

## Terms and Conditions

### Agreement to terms and conditions

These terms and conditions ('Terms and Conditions of Use') apply to the use of the Department of Mines, Petroleum and Exploration's Mineral Titles On-line service provided at or from its Web site at <http://www.dmpe.wa.gov.au> (Service). In using this Service, you acknowledge that you have had a sufficient chance to read and understand the terms and conditions and you agree to be bound by them. If you do not agree to these terms and conditions, you must refrain from using the Service.

Please read and ensure that you clearly understand and accept these terms and conditions before you proceed to use the Service. The Department of Mines, Petroleum and Exploration reserves the right to change these terms and conditions from time to time at its sole discretion. The Department of Mines, Petroleum and Exploration also reserves the right to suspend and/or terminate access to the Service of those whom it reasonably believes are using the Service in breach of these terms and conditions. This may occur with or without notice from the Department.

### Disclaimer

The materials presented in the Department of Mines, Petroleum and Exploration's web pages and its sub-directories (<http://www.dmpe.wa.gov.au>) are provided voluntarily. The information and advice provided is made available in good faith and is derived from sources believed to be reliable and accurate at the time of release on the site. However, the information is provided solely on the basis that readers will be responsible for making their own assessment of the matters discussed herein and that they should verify all relevant representations, statements and information.

Neither the State of Western Australia ("State"), nor any employee or agent of the State or any agency or instrumentality of the State, nor any authors or contributors shall be responsible or liable for any loss, damage, personal injury or death howsoever caused (whether caused by any negligent or other unlawful act or omission of, by or on the part of the State, any agency or instrumentality of the State, or any agency or employee of the State, or otherwise) arising from the use or reliance on any information, data or advice (including incomplete, out-of-date, wrong, inaccurate or misleading information, data or advice) expressed or implied in the Department of Mines, Petroleum and Exploration's web pages and its sub-directories (<http://www.dmpe.wa.gov.au>) by any person.

Any data displayed within the graphics used in the Help section of the Mineral Titles On-line system is fictional and is not intended for any purpose except to provide example.

## Copyright

The Department of Mines, Petroleum and Exploration (WA) materials, including internet pages, documents and on-line graphics, audio and video are protected by copyright law. Copyright of Department of Mines, Petroleum and Exploration's materials resides with the State of Western Australia. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under provisions of the Copyright Act 1968, no part may be reproduced or re-used, in whole or in part, for any purposes whatsoever without prior written permission of the Director General, Department of Mines, Petroleum and Exploration .

## Use of the System

You agree that your use of this service is entirely at your own risk. This service is provided on an 'as is' basis, and without any representations, warranties or conditions of any kind, whether express or implied, and including without limitation, implied warranties of merchantability or fitness for a particular purpose, all of which are disclaimed to the fullest extent of the law.

## Restrictions on Use

Unless the Department of Mines, Petroleum and Exploration otherwise authorises you in writing, you are provided with access to this Service only for your private, domestic and non-commercial use. Without limiting the foregoing, you may not without the Department of Mines, Petroleum and Exploration's prior written consent, on-sell access to this Service or information obtained from this Service.

You may use material from this Service for personal, non-commercial means only, provided you keep intact all copyright and other proprietary notices.

You are prohibited from using any web scraping, web harvesting or web data extraction technology to access the Service or to establish, maintain, reproduce or copy (in whole or in part) information obtained from the Service without the prior written consent of Department of Mines, Petroleum and Exploration.

## Request for Access

In submitting a request for access to this service, you:

- acknowledge that you have read, understood and agree to the Terms and Conditions of Use, and
- agree that the information provided in your request is accurate, complete and not misleading, and that the Department of Mines, Petroleum and Exploration may rely on that information until we receive notice of any change from you.

The Department of Mines, Petroleum and Exploration reserves the right to refuse any request made at its discretion without having to give reasons for that refusal.

### Your Identity

The Department of Mines, Petroleum and Exploration will provide you with a unique username and confidential password to provide authentication, the combination of which identifies you to us and authenticates you as the person who you claim to be.

When access to this Application is required by more than one person within your organisation, each of those people are required to be identifiable and will therefore require a unique username and confidential password. User accounts or confidential passwords must not be shared.

You must immediately notify the Department of Mines, Petroleum and Exploration if you become aware of the loss, theft or unauthorised use of your username and confidential password, following which the Department of Mines, Petroleum and Exploration will, as soon as reasonably possible, disable access to the Application for that username and issue you with a replacement.

It is recommended that passwords be changed on a regular basis - in particular when a registered user leaves your organisation. Passwords may require to be changed on a periodic basis.

### Compliance with the Mining Act 1978 and other Relevant Legislation

If you are using this Application to lodge a document pursuant to the Mining Act 1978 you must also comply with that Act and associated Regulations. Any document transmitted by you using this Application will be deemed received in accordance with the appropriate legislation unless otherwise advised when using the application.

## Time and Place of Sending and Receiving

All interactions with the Department of Mines, Petroleum and Exploration are deemed to take place in the State of Western Australia. The time stamp of any interaction or transaction is the time of sending from or receipt by the Department of Mines, Petroleum and Exploration's web server(s) which are set to local time in Perth, Western Australia.

## Assumed Validity

You agree that as an authorised user of this Application:

- you are bound by any electronic communication which includes your username and password without any further inquiry on our part;
- the Department of Mines, Petroleum and Exploration can assume that any transaction or instruction received by way of this Application activated by an authorised user's username and confidential password originates from that authorised user and is a valid transaction or instruction which cannot be reversed.
- Transactions executed by an authorised user may be captured and retained by the Department of Mines, Petroleum and Exploration on a transaction log and may include all instructional and financial interactions received from the authorised user. In the event of any dispute, you agree to accept the Department's transactional log as conclusive evidence of instructional and financial interactions made by you with the Department of Mines, Petroleum and Exploration.

## Official Receipt of Forms, Transactions or Instructions

You understand and agree that any form, transaction or instruction lodged using MTOL will only be formally and officially received by the Department during normal business hours of the Department of Mines, Petroleum and Exploration located in Perth. The normal business hours for the Department of Mines, Petroleum and Exploration in Perth are:

Monday to Friday 8.30am - 4.30pm WST (excluding Perth, Western Australian Public Holidays)

Any form, transaction or instruction received outside of these hours will be considered submitted but will be formally and officially received at 8.30am on the next business day.

## Payments

You understand that the maximum Credit Card transaction amount allowed using MTOL is AU\$99,999. Any individual transaction greater than this will not be processed using the online facilities and will need to be lodged and paid for at a Departmental office.

## Governing Law and Jurisdiction

These terms and conditions are governed by and will be construed in accordance with the laws of the State of Western Australia and are within the exclusive jurisdiction of the Courts of Western Australia, with the exception of the Copyright Act 1968 which will be construed in accordance with the laws of the Commonwealth of Australia.

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