouraged, not penalised. We need to end mining in our unique and tiny forests and protect what's left of our precious and irreplaceable forests.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 2, 4, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
303	South West NRM	South West NRM and our association members are opposed to the introduction of a prescribed fee of $859 for lodging objections as indicated in the consultation paper, September 2023. We believe the introduction of a prescribed fee for lodgement of objections would have significant impact on the rights of community members, not for profits, Traditional Owners and Aboriginal Corporations to raise concerns about potential mining impacts. … In acknowledging that the Department has the capacity to create a cost recovery mechanism for objections we suggest that this cost be borne by the proponent or supplemented by the proponent such that fees incurred by parties objecting may be greatly reduced in line with examples in other states. As noted in the consultation paper the number of objections in the WA mining jurisdiction was significantly greater than in other states. This correlates to the number and extent of mining activities both proposed and implemented across Western Australia and thus provides a rationale as to why a flat fee of several hundreds of dollars should not be applied in the WA context. With such large-scale mining activity in WA, community groups, Traditional Owners and NGOs would be more adversely impacted and have their opportunity to lodge lawful objections greatly reduced due to a financial impediment. It is noted within the consultation paper that three out of seven states have NIL fees applied to objections and that in other states the fees applied to lodging an objection range from $18 - $49.84 or are scaled. The application of an $859 fee for an objection seems grossly inflated and would serve to reduce the lawful right for citizens of WA to object to mining activities that they believe may have negative impacts on environmental, social, cultural or economic outcomes within their communities. The South West of WA is a biodiversity hotspot internationally renowned for it's biodiversity values and assets. It is vital that community maintain the right to bring to the attention of proponents and decision makers where impacts from mining activities may have negative impacts on Western Australia's unique biology and diversity.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 3-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We trust that the Department in considering the need to amend the Act to adopt a cost recovery model for objections, notes the substantial resources that proponents in the mining sector have. These resources should be used by proponents to demonstrate how identified impacts will be mitigated including, how objections raised have been considered in the planning process and addressed. With a proponent pays model, fees associated with addressing objections are able to contribute towards supporting the Department and warden in processing objections, providing for the additional resources identified within the consultation paper. Community groups, Traditional Owners and NGOs often have valuable knowledge about sites that may be subject to a mining tenement. A significant fee imposed on making an objection may cause to deny the decision-maker information critical to mitigating impacts at a cultural, social or environmental level due to the financial barrier imposed.	
304	Mary Nixon	The point is made that fees are to “achieve, or make adequate progress towards achieving, full cost recovery where appropriate; “ In this instance, I think it is inappropriate to consider recovering a fee from an individual or group who is lodging an objection to a mining application. Mining is a disruptive industry. It cannot be undertaken without disturbing the environment, natural or developed for agricultural purposes or built. It cannot be undertaken with causing disruption to local communities and lifestyles. Mining is essentially a money-making venture and it is also a finite operation. Once the mineral has been removed the company moves on, the Western Australian community has their leavings to deal with – a destroyed environment, perhaps loss of agricultural land and a dispersed community. The mining industry is a juggernaut in power terms in comparision to an individual, who may have knowledge and concerns pertaining to a particular area of land or sea and they are no match for the financial and lobbying power of the mining industry.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different

Ref	Stakeholder	Comment	DEMIRS response/action
		To charge anything other than a nominal fee to process and hear an objection for an individual is to hand the right to explore directly to the mining industry. A fee of $859 to object to mining exploration may be appropriate for mining companies or pastoral companies who have large financial interests in an objection, however to bundle the approximately 21 per cent of objections lodged by people not connected with mining (including private landholders, community members and water rights holders etc.) and the 8 per cent lodged by native title parties or individuals on the basis of native title rights and interests and the 3 per cent lodged by other organisations including NGOs and LGAs and equate them with mining companies and pastoralists is patently unfair, undemocratic and environmentally dangerous. For objections to explorations by individuals who live on neighbouring land or to exploration in state forests, an objection is not a “by and large a business type service” and this “recovery mode” for this non business sector will mean that there will be no input from the community to protest development which will destroy their lifestyles and the natural environment. Using a “recovery of costs” method for all objectors is tantamount to giving all rights to the mining industry and corporate business sector as individuals will not be able to bear the burden of anything other than a nominal fee to accompany their objection. Individuals and community groups will not necessarily be concerned with income loss or income generation consequently they will be unable to justify a high objection fee as well as the unpaid hours spent preparing an objection. A high fee hands over our natural environment and our farm lands to the mining industry. I recognise that DWER has a role to play in granting of mining exploration licences however, since staffing cuts back in 2016, I do not believe the this department which is responsible for the care and maintenance of our natural environment is equipped to adequately assess the long term environmental impacts of mining and it is important that concerned members of the public be able to alert the Minister via the Warden’s Court of the needs of the natural environment. That the *Department of Water and the Environment* was amalgamated and renamed the *Department of Water, Environment and Resources* indicates that the natural	legislation and regulations including that of the *Environmental Protection Act 1986*. The wardens operate independently and are not directly part of the Department of Energy, Mines, Industry Regulation and Safety Please also refer to Key Themes 2 and 4-6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		environment appears now to be seen by the government purely as a resource rather than as the most important aspect of Western Australia longevity. Our natural environment, water, air and land cannot be assessed merely in monetary terms; without those three things there can be no life. Land exploited for mining is degraded and cannot support life. It is the committed individual pitting their voice against the mining sector's push to develop mining at all costs that will be lost if a "recovery of cost" mechanism is introduced to ensure that the WA government charge is in line with the Federal Court ruling. *RE: Comparative Assessment* It is untenable to compare numbers of objections in Victoria to mineral rich Western Australia, perhaps risible. "In Victoria in the 2021–2022 financial year, licence applications increased 9.4 per cent from *127 to 139, 577 current licences* were held and 208 licence variations submitted.3 In Western Australia in the same period in 2021–2022, the volumes were much larger; *4,571 tenement applications lodged, with 24,957 current tenements in existence*." I suggest that the discussion re. numbers of applications and associated objections include the effect of the very generous grants and subsidies made available by the West Australia Government since 2016 to so called "junior miners" to encourage mineral exploration. WA juniors receive exploration funding. / "The WA Department of Mines and Petroleum has selected nearly 50 companies to receive funding for exploration drilling in the state. / The State Government is supplying the funding from a pool of $5.14 million, marking the eighth year of the exploration funding which has aided more than 640 projects and produced more than 20 new discoveries." (Ben Creach, June 10, 2016, 9:50 am https://www.australianmining.com.au/wa-juniors-receive-exploration-funding/) Indeed, a quick look at the Department website shows a raft of current financial incentives for miners to explore within Western Australia. (http://www.dmp.wa.gov.au/Geological-Survey/EISGovernment-co-funded-1433.aspx)	

Ref	Stakeholder	Comment	DEMIRS response/action
		I believe it has been irresponsible of the government to make money available to the mining sector to encourage exploration without balancing those monies with money made available to the DWER, the department responsible for overseeing the care and preservation of the natural environment. To complain that the *Department of Mines, Industry Regulation* and Safety is overwhelmed by objections only serves to underline that the Department appears only concerned with royalties received from successful mining applications and developments and not the effect those developments have on the environment and on the wider Western Australia community. A "cost of recovery" method of financing a government department usually leads to over development of an industry as compared to a steady long-term development in the interest of a sustainable environment and workforce. Old growth forests were permanently destroyed and degraded though overcutting of the timber resources in the south west of the state because the income derived from timber royalties meant a greater budget for the Forestry Department. Separating monies received from a natural resource is the only way to ensure that a government department functions honestly to wisely develop our natural resources and to develop those resources for the long-term benefit of the current and future generations. To impose anything other than a nominal fee for members of the public who have no or minimal financial interest in a mining development removes a significant layer of inhibition to mining industry developments. As the situation resulting from the increase in objections lodged at the *Department of Mines, Industry Regulation and Safety* (DMIRS) appears to be overwhelming the staff at DMIRS I suggest the DMIRS staff look at what may have caused this increase – *vis a vis*, grant money to encourage exploration. As the number of objections lodged has increased over the last three years, (as have the number of applications to explore for minerals) this has resulted in an increase in number of matters before the Warden's Court. According to the discussion paper, this increase is "affecting the timely processing to grant of tenement applications. The increasing volume of objections has resulted in the appointment of a second mining warden in Perth with the cost met by DMIRS."	

Ref	Stakeholder	Comment	DEMIRS response/action
		Perhaps a “A fee for objections is required” for opposing mining companies on a busines to business level in order “ to: provide ongoing funding for the second warden in Perth; support staff; and ensure there is sufficient resourcing to deal with the number of objections being lodged each month.” However I find the last point ”to reduce the number of active matters before the wardens” very concerning when applied to the general population of Western Australia and to individuals who have a deep interest in the welfare of the community and the long term sustainability of the environment and are prepared to spend their own time researching and submitting an objection. Finally, may I suggest that the Warden’s Court be separated from the *Department of Mines, Industry Regulation and Safety* and set up as an independent body, a court that would be at arm’s length from the department. If the Warden’s Court was funded directly from the State Treasury and was not tied in any way the development or otherwise of the mining and petroleum industry, objections could be heard by the designated magistrates acting as Wardens in both Perth and the courts in Kalgoorlie, Leonora, Mount Magnet and Southern Cross regional offices. Such a separation of the Warden’s Court from the Department would increase the appearance of independence of decision making, something which is of great importance in a democracy. In conclusion, I believe that the impost of $10 would be adequate to ensure that the objector has an awareness of the seriousness of their participation in the court process by placing and objection. It also recognises the hours of unpaid work done by individuals acting alone and individuals who are members of a community group, who are prepared to work on a voluntary basis to express their knowledge and concerns re proposals to explore for minerals and petroleum in Western Australia.	
305	M Ferland	I am making this submission to DMIRS because I am exceptionally concerned about the proposed amendment to the Mining Act that would introduce a fee of $859 in order to lodge an objection to proposals.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		I believe this is blatantly unfair and will certainly disadvantage many people, including small landowners and individual members of the Indigenous community who have legitimate rights to voice their objections. Individuals, as compared with well-resourced large companies, are already handicapped by a reduced ability to access and fully process the legal/other implications of the lengthy proposal documents that are submitted by mining companies. This fee will further reduce their participation in a system which has for decades worked against them. People have a right to object to proposals in order to draw attention to the possible negative consequences that have not been identified by the proponent and/or properly investigated. I am appalled that the WA State Government would even propose this extremely large fee, unless it is explicitly for the purpose of reducing the amount of true public input into decisions that impact many people in the regions. If that is the intended aim, it is against the democratic principles upon which Australia was built. It would further disempower those who cannot afford to pay and is therefore patently unjust – democracy is not just for the wealthy. If any fee were to be imposed as a result of the annual review of fees and charges, it should be a nominal amount (at most $10 to $20) to allow (almost) equal access to the largest number of people who want to lodge an objection, as is their/our right as citizens.	Please refer to Key Themes 1, 2 and 10 in the *Response to submissions report*.
306	Tony and Kim Stanton	The proposed fee of $859 is too high for the average farmer or land-holder to pay, particularly when some areas are constantly being explored and having tenements being lodged every few months or years etc. As an example - Many of the best areas from Albany to Denmark are very successful potato, vegetable, dairy, flower and vineyards holdings and recently have had more than their fair share of tenement applications across them. It makes the life of these farmers and land-holders very stressful constantly wondering when the next application neesds to be fought… There needs to be new State Regulations re how many times a company can apply for a tenement in an area.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act*

Ref	Stakeholder	Comment	DEMIRS response/action
		Since 1995, I have been on many State Government, Local Govt (Albany) committees and many Landcare Organisations and believe we need to protect them and the environment, to enable our farmers to do their job without unnecessary problems and stress. I strongly believe that these areas of “farming and short stay accommodation” should be excluded from the above “problems” as these areas are vital to our economy and provide essential food and resources etc to not only their local district, but the rest of the State.	*1993* (Cth)) and after grant (compliance with environmental and safety approvals). Please see Key Theme 6 of the *Response to submissions report*.
307	Whitney Weaver	I wish to make a submission against the proposed introduction of a Fee of $859 for all objections to mining or exploration license applications. The use of a flat fee structure for objections, when objectors can include everyone from individuals and families directly affected by an application, NFP organisations, right up to large mining companies and other businesses is blatantly unfair. Lodging an objection is currently the only means an individual has to fight a potential mining operation on their own or a neighbouring property. Individuals already have to be actively monitoring the Department website to even know an application has been lodged. Imposing such a high fee against individuals is a clear indication of bias towards the mining companies and applicants. Individuals have such a small voice in these circumstances, introducing such a high fee will make objecting prohibitive for many, effectively silencing that voice completely. I have logistical questions about how the fees will be managed too: • What happens if an application is withdrawn after objections have been lodged? Will the fee be refunded? • What is to stop mining companies from 'gaming the system', by lodging and then withdrawing multiple times over the same area, thus exhausting the funds of the objectors and removing all resistance? • What about when multiple mining companies lodge applications over the same area?	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2 and 3 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		If a fee must be imposed, and I understand the imperatives detailed in the consultation paper, then a tiered structure would be a much more just proposition. My suggestion is: • for individuals / couples / families indirectly or directly affected by an application, through being a landowner in or near the tenement area, the fee be $10 • for not-for-profit organisations, a fee of $50, and • for businesses and corporations, a fee of $2000. If the number of objections is placing a burden on the Wardens Court, leading to delays and heavy workloads, perhaps the whole objection process needs to change, such that individuals can have their objection heard and assessed by a body other than the Warden's Court. Imposing such a high flat fee seems to be a deliberately punitive measure against the 'little people'.	
308	Rae de Rusett	I would like to submit and objection to the proposed fee for the following: The proposed prescribed fee is for an objection made: • against an application for a prospecting licence - section 42(1A… All legislative references are to the Mining Act 1978. As per the document, no other state charges such an excessive fee for submitting an objection to the above mining activities. This proposed fee will ensure parties that sit outside of medium to high socio-economic status do not have a voice when it comes to mining operations within the area in which they live and work. As most rural areas are designated as having high rates of low socio-economic households, this proposal effectively shuts down any community objection. It causes	Noted. Please refer to Key Themes 2 and 5 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		already vulnerable communities to be at the mercy of governmental bodies in terms of environmental outcomes and effects to their health, livelihood and future outlook. Being that governmental environment departments have a significant history of favouring mining and other resource organisations over the wishes of local communities, creating a system whereby they have no voice, and no means of recourse effectively creates a huge power imbalance. Local communities rely of their natural resources for survival and the above proposal seeks to implement a system that creates a significant obstacle for these communities to effectively advocate for their needs. This proposal does not benefit the communities in which mining activity will take place. The only beneficiaries are resource companies and a better option would be for them to cover the costs associated with the increase in objections since they are the party wanting to undertake the activities. This would add to their social licence when operating in any given community area.	
309	Friends of the Porongurup Range	As a self-supporting volunteer organisation, we aim to be frugal yet active and effective. The fee would reduce the democratic right of volunteer organisations such as the Porongurup Friends and individuals with limited funds and no potential financial benefit from submission of an objection. Increasing numbers of those seeking mining exploration licenses will impact heavily forested areas, small farms and vineyards in relatively well populated non-metropolitan regions, adjacent reserves and national parks. Many within local communities are concerned. There must be avenues to raise objections without major financial barriers for doing so. Mining companies and associated individuals are motivated by financial rewards, with access to financial reserves, and able to cultivate political access for promoting their activities. However, carefully considered objections submitted by environmental organisations who advocate for the protection of the local environment with objections that may be in the public interest will be financially penalised.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We urge the government to consider a structured and transparent process for assessing mining exploration licences without imposing a significant financial burden on concerned individuals, not for-profit organisations and the communities they seek to serve.	
310	RFF Australia	RFF Australia does not object to the principle of objection fees being introduced, as a means of cost recovery in Government administration. However, we consider that the proposal to introduce a single fixed fee of $859 for all objections is inflexible, and introduces the risk of unjust outcomes and the curtailment of the rights of individuals whose circumstances limit their financial capacity. Such individuals may include Aboriginal People seeking to object on the basis of potential impacts to their traditional land use rights, or seeking to object on a public interest basis due to the environmental impacts of proposed mining activities. In RFF's experience, Aboriginal landowners, particularly in the Pilbara, experience high volumes of mining tenement applications within their Native Title determination areas and traditional lands. Other non-mining land holders in the Pilbara, such as pastoralists, also experience significant volumes of applications. Aboriginal organisations vary considerably in their level of resourcing; while some organisations have access to significant financial resources as a result of Indigenous Land Use Agreements, others do not. The objection process under the Mining Act is a key mechanism for enabling Aboriginal people and other land users to ensure that their rights and interests are taken into account in the mining exploration and development process. Given the volume of tenement applications in the Pilbara and other highly prospective mining regions, the proposed single, relatively high objection fee will place a considerable burden on many organisations and may curtail the capacity for Aboriginal Nations to effectively exercise their rights under WA Mining legislation. Such an outcome would be inconsistent with the WA Government's Aboriginal Empowerment Strategy.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The Native Title (Tribunal) Regulations 1993 (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by parliament is for pastoral and mining interests to co-exist on Crown land. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		We note that objection fees were originally abolished in 1993 in part because it was considered inappropriate for fees to be charged to Aboriginal people seeking to object on grounds relating to their traditional rights. The adverse impact of the proposal is not limited to Aboriginal people. Residents in rural areas of the State that are subject to mining tenement applications may also have their rights unjustly curtailed. Many rural dwellers are low income earners, and are likely to lack the financial means to pay an $859 fee. When the legislative amendment to enable the introduction of objection fees was originally introduced, the Minister introducing the Bill stated that the amendments would establish consistency with comparable jurisdictions where there is a fee for lodging objections, such as the State Administrative Tribunal 1. Fees for applications in the State Administrative Tribunal are not uniform and depend on both the type of application and the nature of the applicant. Significantly, eligible classes of individuals and corporate entities are subject to substantially reduced fees, where this is warranted by financial hardship or in the interests of justice. 2. Recommendation: The proposal to introduce the single $859 fixed fee for all objections should be replaced with differentiated rates, depending on the type of organisation lodging the objection. A fee as high as $859 may be appropriate for companies and commercial entities, but lower fees (of no more than $100) should be applicable to Aboriginal organisations, non-profit organisations and individuals who are residents of premises affected by tenement applications. There should also be the capacity to apply for fee waivers in cases of financial hardship or in the interests of justice.	
311	Jeff Bremer Deputy Chair Jarrahdale	I am writing to you on behalf of Jarrahdale Forest Protectors Inc. to appeal against DMIRS plans to charge a fee of $859 to each objector who files an Objection under the Mining Act 1978.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
	Forest Protectors	In our view this is a regressive measure that lacks proportionality and fairness as it favours the interests of mining applicants at the expense of communities and landholders who are directly affected by the current explosion in mining licence applications in search for lithium and other minerals. The bias against individual and community rights in the Mining Act are manifold and it is an abuse of process to say that stake holders have been consulted. Some facts in support of this contention are: (i) All of the major environmental organisations in this state including the WA Forest Alliance, The Wilderness Society and the Conservation Council of WA, not to mention smaller community-based organisations like our own were not invited to these discussions. We were all blind-sided by DMIRS' announcement and therefore have had no say in the deliberations. (ii) The briefing document provided in the public comments phase does not say who were consulted by DMIRS in determining a Fee for Objectors, when they were consulted nor provide published notes of the meetings. (iii) Based on (i) and (ii) above it is natural to assume that DMIRS have listened almost exclusively to representations by the Mining Industry. (iv) The graph of increased load on the Wardens Court shown on page 4 of the briefing document is expressed in terms of a large increase in objections and conveniently ignores the fact that there has been an explosion in mining licence applications in the last two years due to the minerals boom associated with strategic minerals like Lithium. Much of that expansion has impacted on prime farmland and forested areas of the Southwest of WA. In the 6 months prior to February 2023 10,840 sq km of tenements were either applied for or awarded in the Southwest of WA (See Appendix A) with roughly 50% being newly awarded tenements and 50% newly applied for. The primary beneficiaries of those applications are mining companies, not objectors and not communities, and yet the negatively affected groups are being charged a regressive fee. That fee will not just fund the costs of the courts but will act as a significant	Public consultations commenced on 4 October 2023 and closed on 21 November 2023. The public consultation process is open for anyone, including environmental organisations, to submit their responses. DEMIRS consultation paper outlined that *the amount of the prescribed fee will be finalised following the consultation period*. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Theme 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		disincentive to individual landowners and communities who wish to exercise their lawful rights under the Act. It is reasonable to deduce that the aim of the department is not funding the court but finding regressive measures that will discourage lawful objections and allow miners to have an unfair advantage in the legal process. If the principle is that all parties have equal access to the law, then based on cost and benefit the increased costs should be borne by the miners themselves or alternatively the government who is the beneficiary of revenue from mining. (v) Finally if DMIRS was genuine in seeking stakeholder involvement to “improve the mining Act” those community and citizen-based groups would be consulted about the many regressive changes that have been made to the Mining Act since 1978. A typical example is Section 6(1a) of the mining Act which was introduced between 2004 and 2006. That change removed the right of every citizen to refer any matter concerning the environment to the Chairman of the EPA for assessment. It not only removed citizen rights that were given under Section 38(1) of the Environmental Protections Act 1986, but also took away the discretionary powers of referral from the Environment Minister to make a referral under Section 38(4) and instead affords that special privilege to the mining licence applicant. The proposed introduction of an $859 fee continues the policy of regressive regulations and legislation to provide favour and privilege to mining and extractive industries and fails to provide procedural fairness in Wardens Court proceedings as originally intended in the legislation. Expecting cash strapped residents, landowners, community, and environmental groups to fund court administration violates the principle of procedural fairness. We therefore ask that DMIRS at the very least exempt individuals, environmental groups and community groups from this regressive fee.	

Ref	Stakeholder	Comment	DEMIRS response/action
312	Cynthia and Todd McGlew	We would like to express our objection very strongly to the proposed fee that would require a person who is objecting to a tenement application in Western Australia. The process for lodging an objection is already quite onerous for the average person and attaching such an exorbitant fee will make it impossible for the average person. I am sure that is the general idea. Fees in other areas of the courts are nowhere near as high. The courts are a service that the government provides for its citizens and to place such a ridiculous fee on one of those services is exclusionary and undemocractic. The right to have your say about what happens in the area that you live in, or indeed anywhere in the country that you live in, should not be restricted so severely to people who have the means to overcome such a burdensome amount. Clearly the intent of this fee is to clear the way for the mining industry to have their way without any interference by the average person. ***"Concerns were expressed by industry representative groups and individual companies regarding delays and the availability of dates for the hearing of matters."*** Those 'delays' are the rights of every person to have their say. ***"…reduce the number of active matters before the wardens."*** clearly indicates that this fee is a punitive measure designed to reduce the number of those matters by forcing out people who would like to object to proposals that they believe will adversely affect themselves and/or the environments around them. It clearly favours the mining companies. We cannot state strongly enough how ridiculously inappropriate and undemocratic this fee would be if this amendment is allowed to pass.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2, 6 and 10 in the *Response to submissions report*.
313	Shire of Dardanup	The Shire of Dardanup strongly objects to the proposed amendment, for the following reasons: **(3) Proposed fee** • The Shire considers that the imposition of any fee to object to a proposal is undemocratic and not in the interest of public transparency.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of

Ref	Stakeholder	Comment	DEMIRS response/action
		• The ability for landowners to provide a submission/objection should be seen by DMIRS as an opportunity to scrutinise potential impacts to private land, which may not be apparent without the owners' input. • The proposed fee of $859 is an excessive amount to require in order for land owners to make submissions in defence of their land, and places an unfair advantage to the mining industry proponents. **(6) Cost of dealing with objections** *A fee for objections is required to:* • *provide ongoing funding for the second warden in Perth;* • *support staff;* • *ensure there is sufficient resourcing to deal with the number of objections being lodged each month; and* • *reduce the number of active matters before the wardens* The proposed fee is primarily to cover administration costs involved with the increase in objections lodged and funding for the second warden and team. Mining in WA contributes an enormous amount to the Western Australian economy, and the Australian economy overall, and funding for the second warden and team should be sourced from the Federal Government. **(7) Proposed fee structure** *Analysis undertaken by DMIRS indicates that in a two month time period in April and May 2022, there were 350 objections which can be categorised as follows:* • *56 per cent lodged by companies (180) or people involved in the mining industry (15)* • *21 per cent lodged by people not connected with mining (including private landholders community members and water rights holders etc.) (75)* • *12 per cent lodged by pastoral lessees (42)* • *8 per cent lodged by native title parties or individuals on the basis of native title rights and interests (28)*	the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 5, 6 and 9 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• *3 per cent lodged by other organisations including NGOs (7) and LGAs (3)* As per the above analysis undertaken by DMIRS, if a flat fee structure is accepted there needs to be consideration for private parties and not-for-profit organisations who have a right to voice their objection in defence of that land without large costs involved, this could hinder a true picture of the situation and shifts the balance in favour of the competing companies. There should be a reduced fee or no fee. **(8) Comparative assessment** Currently only 2 states (SA & TAS) have imposed a fee for objections.	
314	Jan Star Chairman Jarrahdale Forest Protectors	We are today responding to the proposed increase in the fee for lodging objections under the Mining Act 1978. We understand the courts are managing an increased number of objections and the warden is struggling to process these in a timely manner and the costs for this and the second mining warden do need to be taken into account. However our group feels that the onus should be on the company that puts forward the proposal to explore or mine should pay the fee. Sensitive areas so obviously should not be mined that it is incumbent on the applicant to know this and avoid them – not just to apply for anything and see who will object. It is also obvious that the Mining Act envisioned that applications were in sparsely populated country and is not easily applied to the metropolitan area, nor to any other densely populated area. We would posit that it is inherent in the Acts application to such areas that there will be many objections and objectors should not be penalized for what is a weakness in the Act. To those unused to the Wardens Court procedures and all the requirements of the Act with respect to Affidavits etc there is a lot of time and effort required, and that is after landowners are eventually located and advised, as the Act seems to give landowners little regard. We feel the proposed fee will have an adverse effect on the ability of groups such as ours and individuals to raise objections to protect our environment, whether it be forests,	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Applicants already pay an application fee which is determined by tenure type and size. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration

Ref	Stakeholder	Comment	DEMIRS response/action
		wetlands, remnant bushland or wild places which are increasingly important for the good of the whole community and humanity.	activity can take place until all such approvals are granted. Please refer to Key Themes 3, 4 and 6 in the *Response to submissions report*.
315	Joshua Scoles Alex Jones DLA Piper	Dear Department of Mines, Industry Regulation, and Safety **Fee for Objections under the Mining Act 1978 (WA)** We write to oppose the Department's proposal to introduce a $859 fee for the lodgement of objections under the *Mining Act 1978* (WA) (**Mining Act**). We opposite the introduction of this fee because: 1. The imposition of the proposed fee could dissuade legitimate objections; and 2. There are more appropriate solutions to resolve the costing issue identified by the Department. The imposition of the proposed objection fee could dissuade legitimate objections by: • Non-mining industry stakeholders (i.e pastoralist, freehold owners, native title parties, environmental groups, and members of the general public) who are likely to be disproportionately impacted by the imposition of a $859 fee for objections; and • Stakeholders impacted by multiple applications lodged in respect of the same area, because those stakeholders they would be required to lodge multiple objections to protect their interest, incurring multiple objection fees, who (pursuant to section 105A of the Mining Act) only one application ultimately be considered by the Warden. The imposition of the proposed objection fee will also likely result in a disproportionate recovery of costs in circumstances the following circumstances:	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1-3 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• Multiple applications are lodged in respect of the same area (ie. Ballots); • Applications for linear infrastructure; and • Applications that are subsequently withdrawn. The consultation paper does not address whether the increase in objections in the last three years is disproportionate to an increase in the number of applications in the same period. Consequently, it is not possible to discern from the paper whether the increased burden upon the Wardens is as a result in an increased tendency of stakeholders to object, or is a result of an increase in the number of application being lodged (and objections merely increasing commensurately). Based on the number of objections displayed on page 4 of the consultation paper, it appears that there was an influx of objections in 2021-2022 presumably as a result of mining proponents taking a cautious approach by making new applications over the area of existing application, following the line of authority established in *True Fella Pty Ltd v Pathoro South Pty Ltd* [2022] WAMW 19. We submit that the Department should undertake a further analysis of whether there is a correlation between the increase in objections and the increase in tenement applications as a result of *True Fella*. To the extent that such an analysis demonstrates that there is a correlation, we submit that it may be unnecessary to impose a cost recovery method, as the influx of objections could be a temporary reaction. We submit that ultimately the appropriate long-term solution to reduce the burden upon the Wardens, at least in respect of objections relating to tenement application compliance matters, should be effected by legislative reform. In any event, assuming that the increase in objections is proportionate to an increase in application, we submit that a more appropriate way to cost recover, in accordance with the relevant rules for imposing fees as found in Treasurer's Instruction 810, is to increase the cost of tenement applications and applications for exemption from expenditure.	

Ref	Stakeholder	Comment	DEMIRS response/action
		This will place the cost burden on applicants, who will arguably be better placed than objectors to bear this cost and accordingly will be less likely to be dissuaded from lodging legitimate applications, in contrast to objectors who might be from dissuaded from lodging legitimate objections if a relatively high objection fee is introduced. An increase application fees should also be coupled with a change the Warden's practice regarding the making orders for costs under regulations 139, 142,165 of the *Mining Regulations 1981* (WA). In particular, we submit that the Warden should adopt a more rigorous approach to awarding costs to applicants for tenement applications which are the subject of objections by holders of pastoral land, freehold land, and mining tenements to the extent that those objections are unnecessary to protect those objector's interest in light of the protections already afforded to those objectors under sections 20 (5), 29, 117, and 123 of the Mining Act. This practice would also dissuade frivolous objections.	
316	Tamara Callaghan	I wish to object to the proposal to charge individuals/organisations (many of them NFPs or small community groups no doubt) $859.00 to say no to mining exploration applications. We should not have to pay exorbitant fees to express concerns about mining activity that can/may/will destroy critical habitat. This proposed fee is outrageous, UN-DEMOCRATIC, and completely unacceptable. Where is your conscience??? Scrap it, please!	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 6 in the *Response to submissions report*.
317	Andy Callaghan	I wish to object to the proposal to charge individuals/organisations (many of them NFPs or small community groups no doubt) $859.00 to say no to mining exploration applications. We should not have to pay exorbitant fees to express concerns about mining activity that can/may/will destroy critical habitat.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		This proposed fee is outrageous, UN-DEMOCRATIC, and completely unacceptable. Where is your conscience??? Scrap it, please	
318	Claire South	I want to add my voice to the many concerned citizens about the proposed fee for anyone objecting to a mining proposal. It is appalling to think that people would have to pay nearly $1000 to have the opportunity to express their concerns and objections to mining that would clear land that is vital to the survival of our endangered species. I call on you to abolish the fee.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 6 and 10 in the *Response to submissions report*.
319	Shire of Cue	The Shire of Cue objects to the introduction of a fee to lodge an objection. It does not seem equitable that a mining tenement that costs from $339 to apply for will cost $859 to object to if the proposed fees are introduced. Everyone has a right to lodge an objection, particularly another user of the same land without incurring costs, especially where they are directly impacted by mining activity. A better consultation process as part of the approval process would see less objections and improved outcomes for all parties. Lodging an objection is currently the only avenue available to have a voice about what the tenement holder is planning to do.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Theme 2 in the *Response to submissions report*.
320	Donna Chapman	I'm writing to express my concern regarding the recent proposal by the Department of Mines to impose a fee of $859 for filing objections to mining exploration applications. Making this fee so high will have an impact on our environment as the regular concerned citizen will be unable to pay such a huge amount and lands that need to be protected will go unchecked. In this current climate it is unfathomable how mining companies continue to be given the advantage at the expense of our ever dwindling forests and endangered animals.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act*

Ref	Stakeholder	Comment	DEMIRS response/action
		You have enraged the population that care about this planet and want to leave something behind for their children and grandchildren. It is not an easy task to make an objection in the first place so I think this fee is to make it impossible for anyone to protect anything from mining giants. I acknowledge the Department's intention to mitigate the impact of frivolous objections that incur costs for taxpayers. However, this proposed fee introduces a significant imbalance in the process, disproportionately affecting unfunded individuals and community groups. These parties often represent broader community interests and environmental concerns, yet lack the financial resources of the applicants, who stand to gain economically from the approval of their projects. The proposed fee structure exacerbates an existing asymmetry in the decision-making process. The mining applicants, potentially benefiting financially from their projects, are supported by the taxpayer-funded resources of the Department of Mines. In contrast, community representatives, typically volunteers, would face a substantial financial burden to voice legitimate concerns. Imposing such a fee not only deepens this disparity but also risks undermining public trust in the fairness and accessibility of the regulatory process. It is imperative that the Department considers alternative measures to address the issue of frivolous applications without compromising the democratic right of individuals and community groups to participate in environmental decision-making. I strongly urge the Department to reconsider this proposal and explore other viable solutions that maintain the integrity of the process while safeguarding public participation and interest.	*1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986.* Please refer to Key Themes 2, 4 and 5 in the *Response to submissions report*.
321	Michael Stewart	I have recently heard that: "The Department of Mines is looking to silence the right of Australian citizens to object to risky mining proposals. They want to charge people $859 just to lodge an objection." In a democracy, we should NEVER have to pay fees to raise our concerns and/or object to projects that may well wipe out forests, make climate change more intense and	Noted. Please refer to Key Themes 1, 2 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		dangerous, risk contaminating our precious water, and drive any species of wildlife extinct.	
322	Stephanie Dryden	I write regarding DMIRS' open consultation for the introduction of an $859 fee for lodging an objection to mining tenements. While the intent of DMIRS in introducing this charge is likely to cover the costs of the warden's court, it appears that DMIRS has not considered that such fees and charges always most heavily impact those who can least afford it. Having financial deterrents that disproportionately affect those whose lives are already the most impacted by mining tenements, and have the least power to object to them, appears to be a cynical move to stop these objections altogether. Compared to other mining and corporate groups who may also lodge objections and have the finances available to undertake such actions (especially repeatedly), it becomes apparent that this is a decision that works significantly towards the advantage of the mining groups and upholds existing systemic inequalities that rewards people and business groups in powerful positions. Fees and charges to the extent that DMIRS is suggesting removes the opportunity for community consultation, presenting itself as an entrenched form of classism against members of the community who only ask for fair and democratic participation in matters directly affecting their lives. I hope DMIRS reconsiders their decision to introduce costs for individuals making tenement objections, who are only trying to conserve the environment at a time that climate change is occurring rapidly. If DMIRS is unable to keep up administratively with the surge in objections, perhaps this indicates that greater environmental protections should be placed upon the areas where these objections are occurring. This would solve both the department's administrative issues, as well as local communities' concerns regarding what is occurring in their regions. Members of the local community do not deserve a fee of $859 to object to mining tenements that can and do encroach on their private land and close surrounds. The number of objections that DMIRS has already received from individuals residing in the southwest should be an indicator of the unwelcomeness of mining sites in this area.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 1, 2 and 4 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
323	Gary Dawe	I want to register my objection to the proposed fee of $859.00 for the lodgement of an objection. This way outstrips other states fees. for the same lodgement. Can you email back the breakdown of the cost involved, to come up with such a fee. And why it is so different to other states. Await your reply.	Noted. The fee is in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions. Please refer to the Calculation of Fee for Objections in the *Response to submissions report*.
324	Shire of Denmark	On behalf of the Shire of Denmark, I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. While we can understand the scope and purpose for the indicative fee of $859 per objection, and that there are no other fee-free tribunal or court of such a nature in Western Australia, the fact that these tenements could potentially affect anyone, they should be able to make an objection without cost. The ability for landowners and community members to partake in consultation, particularly the lodgement of formal objections regarding amenity and environmental impacts, should be available without any financial burden or exclusive access for those with financial means. $859 is a lot of money to the vast majority of people in the community. Recovering the additional costs resulting from the increase in number of objections being lodged may be difficult though, your analysis undertaken by DMIRS indicates the second highest number of objections [21%] were received by people or landholders not connected with mining. Therefore, at the minimum, maybe the proposed flat fee should be reviewed, where those involved in the mining industry could pay a higher share of the costs than the	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 6 and 7 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		private land holder personally affected who is without the same financial means to object. Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. Conversely, we do see the sense in charging mining companies the $859, to prevent vexatious objections based on commercial interest. The Shire of Denmark has a duty of care to support our community, including landholding pensioners that would be affected by a local tenement and would not have the funds to object, especially to multiple claims. Additionally, if a proposal is withdrawn, all objection fees should be refunded.	
325	Native Title Services Goldfields	1. We refer to the 'Fee for Objections under the *Mining Act 1978* Consultation Paper' (**Consultation Paper**) published by the Department of Mines, Industry Regulation and Safety inviting public submissions on the proposed amendment to the *Mining Regulations 1981* (WA) to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978* (WA) (**Mining Act**). 2. Native Title Services Goldfields (**NTSG**) in its capacity as the Native Title Service Provider for the Goldfields region, does not support the Department's proposal for the following reasons: a) the introduction of the proposed flat fee of $859 per objection will negatively impact our constituents as it may be prohibitive to our constituents' ability to participate in the Warden's Court to object to tenement applications which may in turn adversely affect our constituents'' native title rights and interests; and b) the fee structure should be in alignment with the National Native Title Tribunal's approach to fees in relation to future act applications which includes expedited procedure objection applications. The *Native Title (Tribunal) Regulations 1993* (Cth) provides for fee exemptions for a person or a body assisted by native title representative bodies and also provides for registered native title claimants or Registered Native Title Body Corporates (**RNTBCs**) to apply for a fee waiver	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The Native Title (Tribunal) Regulations 1993 (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. Please refer to Key Themes 2, 5 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		on the basis of financial hardship. This fee exemption is also applied by the Federal Court of Australia to those parties assisted by a native title service provider. 3. As referred to in the Consultation Paper, Tribunals exercise executive powers similar in nature to the powers of Wardens under the Mining Act. Therefore, it is appropriate to compare the two jurisdictions, particularly in the context of considering a category of applicants who may lodge objections to Mining Act tenement applications because such applications may interfere with their native title rights and interests. Aligning the fee structure in the Warden's Court with that of the Tribunal would also provide clarity to native title claimants or RNTBCs because those applicants would already be familiar with the Tribunal's expedited procedure processes. 4. While a flat fee model may be more efficient for administration by the Department, arguably it does not fulfil the objective for government fees and charges to be fair and equitable and recognising the capacity to pay, as set out under the *Treasurer's Instruction 810*. 5. For the reasons set out above, we do not support the proposed amendment to introduce a flat fee for lodgement of objections under the Mining Act.	
326	Kim Morris	I am writing to inquire if the proposed fee to say no to mining of $859 is correct? Surely this is just nonsense? If this is correct and you are attempting to bring in a fee for anyone to oppose a mine site I strongly object and say no to this! Many Australians do understand the need for certain minerals obtained by mining but many Australians also understand that enough is enough! Destroying new habitat of irreplaceable forest is ludicrous and criminal. The time came a long time ago to protect our precious country and to stop chasing the money and find an industry that is sustainable to replace your jobs.	Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for

Ref	Stakeholder	Comment	DEMIRS response/action
			assessment. No mining or exploration activity can take place until all such approvals are granted. Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 2, 4, 6 and 10 in the *Response to submissions report*.
327	Ben Whitaker	I am a landowner in the Kronkup area and like the majority of us we live in the area for its natural beauty and environment. This area is prized heavily on its tourism and accessibility to the natural environment. Having tenements open for exploration to achieve a possibility of mining the area will quickly unbalance and change this area from a natural place thriving with wildlife and endangered species to heavy traffic, clearing, destruction of the fragile environment/species but also affect many landowners and tourism in the region who are passionate and rely on this area for its environment. There are many voices who deserve the right to be heard and placing the $859 fee on objections will reduce the objections and locals rights to a voice. This should be about what is right and wrong not silencing people because they cannot keep affording to pay objection fees. This area has sustained itself for a very long time and we are finally seeing good results from farming more sustainably and dedication from the Torbay Catchment Group for looking after what we already have. Tasmania is a great example of having ecotourism work for supporting families and the environment which is the only way forward. We simply cant afford to take steps backwards and if we were understanding of what will work long term the only answer is conserving this beautiful area for everyone to enjoy for years to come.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.

Ref	Stakeholder	Comment	DEMIRS response/action
			Please refer to Key Themes 1, 2, 4, 6 and 10 in the *Response to submissions report* are relevant.
328	Margaret Gorman	In a Democratic Society, I strongly and formally object in principle: • to any proposed fee incurred through exercising your democratic right to lodge civil objections; • to the proposed fee for the lodgement of objections under the Mining Act 1978. The practicalities are also that : • the new proposed fee is excessive and directly reduces the capacity of individual land owners and everyday citizens to object to exploration tenements over their properties; • currently there is no regulation on how many times a company can apply for a tenement in an area; • in areas where there are multiple landowners, miners could effectively use the fee as a way to reduce or even even eliminate objectors by lodging a tenement with the aim of with drawing it, only to lodge another tenement covering the same area; • this in turn could exhaust Land holders and Community members funds; effectively excluding their ability to have a say and exercise democratic rights. Miners could pay a lot more if they lodge tenements in areas where there are many landholdings. The Media has exposed the facts that in some areas: • multiple companies lodge competing tenements and then fight it out in a Warden's Court as to who gets to explore; • there may be 2 or 3 tenements over an area;	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Applicants are required to pay an application fee that varies depending on the type and size of the tenure. As a result, submitting multiple applications for tenements will result in additional costs for applicants, which will vary depending on the type and size of the tenement applied for. Please refer to Key Themes 2, 3, 5, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		• this would then require multiple fees of $859 for a Community Member or Landholder to pay; just to exercise their democratic right to object! Mining Companies objecting to Mining Companies should pay! Not the Communities who have lived in and cared for their environment; and have a democratic right to object to anything that threatens the ecology and longer term sustainability of that particular environment. All the relevant bodies, Government and private corporations, need to work responsibly and cohesively together to map out the areas that are suitable for mining exploration and development ;that benefits and adds value for all Australians. All the rest of this vast continent has to be preserved and we all must ensure that the remaining unique, precious and complex biodiversity is at the very core of all our decision making for the benefit not only of all Australian people but the entire planet. If you start imposing fees for citizens to exercise their basic human rights to object, then we are on a very slippery slope!	
329	Sage Savic	I would like to submit the following objection, regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. While I understand the scope and purpose for the indicative fee of $859 per objection, and that there are no other fee-free tribunal or court of such a nature in Western Australia, the fact that these tenements could potentially affect anyone, they should be able to make an objection without cost. The ability for landowners and community members to partake in consultation, particularly the lodgement of formal objections regarding amenity and environmental impacts, should be available without any financial burden or exclusive access for those with financial means. $859 is a lot of money to the vast majority of people. Recovering the additional costs resulting from the increase in number of objections being lodged may be difficult though, your analysis undertaken by DMIRS indicates the second highest number of objections [21%] were received by people or landholders not connected with mining.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Please refer to Key Themes 2, 6 and 7 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		Therefore, at the minimum, maybe the proposed flat fee should be reviewed, where those involved in the mining industry could pay a higher share of the costs than the private land holder personally affected who is without the same financial means to object. Landowners and occupiers in the region surrounding an exploration or mining proposal should not have to pay a fee at all. Or if department insists that a fee is required to be paid, even by land owners and residents, it should be $10 maximum. Conversely, I can see the sense in charging mining companies the $859, to prevent vexatious objections based on commercial interest. Landholding pensioners that would be affected by a local tenement would not have the funds to object, especially to multiple claims. Additionally, if a proposal is withdrawn, all objection fees should be refunded.	
330	C Chappelle	While taxpayers continue to subsidise the Australian coal, gas and oil industries to the tune of $22,000 per minute1 the idea of paying yet more to exercise the democratic right to oppose such developments is anathema. And although not all mining applications are fossil-fuel based, the same principle applies. There are currently around 80,000 mines in Australia, most of which will never be rehabilitated, and with their native flora and fauna communities destroyed or impacted beyond recovery. Because environmental costs are not monetised, and therefore not calculated into GDP, they represent yet *another* financial burden on the taxpayer, albeit indirectly. Thus taxpayers shell out for a considerable percentage of direct and indirect costs associated with mining, in return for which we receive (via our governments) inadequate royalties, the bill for company taxes evaded or avoided, and watch large amounts of profit being sent offshore. That said, I appreciate that direct costs are incurred through assessing public submissions, whether for or against, and that like all costs they are rising.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted.

Ref	Stakeholder	Comment	DEMIRS response/action
		It is appropriate that a proponent of a development which will impact the natural environment and be subsidised by the public purse should pay a substantial amount for the privilege; even more than they currently do. Paradoxically, despite (or because of) the foregoing, and notwithstanding other factors, Western Australians pay more for domestic gas and other products of mining than some of their counterparts elsewhere. As noted in the consultation paper at p7, three states currently charge objection fee, with Tasmania blatantly discriminating against individual objectors, and Queensland, which probably has mining applications equal to or greater in number than WA, is the most reasonable. Given all the above I consider that a reasonable fee for a private person to lodge an objection with the Warden is $10; NFP organisations $100; and commercial interests $200. 'Solving' the question of fee levels by simply pricing individuals out of the market is cynical, unethical and unacceptable.	Environmental protections are dealt with post grant as the tenement holders are required to adhere to a range of different legislation and regulations including that of the *Environmental Protection Act 1986*. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.
331	Alejandro Aleman	I am writing to express my concern regarding the recent proposal by the Department of Mines to impose a fee of $859 for filing objections to mining exploration applications. I acknowledge the Department's intention to mitigate the impact of frivolous objections that incur costs for taxpayers. However, this proposed fee introduces a significant imbalance in the process, disproportionately affecting unfunded individuals and community groups. These parties often represent broader community interests and environmental concerns, yet lack the financial resources of the applicants, who stand to gain economically from the approval of their projects. The proposed fee structure exacerbates an existing asymmetry in the decision-making process. The mining applicants, potentially benefiting financially from their projects, are supported by the taxpayer-funded resources of the Department of Mines. In contrast, community representatives, typically volunteers, would face a substantial financial burden to voice legitimate concerns. Imposing such a fee not only deepens this	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		disparity but also risks undermining public trust in the fairness and accessibility of the regulatory process. It is imperative that the Department considers alternative measures to address the issue of frivolous applications without compromising the democratic right of individuals and community groups to participate in environmental decision-making. I strongly urge the Department to reconsider this proposal and explore other viable solutions that maintain the integrity of the process while safeguarding public participation and interest.	
332	Erica Goyder	I certainly do object, considering I received 30 applications for miscellaneous licences last week and have been advised there are a lot more to come. To lodge these would cost me $25,770. A ridiculous and unfair fee for the pastoralist especially considering the poor state of the economy and the decline in cattle prices. The pastoralist should not have to pay this outrages fee to defend their livelihood. With the amount of applications, I receive each year, there is no way I could afford $859 per objection. What is my alternative ? Allow mining and renewable energy to destroy my pastoral business which I have worked so hard at for 18 years .	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Please refer to Key Themes 2 and 6 in the *Response to submissions report*.
333	Ray Swarts	Dear Dept of Mines, your proposed fee of $800+ for those wishing to object to environmentally destructive mining proposals is unreasonable and unacceptable and must be scrapped. It discourages rather than enhances community participation on matters of environmental significance and sustainability. All mining proposals must be viewed	Noted. Under the Mining Act, no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant

Ref	Stakeholder	Comment	DEMIRS response/action
		holistically considering both the social and environmental impacts in the short and long term. This fee is another anti - democratic step that helps concentrate power in the hands of those with the financial ability to ensure their self serving ends are best served. Not a good idea .... a step in the wrong direction. Please abandon this initiative.	(compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and how to plan the mining projects. The mining proponent can then develop plans to be lodged with relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 2, 4 and 6 in the *Response to submissions report*.
334	YMAC	Please find following, YMAC's submission regarding the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978. 3. According to the DMIRS Consultation Paper on the issue (the Paper), there were 350 objections lodged between April and May 2022, with only 8% of those objections lodged by native title parties or individuals on the basis of native title rights and interests. 4. In consideration of the statistic outlined at (3) above, it is apparent it is not the native title parties generating the increased administrative burden on the Wardens Court. 5. Registered Native Title Bodies Corporate (RNTBC's) are not funded to address the care and conduct of matters outside of basic compliance to ensure ongoing service delivery. Importantly, this funding does not extend to advocating for the protection of the native title rights and interests they are entrusted with holding. Yamatji Marlpa Aboriginal Corporation is a Native Title Representative Body Page 2 of 2 ICN 2001 ABN 14 011 921 883 ymac.org.au 6. The introduction of a $859.00 fee will be prohibitive for RNTBC's and native title parties seeking to utilise objection procedures outlined in the Mining Act 1978.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. The Government has determined there will be nil fee payable for RNTBCs. Objections on the impact of Native Title rights and interests should be made under the *Native Title Act 1993* (Cth) (NTA). A mining tenement cannot be granted until such time as the application has completed the future act process through the NTA. The Native Title (Tribunal) Regulations 1993 (Cth) provides a fee exemption structure for a person or body assisted by a NTRB or a RNTBC. It is also important to note that wardens are unable to consider objections lodged for the purposes of the NTA.

Ref	Stakeholder	Comment	DEMIRS response/action
		7. We consider the statistic outlining the limited participation of native title parties in Wardens Court objection proceedings is already impacted by prohibitive legal costs associated with dealing with these matters. RNTBC's often rely on pro-bono legal assistance in having their objections heard in the Wardens Court. For those who may have access to some funds, these would have to be diverted from use in building capacity and protecting Country. 8. As addressed in the Paper, the National Native Title Tribunal (NNTT) charges a fee of $1,002.00 for expedited procedure objections. However, what is not clear in the Paper is that this fee is waived for native title parties who are receiving legal aid or are represented by a representative body. 9. We do not consider it appropriate to charge a fee for native title parties to participate in a legislatively prescribed process that allows for the protection of native title rights and interests and Country. Rather, we highly recommend DMIRS introduce an exemption to the prescribed fee for native title parties, not unlike the exemption which currently exists for objections before the NNTT in relation to the expedited procedure process under the Native Title Act 1993. 10. We submit an exemption to the prescribed fee for native title parties would ensure equitable access to the Wardens Court processes. 11. If there are any questions or concerns with YMAC's submission, please do not hesitate to contact me via Executive Assistant Dionne Lamb (P: 08 9268 7000; E: dlamb@ymac.org.au).	Please refer to Key Theme 6 in the *Response to submissions report*.
335	Jane Kelsbie MLA	I write to formally raise concerns - from people across Warren Blackwood - about the proposed changes to the mining exploration objection fee of $859. As discussed, the feedback is not in relation to a fee being charged; but in relation to the amount being proposed. I would also like to express my advocacy for landholders also. Those who find themselves with an exploration license over their property or part of their property. It is my understanding that Traditional Owners will be potentially exempt from fees, and I would like to strongly express my constituents wishes that landholders are also exempted from any fees and/or they are provided with a lower fee structure.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted.

Ref	Stakeholder	Comment	DEMIRS response/action
		I write to request a decrease of the proposed fee to a more modest dollar amount within reach of household incomes across electorates. A lower rate would support genuine consultation input in a way that supports genuine submissions, while helping manage the associated administrative costs from other, more opportunistic or spam submissions. Thank you again for your support of the Warren Blackwood region.	
336	Clem & Janice Lester	To whom it may concern We object to DMIRS charging the proposed fee of $859 for the lodgement of an objection under the Mining Act 1978 that has been introduced by your Department.	Noted.
337	Richard Brunotte	I, Richard Brunotte of Waverly, IA, USA, object to DMIRS charging the proposed $859 for lodgement of objections under the mining act of 1978 that has been introduced by your department. While it's a whole other continent and you likely feel it is none of my business, infringements on citizens' rights anywhere are to be frowned upon and objected to. Put a decimal point behind the 8, and you have an acceptable admin fee to receiving and recording the transaction. Otherwise, you are just forcing people to keep out of your politics where you are likely getting something from the mining people in exchange for running roughshod over citizen rights.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2 and 6 in the *Response to submissions report*.
338	City of Karratha	The City of Karratha receives many applications for mining tenements. The City does not lodge many objections. The City only lodges objections to proposed mining tenements to protect the public interest. The City does not lodge objections unless it is considered that public interests are at risk. The information that the City receives in relation to a proposed mining tenement and the time the City is given to determine whether to lodge an objection is limited. Often the City feels it has no choice but to lodge an objection if it doesn’t have enough information	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		or the time is up. In most cases, the City is able to resolve relevant matters with the applicant and withdraw its objection prior to hearings commencing. The City considers it totally unreasonable to pay a $859 fee to lodge an objection in these cases. If the City needs to defend its objection in the Mining Warden's Court (which happens rarely), then this already comes at considerable cost to the City and all other parties involved, including the Department. The City is already wary to go down this path and only does when it considers it absolutely necessary. In the City's experience, better outcomes are achieved through the objection process. It is important that this remains a viable option. If not, then the City envisages making more requests for the Ministers for Mines and Planning to confer in accordance with section 120 of the *Mining Act 1978*. Based on the City's experience, the time and resources consumed considering mining proposals may be able to be reduced by identifying earlier in the process, the mining proposals that should not be supported rather than dragging things out based on what appears to be a preference for supporting mining proposals, whatever and wherever they are. Apologies for missing the opportunity to make a submission. Hopefully, these comments are still of some assistance.	
339	Murchison Country Zone of WALGA	That the Murchison Country Zone of WALGA; 1. lodge an objection to the Department of Mines regarding their introduction of an $859 Mining Objection Fee, 2. call for WALGA to develop an advocacy position which requests the State Government to provide public analysis on cost shifting to the local government sector when changes are proposed to legislation not administered by the Department of Local Government – namely mining, planning, building and emergency management. **Carried**. It is extremely rare that Wardens or the Department of Mines (DMIRS) will side with objections from non-mining related entities. The voices of small and medium enterprises (SME) such as pastoral stations, Aboriginal Corporations or Local Governments should still however be heard and not further penalised, especially where they are directly impacted by mining activity.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. It is important to note that the wardens act independently of the Department and provide a valuable role to the community as independent and expert decision makers. The procedure in place before the wardens ensures the provision of procedural fairness to all parties - applicants and objectors. Pastoral lease holders have additional protections under sections 20 and 123 of the Mining Act. Western Australia has a

Ref	Stakeholder	Comment	DEMIRS response/action
		In what are already David vs Goliath situations, DMIRS is seeking to impose an $859 fee for objections that hasn't existed in Western Australia, where mining is king, for the past 30 years. The vast majority of objections and the recently described increase in objections have come from within the mining sector. Lucrative mining companies not getting along or disagreeing with DMIRS are therefore the primary factors that have resulted in the Wardens Court not being able to maintain the required resources that are of concern to the Treasurer as described by their instruction 810 on cost recovery. Local Governments in mining dense areas already field numerous complaints regarding access, damage and environmental concerns. With fees being introduced by DMIRS more parties with overlapping interests in land will approach local government asking them to mediate with or police their neighbours in areas that we have very little authority. It is, however, still an expectation of the community that we intercede. The WA Mining Sectors contribution of $12.7 billion in royalties for 2022-23 to the State Government (estimated by CME, cmewa.com.au) should allow for sufficient mining funded regulation of the industry. Through extrapolation of the complaint information provided in the Consultation Paper current fees would equate to 0.015% of the States yearly royalties and does not include other regulatory income. In comparison a 3000ha pastoral property could be overlapped by 20 to 30 separate tenements owned by the same or different companies. All twenty tenements could change hands during the year and apply for multiple permits of work that could disadvantage the operations of a pastoral lease or aboriginal corporation. It is easy to hypothesis that unethical but legal conduct by a mining corporation could result in application fees totalling tens of thousands of dollars, for a SME. This would not include their travel to a Perth based Wardens Court, legal representation, downtime and a number of other factors. This regulatory function could be used as a tool to financially cripple a complainant in situations where the balance of power squarely already sits with the Mining Industry. Local Governments in the Pastoral and Mining Region already spend a significant amount of time negotiating infrastructure usage and mediating access between mines. Policing of prospector activities in large parts of the state is non-existent resulting in local governments mediating between overlapping landholders and pursuing disruptive small scale operators under other legislation like the Caravan and Camping Act. Significant trust is handed to mining companies in areas of environmental, cultural and	long history of Crown land being used by both pastoralists and miners. The scheme of the legislation put in place by Parliament is for pastoral and mining interests to co-exist on Crown land. Mining tenements granted in respect of the top 30m of private land require the consent in writing of the owner and the occupier of the private land in accordance with section 29 of the Mining Act. Under the Mining Act no mining activity can take place until all approvals are granted both before a title is granted (compliance with the Mining Act and the *Native Title Act 1993* (Cth)) and after grant (compliance with environmental and safety approvals). Environmental and safety approvals take place after the grant of title. The grant of title allows the potential miner to access the land and assess how to plan the mining project. The mining proponent can then develop plans to be lodged with the relevant environmental and safety authorities for assessment. No mining or exploration activity can take place until all such approvals are granted. Please refer to Key Themes 2, 3, 4 and 6 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		water management. The industry is still able to self-report in these areas with limited oversight however should someone else with a vested interest wish to examine this data or object to the work it will cost them $859. One reason an objection fee would reduce the number of active matters before the wardens is that it takes the opportunity away from those that can't afford it. The discussion paper claims that flat fees provide clarity and efficiency however the same Department requires tradespeople, local governments and homebuilders to negotiate and understand the variable fees applied to building permits. If this can be accomplished by a lone carpenter based on the type and scale of work then surely a variable system could be understood by a mining company. The Australian Income Tax system is built on the premise that wage earners earning more money should be required to pay more tax than those earning less. In the examples given of other jurisdictions where fees are imposed there is often tiered or significantly lower consideration to that which is proposed by DMIRS. A local proponent must also contend with the tyranny of distance. A 15min meeting at a local Court could be a 200km one way drive equating to a whole day of travel when compared to a companies legal representation attending multiple sittings in a Perth Court 15km from their office. While Local Governments may only make up 1% of objections it is a role of local government to provide for the good governance of the district. As part of this function we can see how this fee will create a further power imbalance for NGOs, Aboriginal Corporations, Environmental Groups and Landholders. We can also see that it will result in more resources being stripped from local communities and businesses never to be circulated into the local economy again. If serious concerns are held by the Department regarding the timeliness of processing matters, why are regional offices only attended monthly? As this fee has not been imposed in WA for a significant period of time a small scale review does not seem to match the intent of Treasurers Instruction 810. A yearly review should be comparing details to previous years (and involve significant details from previous years) and not use a small sample size to justify the introduction of a significant new charge. Proponents with overlapping land tenure such as local governments, aboriginal corporations and pastoral stations have a legislated responsibility to environmentally protect or care for, control and maintain their respective land. If they are unable to field these cost increases and not object to a Mining proposal could they be in breach of their own legislation? **DMIRS could consider:**	

Ref	Stakeholder	Comment	DEMIRS response/action
		1. A percentage based fee that provides exemptions for parties with overlapping rights and interests. 2. Higher fees for companies with a poor regulatory history and vexatious complainants. 3. A settlement process for the transfer or termination of mining tenements which will promote better cooperation during the sale of tenements. If administering mining activities cannot be sustained on a fee free basis then maybe a levy or royalty should be considered	
340	Paprbark	Forty years on, a better informed and aware community appears to be hampering procedure of an outdated Mining Act of 1978 and its Amendment to Mining Regulations 1981 . To levy a financial cost upon lodging an objection to an exploration or mining application denies the public a right to due process of voicing their opinion. To suggest the proposed fee will provide the Court with resources required to meet *extra* demand is tantamount to eliminating individual citizens from opposing future applications. That filing an opinion should automatically require a Court Mention Hearing indicates the submission process currently in place needs restructuring and simplification. The proposal is clearly designed to deter opposition to mining related applications by individual landholders or concerned community groups, particularly if multiple applications are presented on multiple occasions. If the State Government/the Court is of the opinion there is a state or national need for a tenement be assessed and developed there is currently a procedure which allows them to override the landowners' objections. To deceptively support the mining industry by silencing the public and removing legitimate objections under the guise of the costs of extra demands upon the court is ludicrous and possibly illegal if challenged. I suggest the applicant should incur such proposed costs as part of their project budget if DMIRS foresees public opinion to be a future impost to their tenement leasing process.	Noted. The fee amount will be reduced to a partial cost recovery amount of $430 and a differential fee model will be adopted. Please refer to Key Themes 1, 2, 4, 6 and 10 in the *Response to submissions report*.

Ref	Stakeholder	Comment	DEMIRS response/action
		I OBJECT to the proposed $859 fee for filing an OBJECTION.	

Government of Western Australia

Department of Energy, Mines, Industry Regulation and Safety

8.30am – 4.30pm

Mineral House, 100 Plain Street
East Perth, Western Australia 6004
Tel: +61 8 9222 3333
Fax: +61 8 9222 3862

Online
Website: www.demirs.wa.gov.au
Email: RTD.Consultation@demirs.wa.gov.au

Mailing address
Locked Bag 100
East Perth WA 6892