

Compliance and enforcement reporting

The Department of Energy, Mines, Industry Regulation and Safety's (DEMIRS) Resource and Environmental Regulation (RER) Group undertakes a number of compliance functions within key focus areas (see Table 1). RER's goal is to provide regular and clear insights into compliance and enforcement activities across the resources sector to inform stakeholders of ongoing efforts to ensure responsible resource development.

Key focus areas for 2024–25 include exploration compliance, progressive rehabilitation, achievement of closure outcomes, and the decommissioning of petroleum assets.

This report analyses data pertaining to resource and environmental compliance functions for the period of July to December 2024 (H1). It does not include data relating to mines safety; this is reported on independently by WorkSafe.

Table 1: Key compliance functions and focus areas of the RER Group's Resource and Environmental Compliance Division (REC)

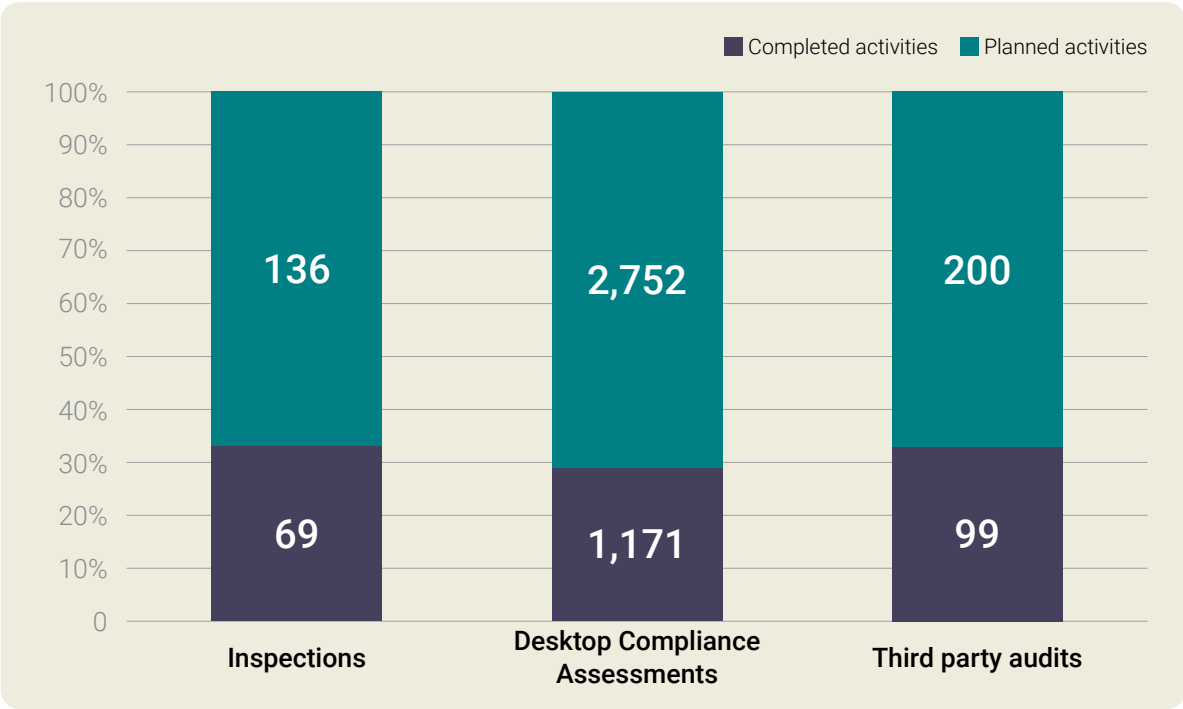
Function	Legislation	Focus Areas
Resource royalty compliance	<i>Mining Act 1978</i> <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> <i>Petroleum (Submerged Lands) Act 1982</i> <i>Petroleum Resources Rent Tax Assessment Act 1987</i> <i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Barrow Island Royalty Variation Agreement Act 1985</i>	Royalty obligations are met by resource sector tenure holders.
Environmental compliance	<i>Mining Act 1978</i> <i>Environmental Protection Act 1967</i> <i>Clearing Regulations (under delegation)</i> <i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Petroleum (Submerged Lands) Act 1982</i> <i>Petroleum Pipelines Act 1969</i> <i>Barrow Island Act</i>	Resource industry activities are designed, operated, closed, decommissioned and rehabilitated in a responsible and ecologically sustainable manner, consistent with agreed environmental outcomes and objectives. Unavoidable impacts to native vegetation are mitigated and managed.
Compliance with mining rehabilitation fund requirements	<i>Mining Rehabilitation Fund Act 2012</i>	Mining industry contributes to the State's capacity to deal with abandoned mines.

Function	Legislation	Focus Areas
Petroleum and Energy engineering	<i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Petroleum (Submerged Lands) Act 1982</i> <i>Petroleum Pipelines Act 1969</i> <i>Barrow Island Act</i>	Petroleum and energy resources are explored and produced responsibly.
Resource titling compliance	<i>Mining Act 1978</i> <i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Petroleum (Submerged Lands) Act 1982</i> <i>Petroleum Pipelines Act 1969</i>	Statutory obligations and title administration conditions are met
Resource Sector Compliance Investigations	<i>Mining Act 1978</i> <i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Petroleum (Submerged Lands) Act 1982</i> <i>Petroleum Pipelines Act 1969</i>	Ensuring statutory obligations are met.

Overview of compliance activities

In 2024–25, DEMIRS will continue utilising its risk-based compliance approach to identify areas for proactive work. Due to the scale of the WA resources industry, a risk-based approach means the department allocates resources in proportion to the level of risk an activity or operation poses to the environment.

Figure 1: Overview of REC Division compliance activities for July to December 2024



Resource royalty compliance

DEMIRS assesses compliance of royalty obligations under the relevant resources legislation. A key function of the RER Group is ensuring industry comply with royalty reporting and payment obligations. This is achieved by conducting regular compliance assessments to identify discrepancies and maintain the integrity of the self-assessment regime. A summary of the compliance outcomes undertaken for H1 2024–25 is displayed in Table 2. Corresponding enforcement actions are displayed in section 2 of this report.

Table 2: Resource royalty compliance activities

Compliance activities	# completed in H1 2024–25
Desktop Compliance Assessments	57
Open compliance matters under consideration	32

Approximately a quarter of compliance assessments completed identified discrepancies that required adjustments to royalties payable to the State, highlighting the importance of compliance oversight.

An emerging focus for investigations has been on testing declared values of minerals against a basket of global market value indices, to ensure the WA community receives a fair return for its resources.

Environmental compliance

DEMIRS assesses compliance with environmental conditions and obligations under the relevant resources legislation. A summary of the compliance outcomes undertaken for H1 2024–25 is displayed in Table 3. Corresponding enforcement actions are displayed in section 2 of this report.

Table 3: Environmental compliance activities

Compliance activities	# completed in H1 2024–25
Inspections (onsite)	38
Desktop Compliance Assessments	80
Open compliance matters under consideration	55

Compliance activities raised some concerns regarding mine closure progress. The department seeks detailed and quality evidence that a mine is progressing towards meeting closure obligations or conducting monitoring to demonstrate the achievement of completion criteria.

In addition, there have been a number of compliance incidents relating to sediment impacts from poorly managed waste dumps and stockpiles, causing environmental harm.

Sedimentation issues can be prevented by a number of actions, including:

- waste characterisation;
- designing landforms appropriate to the waste characteristics and climate;
- good controls during construction to ensure the landform is built as per design;
- incorporating containment structures around landforms that have sediment risks; and monitoring/maintenance activities throughout the mine life.

Compliance with Mining Rehabilitation Fund requirements

DEMIRS assesses compliance with the obligations under the *Mining Rehabilitation Fund Act 2012*. A summary of the compliance outcomes undertaken for H1 2024–25 is displayed in Table 4. Corresponding enforcement actions are displayed in section 2 of this report.

Table 4: Mining Rehabilitation Fund compliance activities

Compliance activities	# completed in H1 2024–25
Desktop Compliance Assessments	955
Open compliance matters under consideration	0

In the first half of the financial year, a total of 32 desktop reviews have been undertaken, covering 955 tenements. Six of these reviews are yet to be finalised with a completed outcome.

DEMIRS has focused on reviewing each activity and disturbed area associated with all tenements by looking at multiple sources of data and imagery. Reviews have indicated that ‘Disturbances Not Reported’ is the highest category of non compliance, followed by ‘Incorrect Category’ with high numbers of ‘Category A’ and ‘Category B’ being incorrectly classified.

The department will continue to look at these areas and promote education and assistance to tenement holders to ensure they understand their obligations in relation to reporting.

Petroleum and energy engineering compliance

DEMIRS assesses petroleum and energy engineering requirements under State petroleum legislation. A summary of the compliance outcomes undertaken for H1 2024–25 is displayed in Table 5. Corresponding enforcement actions are displayed in section 2 of this report.

Table 5: Petroleum and energy engineering compliance activities

Compliance activities	# completed in H1 2024–25
Inspections (onsite)	2
Desktop Compliance Assessments	79
Open compliance matters under consideration	5

DEMIRS maintained a strong focus on ensuring compliance with conditions of permits, leases, and licences. Non-compliances in operations, infrastructure, and resource management were identified, resulting in follow-up actions to reinforce obligations and encourage continuous improvement across the industry.

The department expects operators to closely monitor ongoing projects to ensure timely completion of activities to fulfil work program commitments. DEMIRS continues to prioritise compliance with work program commitments, progressive decommissioning, achieving closure outcomes, and effective rehabilitation of petroleum assets.

Operators are reminded of the importance of strong risk management measures to help prevent serious incidents at well sites. One practical example is the installation of ignition systems for flaring hydrocarbon gases during drilling activities, which helps mitigate risk and supports responsible resource development.

Resource title compliance

DEMIRS assesses compliance with tenement and title obligations under the relevant resource’s legislation. A summary of the compliance outcomes undertaken for H1 2024–25 is displayed in Table 6. Corresponding enforcement actions are displayed in section 2 of this report.

Table 6: Resource title compliance activities

Compliance activities	# completed in H1 2024–25
Third Party Audit Requests Issued	99
Open compliance matters under consideration	0

DEMIRS requests tenement holders submit an independent assessment conducted by external auditors to verify the accuracy, compliance, and completeness of Form 5 – Operations Reports submitted by tenement holders. These audits are used to ensure that mining operators adhere to the obligations stipulated under the relevant jurisdiction’s Mining Act. During the period, compliance with audit requests was high, with only one tenement being referred for enforcement action for failure to lodge.

As at 31 December 2024, there were 287 pending forfeiture matters awaiting determination. These matters relate to non-compliance with Mining Act obligations and include matters before the Minister and Warden. Common non-compliance relates to failure to lodge required reports by the required time and failure to pay annual rents by the due date. Recent commentary from Wardens highlights the importance of meeting these reporting and payment obligations to avoid penalties, which may include forfeiture. The number of pending matters varies based on the level of industry compliance and progress of matters through the Warden’s Court and other decision makers.

Resource sector compliance investigations

Table 7: Resource sector compliance investigation activities

Compliance activities	# completed in H1 2024–25
Inspections (onsite)	29

For investigations, this half was characterised by a planned focused on unauthorised activity in the Goldfields region, with significant attention given to prospecting and exploration activities. The insights from active investigation cases reinforce the need for strong regulatory compliance, thorough record-keeping, enhanced monitoring systems, and clear accountability among tenement holders. Unplanned mining incidents can be minimised with proactive oversight, technological aids, and empowered compliance teams, ensuring that all operations meet regulatory standards.

The challenges around unauthorised mining stem from the complexities of monitoring remote and fragmented sites. For the industry, addressing these challenges requires investment in technology, and proactive engagement with local communities to manage the risks effectively.

Enforcement actions

DEMIRS has been addressing the findings of the Office of the Auditor General report into Compliance with Mining Environmental Conditions. In response to one of the report's recommendations, the department will start publicly releasing the tenement or titleholders name alongside non-compliance information it currently publishes.

Where the department's compliance activities conclude that a tenement or titleholder has failed to meet the requirements of its obligations, DEMIRS will publish the details of each non compliance matter in a tiered basis. The tiered scale of reporting is as follows for any individual tenement or titleholder:

- Penalties below \$20,000 – DEMIRS will publicise the nature of the breach but withhold the tenement/title holder name.
- Penalties above \$20,000 – DEMIRS will publicise the tenement/title details (including the holder's name).

This approach is in place for any non-compliance finalised as of 1 October 2024.

More information on this approach is provided within the [Environmental Compliance and Enforcement Procedure](#).

Table 8: Enforcement actions

Type of Action	Number
Warning Letters	15
Overdue Notices	27
Revisions Required by Minister or delegate	2
Notice of Intent to issue Directions	2
Late Payment Penalties Issued	0
Directions	3
Stop Work Orders	0
Investigative Referrals	7
Notice of Intent to Forfeit	624
Penalties in Lieu of Forfeiture – Failure to meet expenditure conditions	115
Penalties in Lieu of Forfeiture – Late lodgement of Form 5	129
Penalties in Lieu of Forfeiture – Late lodgement of Mineral Exploration Reports	57
Penalties in Lieu of Forfeiture – Late payment of rent	140
Penalties in Lieu of Forfeiture – Late payment of royalty	31

Table 9: Details of enforcement actions in line with [Environmental Compliance and Enforcement Procedure](#)

Type of Enforcement Action	Tenement Holder/ Titleholder details	Date Issued/ Finalised	Tenement(s), Title(s) or activities	Description	Penalty
Penalty in lieu of forfeiture	N/A	31/07/2024	N/A	Breach of tenement conditions being for failing to operate in accordance with approved Mining Proposal.	\$19,846
Penalty in lieu of forfeiture	N/A	31/07/2024	N/A	Breach of tenement condition being failing to conduct rehabilitation works within the required time.	\$11,977
Penalty in lieu of forfeiture	Iron Ore Company of Australia; Windfield Metals	22/08/2024	E47/3954	Breach of tenement condition 3 being: <ul style="list-style-type: none">Unless the written approval of the Environmental Officer, DMIRS is first obtained, the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costeans is prohibited; andFollowing approval, all topsoil being removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.	\$43,025
Penalty in lieu of forfeiture	N/A	28/08/2024	N/A	Breach of tenement condition being failing to rehabilitate disturbance within the required time.	\$9,660
Penalty in lieu of forfeiture	N/A	28/08/2024	N/A	Breach of tenement condition being failure to remove waste.	\$12,076
Penalty in lieu of forfeiture	N/A	28/08/2024	N/A	Breach of tenement condition being failing to rehabilitate disturbance within the required time.	\$7,751
Penalty in lieu of forfeiture	N/A	28/08/2024	N/A	Breach of tenement condition being failure to remove waste.	\$9,960
Penalty in lieu of forfeiture	N/A	16/09/2024	N/A	Breach of tenement condition being for failing to cap or permanently plug drill holes.	\$12,720
Penalty in lieu of forfeiture	GLR Australia Pty Ltd	24/09/2024	E28/2522	Breach of tenement condition 1 being: <ul style="list-style-type: none">All disturbances to the surface of the land made as a result of exploration, including costeans, drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the Environmental Officer, DEMIRS.Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the Environmental Officer, DEMIRS.	\$21,064.00

Type of Enforcement Action	Tenement Holder/ Titleholder details	Date Issued/ Finalised	Tenement(s), Title(s) or activities	Description	Penalty
Penalty in lieu of forfeiture	Emerald Resources (WA) Pty Ltd	16/12/2024	M37/1390	Breach of tenement condition 7 being: <ul style="list-style-type: none"> Failure to construct and operate the project and for measures to protect the environment to be carried out in accordance with the document titled "North Laverton Gold Project Mining Proposal (Version 1)" dated 20 June 2016 and retained on DEMIRS File No. EARS-MPMLA 59888 as Doc ID 4336517. 	\$71,637
Penalty in lieu of forfeiture	N/A	16/12/2024	N/A	Breach of tenement condition relating to failure to construct and operate in accordance with approval	\$10,878
Direction	Latent Petroleum Pty Ltd	12/11/2024	Retention Lease 7 (granted out of Exploration Permit 407)	A direction was issued under the <i>Petroleum and Geothermal Energy Resources Act 1967</i> remove property, plug or close of wells, make provision for the conservation and protection of natural resources, make good damage to the land.	N/A

Table 10: Prosecutions active or determined during H1 2024–25

Prosecution detail	Legislation	Individual/Company	Status
Failing to operate a licensed pipeline in a proper and workmanlike manner, failing to prevent the escape of petroleum.	PSLA	Santos	Ongoing ¹
Mining on land without being duly authorised under the <i>Mining Act 1978</i> or any other Act contrary to section 155(1) of the <i>Mining Act 1978</i> .	Mining Act	Individual	Ongoing ²

1 Note, this matter was subsequently determined post the reporting period with Santos WA Northwest Pty Ltd pleading guilty and being fined \$10,000 plus costs.

2 This matter was subsequently determined post the reporting period, with the individual pleading guilty and being fined \$38,000 plus costs.