



Department of **Mines,**
Petroleum and Exploration

Response to submissions

**Mining Amendment Regulations 2025 - Designated
Tenement Contact**

July 2025

Introduction

The Department of Mines, Petroleum and Exploration (DMPE) released the draft Mining Amendment Regulations 2024 for public consultation. In response to stakeholder feedback, the department revised certain elements of the proposed Designated Tenement Contact (DTC) reforms, which are now reflected in the current version titled the Mining Amendment Regulations 2025 (MAR 2025).

The purpose of the MAR 2025 is to amend the Mining Regulations 1981 to establish and give effect to the DTC framework. The DTC framework was introduced by the *Licensing Provisions Amendment Act 2016* (LPAA 2016) which commenced on 8 February 2017. Following the LPAA 2016 amendments, online tenement application forms were updated to include fields for applicants to optionally supply DTC particulars. Industry responded strongly, with more than 85 per cent of applicants voluntarily providing DTC details and authorising the use of DTC email addresses as of February 2024.

MAR 2025 aims to modernise tenement administration by creating a coherent, legally certain framework for notices and service. They designate a single nominated recipient (the DTC) for statutory giving across prescribed provisions, enable electronic service with clear deemed-receipt rules and require each applicant and each holder to keep a current WA street address for service on the register (which may be an authorised agent's business address). The amendments also strengthen privacy by allowing residential or business addresses to be withheld from public copies where health or safety requires. In addition, they align certain related service provisions and update prescribed forms to support contemporary digital record-keeping and communication.

Consultation

DMPE undertook a four-week public consultation process between 2 September and 27 September 2024. The draft regulations and accompanying information sheet were published on the department's website, and members of the Resource Industry Consultative Committee (RICC) were invited to participate directly.

At the request of the Association of Mining and Exploration Companies (AMEC) Legislation Committee, DMPE delivered an online information session attended by more than 40 participants.

A total of three written submissions were received during the consultation period. A follow-up meeting with AMEC members was also held prior to finalising the regulations.

A summary of submissions and the department's responses is provided at Appendix A.

Key themes

DTC requirements generally welcomed

MAR 2025 moves the DTC form from a voluntary to a mandatory requirement. Each applicant and holder must provide and maintain DTC particulars (name, email and postal address) recorded on the mining register, with offences for failing to nominate or keep them current. Notices emailed to the DTC will satisfy the department's obligation to give notice, providing a legally certain channel for statutory notification under prescribed provisions. MAR 2025 also updates prescribed forms to capture DTC details at application, transfer, devolution and amendments. Additionally, there will be a 12-month transition period to enable tenement holders to become compliant.

Overall, submissions supported the DTC provisions with over 85 per cent of current tenement holders having already provided the required information on a voluntary basis. However, stakeholders raised concerns about added compliance burden and offence exposure.

Requirement to provide a physical address r.84G opposed

At the time of public consultation, proposed Regulation 84G sought to require applicants and holders of tenements to provide and maintain a current physical address in the form of a principal place of business or residence on the public register, with failure to lodge or update constituting an offence.

Stakeholders were broadly opposed to Regulation 84G in its consulted form arguing a mandatory physical address was unnecessary and raised significant privacy risks (especially for small operators). They said it conflicted with the DTC's single-contact purpose by duplicating contact points, added offence exposure and compliance burden, and raised the risk of non-receipt by misdirecting critical notices to a business address and away from tenement managers responsible for compliance. A majority of tenement holders use the services of a tenement manager.

Responses

In response to stakeholder concerns about the principal place of business/residence requirement in Regulation 84G, DMPE has reframed the obligation as the provision of an 'address for service' of the applicant or holder, which may be satisfied by nominating the principal place of business of an authorised agent. Additionally, DMPE has inserted Regulation 84H, which allows individuals to have their residential or business address suppressed from public copies of the register where disclosure would pose a health or safety risk. Additionally, DMPE has integrated the amendments with the broader service framework, enhancing consistency and legal certainty.

DMPE emphasises that the 12-month transition materially mitigates compliance and offence risks by giving applicants and holders time to update details and processes before full enforcement.

Appendix A: Submissions summary and responses

Respondent	Comment	Department response
Association of Mining and Exploration Companies (AMEC)	<p>General Remarks</p> <p>AMEC supports the Designated Tenement Contact (DTC) in principle as good policy. A DTC supports the Government's digital transformation that will help streamline services, ultimately reducing cost and inefficiency of both Government and tenement holders.</p> <p>The willingness of DMPE to robustly discuss the proposed reforms with our membership directly is appreciated. Thank you to the staff at DMPE who presented to the AMEC Mining Legislation Committee and have thoroughly consulted on the regulations as drafted.</p> <p>AMEC supports the regulations as drafted with two exceptions – proposed regulations 84G and omissions from 89AB.</p>	DMPE thanks AMEC for their detailed submission and comments provided during a follow-up session.
	<p>We consider that 84G should be removed in its entirety. The Mining Act 1978 and its predecessor did not require a physical address for a tenement holder and the need for a physical address has not arisen. The Mining Act and the validity of tenure has been regularly and rigorously tested throughout all levels of the judicial system, and it is unclear why this regulation is necessary. There may be home addresses disclosed for smaller entities, and this could raise a significant concern over privacy. The requirement also goes against the DTC policy purpose which is for the tenement holder to identify a single point of contact.</p> <p>The prescribed provisions of 89AB are missing 3 key documents relating to caveats (122A(4)(b), warden hearing dates 49(2)(a) and notification of tenure forfeiture 50(a). Tenement holders engage tenement managers and agents to manage these matters and omitting these sections from the prescribed provisions means that they will not be sent to the DTC.</p>	In response, DMPE has broadened the former requirement to provide a principal place of business or residence by permitting the use of an authorised agent's principal place of business. This approach ensures a reliable point of contact enforcement purposes, while addressing privacy concerns by allowing holders to use an agent's address and, where justified on safety grounds, to have residential or business addresses suppressed from public copies of the register. The DTC remains the single, authoritative point of contact for all prescribed departmental notices and communications, which may be given by email under the amendments.

	<p>Recommendations:</p> <p>That the draft regulation 84G be removed.</p> <p>That regulation 89AB include s.122A(4)(b), r.49(2)(a) and r.50(a)</p>	<p>The suggested additional prescribed provisions have been adopted.</p>
Chamber of Minerals and Energy (CME)	<p>General Remarks</p> <p>CME supports the mandatory provision of Designated Tenement Contacts (including email address) and physical address details for mining tenement holders or applicants.</p> <p>CME welcomes the opportunity to provide feedback to the Department of Energy, Mines, Industry Regulation and Safety (the Department) on the draft Mining Amendment Regulations 2024 consultation.</p> <p>CME has sought feedback from member companies to support a series of recommendations in relation to the consultation documents, including the draft Mining Amendment Regulations 2024 (the Regulations). The resources industry recognises the importance of a best-practice approach to the regulation of tenure applications, to provide certainty and de-risk tenement administration.</p> <p>Facilitating electronic communications is a timely improvement to streamline correspondence to the DTC from relevant parties including the Department, the Minister, the mining registrar, or the Warden. Requirements relating to the physical address align with the Australian Securities and Investments Commission and the Australian Stock Exchange registers.</p> <p>CME understands that there are a small number of cases where the tenement holder is the primary contact. However, there is no reference in the regulations that require the DTC to receive a copy of the that correspondence.</p>	<p>DMPE thanks CME for their submission.</p> <p>Under these amendments, all tenement holders and applicants are required to maintain DTC details, including a current address or email address. The contact particulars provided will be used for the purposes of the DTC under the prescribed provisions.</p> <p>Moreover, these changes enable DMPE to issue a courtesy email to the DTC alongside notices given under Regulation 84G and, where appropriate, notices served under Regulation 111. This provides a single, reliable point of contact and faster email communication for all holders, whether represented by a tenement manager or acting as their own DTC</p>
	<p>Recommendations:</p> <p>CME supports the mandatory provision of Designated Tenement Contacts (including email address) and physical address details for mining tenement holders or applicants.</p>	

	<p>CME recommends that the Regulations are explicit that any tenement related correspondence, including postal mail intended for the tenement holder, is duplicated to the DTC to mitigate risks associated with third party tenement management.</p>	<p>This position is adopted.</p>
<p>McMahon Mining Title Services (MMTS)</p>	<p>General Remarks</p> <p>MMTS acknowledges the Department’s intention to standardise and streamline the means of contact for tenement holders and applicants. However, we have concerns in relation to:</p> <ul style="list-style-type: none"> • The mandatory registration of a current business or residential address via proposed paragraph (b) (vb) to regulation 84C and proposed regulation 84G: and • The Department’s approach to documents executed before the proposed amendments come into effect. <p><i>Mandatory business/residential address on register</i></p> <p>The draft regulations provide for the addition of:</p> <ul style="list-style-type: none"> • Designated tenement contact details (being name, an email address and a postal address): and • The registered holder’s business or residential address (Business Address) to the public tenement register (Register). 	<p>DMPE thanks CME for their submission.</p> <p>The requirement to register a separate business or residential address has been expanded to include the business address of an authorised agent thereby reinforcing the policy objective of ensuring a single, reliable point of contact for service and correspondence.</p> <p>The transitional arrangements account for documents executed before the proposed amendments come into effect.</p>
	<p>Further under proposed regulation 84G a tenement applicant or tenement holder commits an offence if they do not update the Register with their current business or residential address.</p> <p>The West Australian mining title regime is heavily regulated and strict. Tenement holders cannot afford to miss important correspondence. They therefore commonly maintain a designated PO Box, nominate a specific internal contact for tenement management or outsource management to external agencies. The proposed amendments mandate the registration of an additional contact address and therefore compromise the tenements holders compliance risk. The DTC</p>	<p>DMPE has proposed a 12-month transition period which materially mitigates compliance and offence risks by giving applicants and holders time to update details and processes before full enforcement.</p> <p>The DTC will be the single point of contact for prescribed provisions, while for other notices DMPE may also send a courtesy email to the DTC</p>

	<p>details are more likely to remain consistent, irrespective of a tenement holder's change of physical address. The creation of a second, separate contact creates both a further compliance burden for the State (managing the processing and compliance enforcement) and tenement holders (complying with the additional requirement and potentially receiving critical correspondence at different addresses).</p> <p>Further, the registration of both DTC details and Business Address will mean that important Departmental notifications relating to caveats and forfeiture can be sent to a Business Address and so not be received by parties responsible for the management of the compliant risk.</p> <p>As the DTC details already contain a postal address, we consider the Business Address requirement redundant and confusing.</p> <p>Mining Act forms that pre-date amendments</p> <p>Certain forms are signed as part of a larger transaction and then held pending settlement, resolution of complex tax issues or other considerations. As this can take years, we hope that the Department can accommodate this commercial reality in processing any older transfer forms executed before implementation of the mandatory DTC system.</p>	<p>alongside formal service. This ensures relevant parties will not miss important communications.</p> <p>DMPE has amended Regulation 84G taking into account stakeholder concerns.</p> <p>DMPE has amended the transitional provisions taking into account stakeholder concerns.</p>
	<p>Recommendations:</p> <p>As the DTC details already contain a postal address, we consider the Business Address requirement redundant and confusing.</p> <p>We hope the Department can accommodate processing any older transfer forms executed before implementation of the mandatory DTC system.</p>	<p>DMPE has broadened the requirement in Regulation 84G to allow the use of an authorised agent's business address and introduced a suppression mechanism thereby striking an appropriate balance between the need for an address suitable for enforcement purposes and the privacy considerations raised during consultation.</p>