

# WA Mining Act amendments proposed by Department of Mining Industry Regulation and Safety

19 June 2020

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Worthwhile read for: Tenement Managers, Mining Industry professionals

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In its continued response to support the Western Australia (**WA**) economy during the current COVID-19 pandemic and the recovery beyond, the WA State Government continues to consider a number of legislative reform measures to streamline regulatory services and ensure the WA economy continues to function.

As a part of this reform, the WA Department of Mining Industry Regulation and Safety (**DMIRS**) is proposing amendments to section 105 of the Mining Act 1978 (**Mining Act**) as part of a multi-departmental Omnibus Bill. This article discusses the proposed amendments and what they could mean for miners and explorers in WA.

DMIRS is proposing to make a modification to section 105 of the Mining Act that will allow applications to convert prospecting, exploration or retention licences to mining leases or general purpose leases without first marking out the tenement in question, if the tenement is unable to be accessed due to COVID-19 restrictions. It is intended this amendment will be in place for at least 12 months, or possibly longer if required.

Currently in WA, all internal travel restrictions have been lifted with restrictions remaining in place for remote Aboriginal communities. Under the proposed amendments, this would then only impact tenement holders whose tenements have remote Aboriginal communities located within them. As the current restrictions do allow for driving through remote Aboriginal communities, so long as travellers do not stop within the community or come into contact with any of the community members, it is not clear what practical benefit the new reforms will give to the industry. Maps of the locations of remote Aboriginal communities can be found at the [Department of Planning, Lands and Heritage](#).

On the one hand, without physical marking out of tenements, compliance with later survey conditions could be problematic and there could be an increase in potential disputes with neighbouring tenements in the future.

On the flipside, this could be a good test for an eventual move to wholly spatial marking out in the future and an end to the historical marking out requirements which were legislated in an era before GPS technology.

For more information, contact our [Resources and Energy team](#).

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