



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**



Mining Rehabilitation Fund

Yearly report 2020–21



Welcome to the 2020–21 yearly report for the Mining Rehabilitation Fund.

This report outlines the functions, activities and achievements of the Mining Rehabilitation Fund and Abandoned Mines Program from 1 July 2020 to 30 June 2021, as well as providing an indication of future plans.

DMIRS is committed to good governance and this report seeks to provide a transparent summary of the administration of the *Mining Rehabilitation Fund Act 2012 (WA)*.

Background

The Department of Mines, Industry Regulation and Safety's (DMIRS) Mining Rehabilitation Fund (MRF) is a pooled fund to which Western Australian (WA) mining operators contribute. The MRF is administered via a Special Purpose Account under the *Financial Management Act 2006 (WA)* and funds must be spent in accordance with the purposes set out in the *Mining Rehabilitation Fund Act 2012 (WA)* (MRF Act) for which the Director General of DMIRS is accountable.

The MRF was introduced in 2013, enacted via the MRF Act to ensure the community does not pay for the rehabilitation of abandoned mines. All tenement holders operating on *Mining Act 1978 (WA)* (Mining Act) tenure are required to report disturbance data and contribute annually to the fund according to the environmental disturbance on tenements. Tenement holders operating on tenements covered by State Agreements that are not listed in the regulations, are not required to report disturbance and pay into the MRF.

Money contributed into the fund is available to rehabilitate abandoned mines across the State in circumstances where the tenement holder/operator has failed to meet rehabilitation obligations and efforts to recover funds from the holder/operator have been unsuccessful. Interest earned on fund contributions is used to fund the administration of the MRF and to undertake rehabilitation work on legacy abandoned mines throughout the State.

DMIRS reports on the management of the fund in its Annual Report. In addition, the State Government considers and approves the projected revenue and expenditure for the MRF through the State Budget each year.

Activities of Mining Rehabilitation Advisory Panel

The Mining Rehabilitation Advisory Panel (MRAP), as prescribed in the Mining Rehabilitation Fund Regulations 2013, provides advice to the Director General of DMIRS on matters relating to the fund and associated Abandoned Mines Program (AMP).

The current members of MRAP (pictured below) appointed for a three-year term from March 2019, are Sally Audeyev (Chairperson), Michelle Rhodes (Deputy Chairperson), Andrew Cuthbertson, Angela Bishop and Kapila Karunaratna.



SALLY AUDEYEV

is a leading projects and resources lawyer, specialising in environmental, indigenous, planning, mining and resources issues.



MICHELLE RHODES

is a director of a leading environmental consultancy company and has 22 years' experience in the environmental sector and stakeholder engagement.



ANDREW CUTHBERTSON

has more than 40 years' experience within the industry in senior management and executive roles. He has significant experience in community and stakeholder engagement, environment and safety best practice.



ANGELA BISHOP

has more than 20 years' experience working for government and industry in an operational and corporate capacity in the areas of environmental management and regulatory compliance, environmental approvals, rehabilitation, closure and relinquishment.



KAPILA KARUNARATNA

is a company director, with extensive experience in senior management roles, and a qualified mining engineer with more than 35 years' experience in all stages of natural resource planning and management from start to closure.

MRAP meets bi-annually to discuss and provide independent advice on a range of matters relating to managing the MRF and work activities associated with the Abandoned Mines Program (AMP).

During 2020-21, MRAP undertook a range of activities including the following:

- MRAP discussed the impact on program delivery with this financial year's reduced interest rates, which resulted in less interest revenue going into the MRF. The Panel agreed that the AMP needed to re-evaluate its schedule of projects (relating to those funded by MRF interest) and shift its focus to higher risk priority projects while interest funds are limited.
- MRAP agreed that the funds held for the Bulong Pilot site via the Unconditional Performance Bond (UPB) be expended on the higher risk aspects of the site. The majority of the contaminated site work has been completed and the project has just under \$1 million in UPB associated with it which is being looked at to be used in the first instance. DMIRS is progressing with a geotechnical assessment while awaiting the official contamination report from the Department of Water and Environmental Regulation (DWER).
- MRAP participated in an AMP Strategy Workshop from which the 2021–2024 AMP Strategic Plan was developed. As part of the outcomes of the Strategy Workshop MRAP are now engaging directly with the AMP through regularly scheduled workshops.
- MRAP endorsed the declaration of the Ashmore project area as an Abandoned Mine Site. Land disturbances totalling approximately 66.9ha include five pits, three tailings areas, waste rock areas, low grade stockpiles and access roads. A risk assessment has determined seven impacts rated as medium and the remaining 15 as low. The site was declared abandoned to allow funds to be accessed to address these risks.
- MRAP reviewed a separate pilot project in the Bulong area documenting abandoned mine shafts and their risk profile (funded through MRF interest) undertaken in the 2020-21 year. The aim of this project is to apply this new approach towards developing a sustainable Aboriginal employment program which will initially identify the risks associated with abandoned old mine workings including shafts; and as it develops remediate these risks.

The Panel will come to the end of its term in 2022. DMIRS would like to take this opportunity to acknowledge the enormous contributions made by each member of the current Panel since their commencement in 2019. In 2021, the members attended AMP Workshops to improve interaction and participation in the rescheduling of AMP projects. These meetings were in addition to the formal meetings of MRAP, and the Panel members provided significant additional support that was extremely valuable to DMIRS, and in particular the AMP.

DMIRS will advertise for expressions of interest for new Panel members via its website, the RER Group eNewsletter and a public notice in the West Australian newspaper. MRAP members must have experience in the management of mining operations, land rehabilitation practices, environmental, financial or legal matters, or natural resource planning and management.

Mining Rehabilitation Fund

MRF Lodgement

In Western Australia, all tenement holders are required to submit disturbance and rehabilitation data for mining operations under the *Mining Act 1978 (WA)* (Mining Act). The disturbance data submitted allows the department to calculate an appropriate levy that the holder will contribute to the MRF. Tenement holders are not required to pay a levy if they have a rehabilitation liability estimate below a threshold of \$50,000, however they are still required to lodge a MRF report.

The MRF reporting period is aligned with the financial year (FY) 1 July to 30 June and tenement holders are able to submit data at any time during this period. These reports may then be selected for compliance review to identify any discrepancies in reporting. This review process is a means of assuring DMIRS of the continued appropriateness of self-assessment of disturbance information, and also allows the department to undertake a more targeted approach for onsite inspections.

In the 2020-21 FY, compliance with reporting obligations under the *Mining Rehabilitation Fund Act 2012 (WA)* (MRF Act) achieved its highest level to date, with 99.3% of all reports provided by the due date (Figure 1). By 30 September 2021, 99.9% had been received.

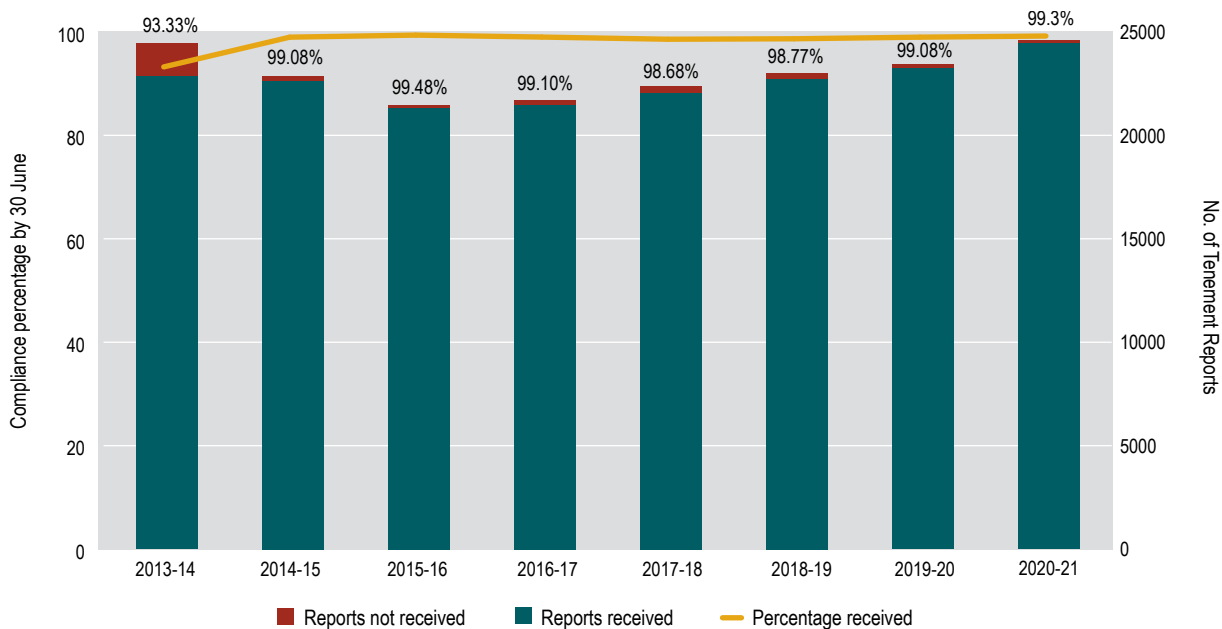


Figure 1 - Percentage of tenement reporting obligations met by 30 June for each levy period

Projected Levy for the 2020–21 Period

Levy payments totalling \$37.6 million have been assessed for the 2020-21 FY period (Figure 2) based on assessment information provided up to 30 September 2021, in comparison to the \$35.1 million reported for last year (which subsequently increased to \$35.2 million). This represents a 7.1% increase from the 2019-20 period.

Assessment information can be formally reassessed under the MRF Act for up to two years after the date of the original assessment. This means that the final total levy calculated for a levy period may vary from the amount initially reported.

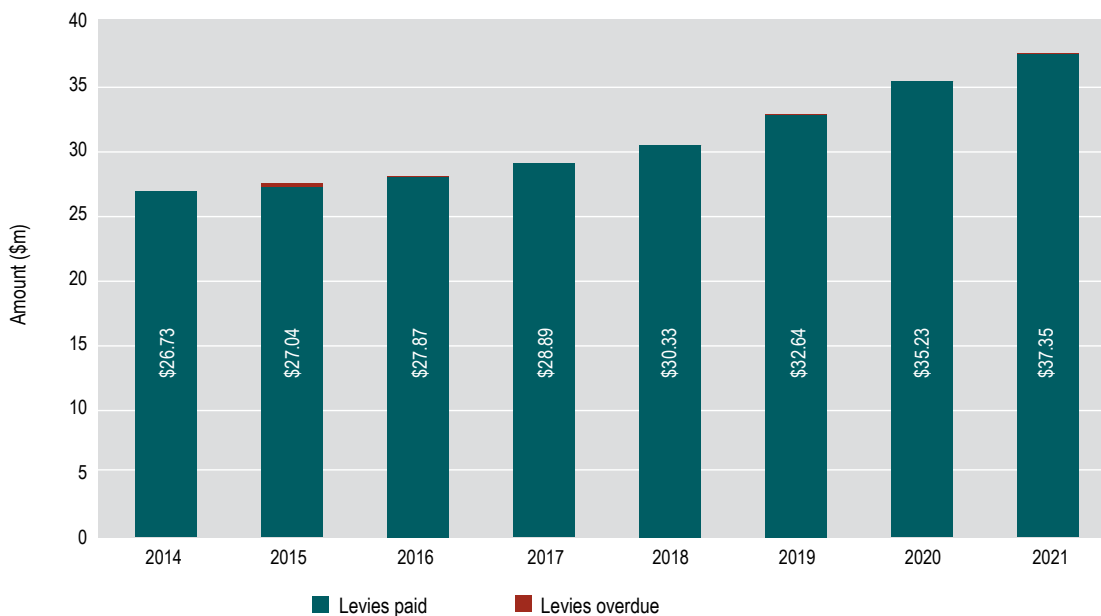


Figure 2 - Levies assessed and paid 2014-2021

Enforcement

The MRF was first introduced for the period ending 30 June 2013, at which time tenement holders that held Unconditional Performance Bonds (UPB) under the State's former mining securities system were able to apply to participate in the Fund voluntarily and to have their UPBs returned. The MRF became mandatory for the period ending 30 June 2014 when DMIRS began issuing infringement notices to tenement holders who failed to comply with their reporting obligations by 30 June. Under the *Criminal Procedure Act 2004* (WA), a modified penalty of \$4,000 applies for each tenement.

In the 2020-21 FY, DMIRS served 162 infringement notices to tenement holders that failed to submit assessment information by the 30 June 2021 deadline. Most tenement holders that received an infringement notice provided the information before the Final Demand was served - that is, within 28 days of issue – and, in total, 155 notices were subsequently withdrawn. As at 30 September 2021, only seven of the 162 infringements remained with the Fines Enforcement Registry.

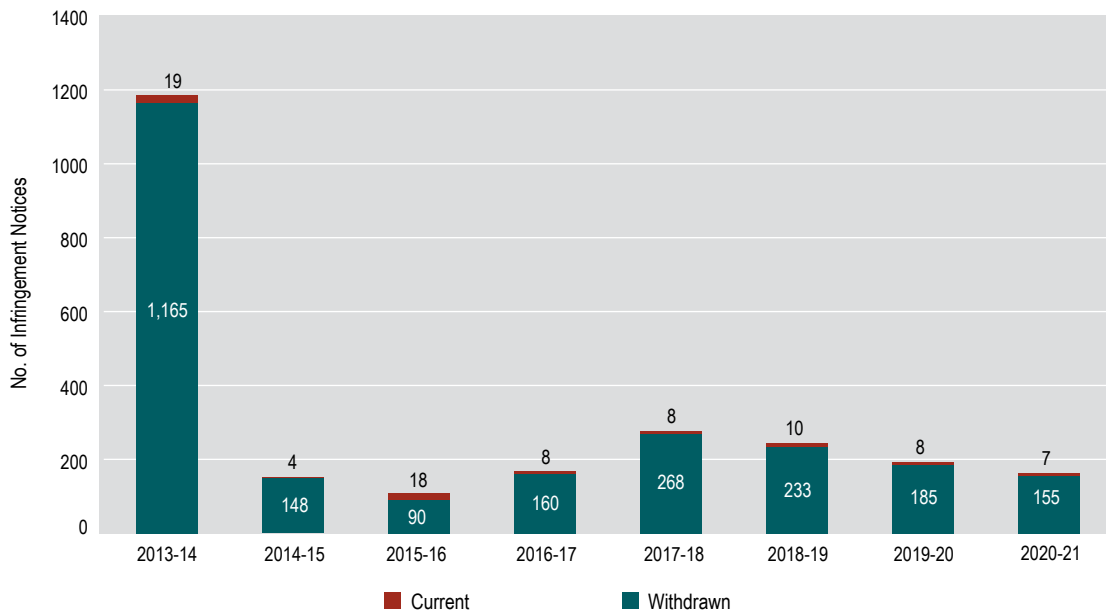


Figure 3 - Infringement notices issued for failure to provide Mining Rehabilitation Fund assessment information

Annual MRF Compliance Assessment

DMIRS undertakes compliance assessments of MRF reports to verify that the self-assessed data submitted by tenement holders is accurate and to ensure MRF levy contributions are correct.

In the 2020-21 FY, 2,111 tenements across 53 MRF reports for the 2019-20 levy period were reviewed and, of these, 368 tenements were confirmed to have incorrect assessment that required amendment. The outcomes of the compliance plan resulted in amendments to 670 individual ground disturbing activities resulting in additional levy payments of \$172,491.82 and refunds of \$280,194.58.

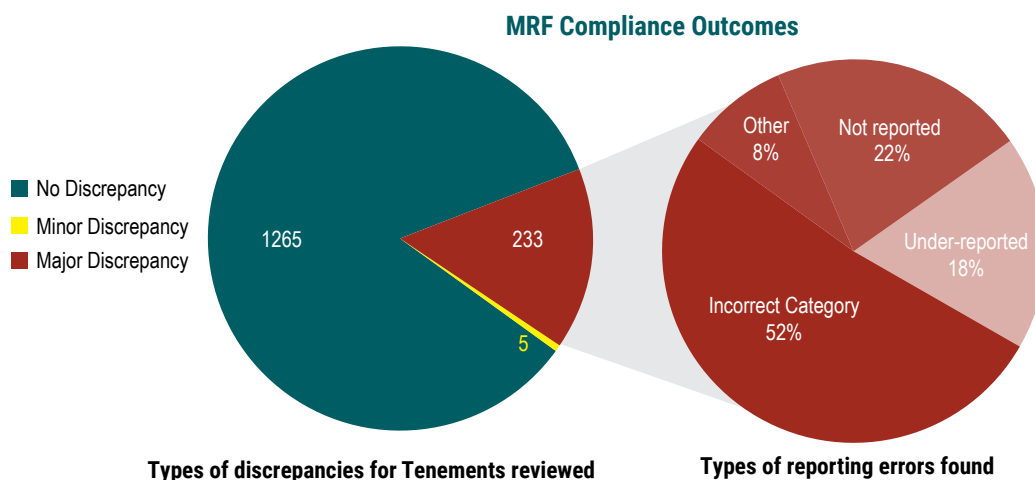


Figure 4 - Discrepancies found for tenements reviewed

The most common types of errors identified in reporting are summarised below:

- The reporting of activities as Exploration/Prospecting Operations without meeting the legislative requirements was the most common error for this compliance period.
 - < As defined in the MRF Regulations an activity can only be considered as Exploration Operation if it directly relates to exploration or prospecting for minerals and is the subject of a programme of work (PoW). Therefore if you do not have a current approved PoW you cannot report an activity as Category D – Exploration/Prospecting Operations in your MRF report.
- Waste dumps and Mining Voids were found to be the most commonly reported in the incorrect category.
 - < This was a combination of misreported as under rehabilitation and incorrectly classed.
- Roads/Tracks continue to be most commonly under-reported.

MRF Data for 2020–21 FY

Each year DMIRS publishes the MRF Data Release which makes available disturbance and rehabilitation data on tenure held under the Mining Act that is subject to the requirements of the MRF Act. It does not include tenure held under State Agreements.

The assessment information submitted under the MRF Act is considered the most comprehensive publicly available dataset of mine-site activities in Australia and is available for download through the DMIRS website. (www.dmp.wa.gov.au/Environment/What-is-the-MRF-19522.aspx). A summary of this dataset is also provided at the end of this report.

For the 2020-21 FY, the area of land reported as ‘under rehabilitation’ (that is, where rehabilitation was in progress) was, at 41,883ha, essentially unchanged from the previous year. For the same period, the area of ‘active’ disturbance increased by approximately 9,000ha (6.1%) to 156,563ha. Land under rehabilitation therefore represented 21% of all disturbed land (that is, including land in the process of being rehabilitated) and 27% of the area of active disturbance.

These results suggests that, while the area under rehabilitation continues to increase, it is no longer keeping pace with the increase in overall mining activity, year-on-year.

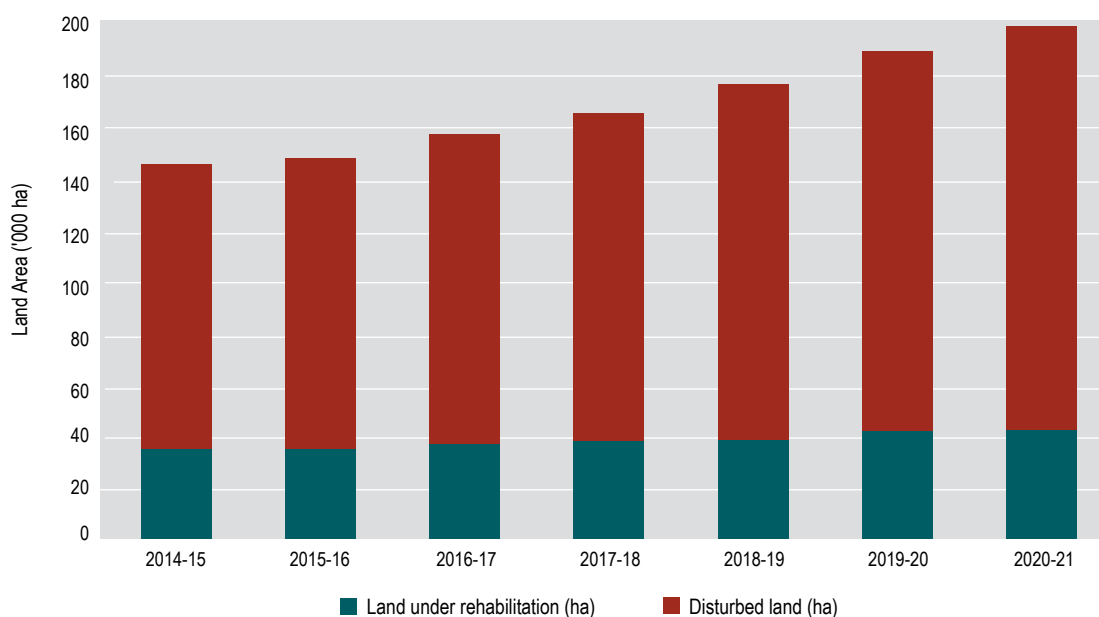


Figure 5 - MRF data reported for land under rehabilitation

	Disturbed Land (ha)						Land Under Rehabilitation (ha)					
	2018-19	2019-20	2020-21	Change 2018-19 (%)	Change 2019-20 (%)	Change 2020-21 (%)	2018-19	2019-20	2019-21	Change 2018-19 (%)	Change 2019-20 (%)	Change 2020-21 (%)
Exploration Licences	12,465	12,134	12,523	18.4%	-2.7%	3.2%	28	26	22	-14.0%	-6.9%	-14.3%
General Purpose Leases	3,277	3,328	3,619	4.6%	1.6%	8.7%	871	983	906	-13.1%	12.9%	-7.9%
Miscellaneous Licences	13,911	15,710	16,355	7.9%	12.9%	4.1%	2,076	2,036	2,149	119.2%	-1.9%	5.5%
Mining Leases	108,605	115,323	123,223	9.3%	6.2%	6.9%	36,543	38,468	38,792	2.7%	5.3%	0.8%
Prospecting Licences	637	750	617	5.9%	17.7%	-17.8%	53	54	14	-19.3%	3.5%	-74.6%
Retention Leases	390	269	228	1.8%	-31.1%	-15.4%	0	0	0			
Total	139,284	147,514	156,563	9.8%	5.9%	6.1%	39,570	41,568	41,883	5.2%	5.0%	0.8%
Percentage of Total Area	77.9%	78.0%	78.9%				22.1%	22.0%	21.1%			

Table 1: MRF Summary Data Reported for the period through to 2020-21

Note: Areas reported for previous periods may reflect modified data amended post the initial period.

Financial Summary

The MRF is a Special Purpose Account under Section 18 of the *Financial Management Act 2006 (WA)* and, in accordance with Section 10 of the MRF Act, principal funds are used to rehabilitate abandoned mine sites after exhausting all other avenues to recover expenses from the tenement holder. Interest generated from the MRF is used to rehabilitate legacy abandoned mine sites (sites that have not had a MRF reporting obligation).

DMIRS reports on the performance of the MRF in its Annual Report, which is available on its website. A summary of this information is provided in Table 2. This Yearly Report is an expanded summary to showcase the activities within the MRF and the Abandoned Mines Program.

		2016-17	2017-18	2018-19	2019-20	2020-21
		Actual	Actual	Actual	Actual	Actual
		\$'000	\$'000	\$'000	\$'000	\$'000
Opening Balance		63,377	92,400	122,616	150,473	185,237
Add receipts						
	Contribution from Industry	28,348	28,653	30,723	33,902	34,677
	Interest Received	1,654	2,223	3,094	1,644	694
	Other	16				941
	RECEIPTS SUBTOTAL	30,018	30,876	33,817	35,546	36,312
Less payments						
	Salaries	163	144	163	388	620
	Operational Expenditure	832		479	94	692
	Other		516	5,318*	300	744
	PAYMENTS SUBTOTAL	995	660	5,960	782	2,056
Balance at the end of the period		92,400	122,616	150,473	185,237	219,493

Table 2: MRF Financial Summary

* MRF's Treasury Advance repayment

By 30 June 2021, the net balance of the Fund reached nearly \$219.5 million, after accounting for interest revenue and disbursements. At that date, approximately \$11.2 million in interest had been earned on the Fund since 1 July 2014. After administration expenses and the costs of rehabilitating 'legacy' sites, a net amount of \$1.25 million remained available.

Table 3 provides a breakdown of the expenditure by the AMP in the 2020-21 FY

Project	Expenditure from MRF Principal \$'000	Expenditure from MRF Interest \$'000	Total Expenditure to 30 June 2021 \$'000
	Project Costs	Project Costs	
Black Diamond	-	-	-
Pro-Force	-	-	-
Bulong	-	36	36
Elverdton	-	31	31
Emerald Reward shaft	-	-	-
Wheal Ellen	-	85	85
Donnybrook shafts	-	103	103
Bulong Shafts Pilot	-	100	100
Cultural Heritage Mapping	-	22	22
Cue Shafts	-	-	-
Ellendale	243	-	243
Ashmore-Seppelt	63	-	63
Total	306	377	683

Table 3: Breakdown of sources and applications of funds for Abandoned Mine projects 2020-21

ABANDONED MINES PROGRAM – Project Status

Funds contributed to the MRF can be used to rehabilitate mine sites that have become abandoned by companies that have previously paid into the MRF or were eligible to pay into the fund, after all other avenues to ensure rehabilitation have been exhausted. Interest generated on the funds contributed to the MRF can be used to rehabilitate legacy abandoned mine features for which contributions to the MRF were not made.

In spite of the ongoing challenges presented by COVID-19 including record low interest rates, DMIRS continued to provide oversight of Western Australia's abandoned mine features through the delivery of the following projects and short-term initiatives.

Historic low interest rate levels have resulted in a reassessment of current AMP projects, with projects funded from MRF interest having to be revised and in some cases put on hold. While interest rates remain below 1.5% the AMP will continue to prioritise the higher risk projects and continue its focus on delivering projects funded under MRF Principal (i.e. sites abandoned since the introduction of the MRF Act).

Ashmore and Seppelt Diamond Mines

The Ashmore, Seppelt 1 and Seppelt 2 former diamond exploration mine sites are located within the North Kimberley region, approximately 75km east of Kalumburu and 150km northwest of Wyndham. Trial mining ceased at Ashmore in 2001 and at Seppelt 1 and Seppelt 2 in 2004 with results of the trial indicating a commercial scale operation was not feasible at that time. The three tenements were forfeited in November 2019 and liquidators were appointed in April 2020. The site was declared abandoned under the MRF Act on 26 March 2021.

Project investigations remain at a desktop phase as site visits intended to be completed in Q4 of the 2020-21 FY were again postponed due to the COVID-19 pandemic travel restrictions. Aerial imagery, LiDAR (Light Detection and Ranging) and Digital Elevation Model (DEM) from a June 2020 flyover was processed and received in Q1 2020-21 FY. This data enabled desktop investigations for disturbance mapping, material balance and characterisation, pit lakes, surface water and contaminated sites to progress. Draft reports are anticipated in 2021-22 FY.

Work continued on the identification of abandoned and obsolete infrastructure and site access options. A planned 2022 dry season site visit will allow sampling, confirmation of risks and potential hostile material ahead of short listing rehabilitation options.

Bulong Nickel Tailings Storage Facility

The Bulong site is located approximately 40km east of Kalgoorlie adjacent to Lake Yindarlgooda. Nickel mining operations commenced at the site in the 1990s and included the construction of a leach residue storage facility (also referred to as tailings storage facility or TSF) and evaporation ponds immediately adjacent to the lake. In 2005 the tenement holders became insolvent and by 2013 the tenement hosting the TSF expired reverting the liability to the State. The process plant and open pits remain on active mining tenure.

Concerns were raised regarding issues associated with seepage and dust from the TSF potentially escaping into the surrounding environment. The contaminated sites detailed site investigation (DSI) was followed by an ecological risk assessment (ERA) in 2020-21 FY. All reports were submitted to the Department of Water and Environmental Regulation (DWER) for their reassessment of a site classification. The ERA determined that no risks to human health from contamination have been identified and risks to the lake ecology have been assessed as low.

A scope of work for geotechnical assessments including Dam Break Assessment, Likelihood of Failure Report and a (conceptual) Final TSF Closure Report was awarded in Q4 2020-21 FY. Reports are anticipated in Q2 2021-22 FY. Rehabilitation options will be based on the findings of the geotechnical studies and ongoing stakeholder engagement.



Image 1 - Dust monitoring gauge south of the evaporation pond



Image 2 – Drone captured image of an abandoned shaft identified in the Bulong area

Bulong Shafts Pilot Study

During the Bulong TSF detailed site investigation field work a number of abandoned mine features were observed that are not in the abandoned mine inventory. This was seen as an opportunity to undertake a pilot project working with an Aboriginal business to design and implement a project to safely identify shafts and other abandoned mine features, to provide employment opportunities through engagement with local Aboriginal communities while being able to deliver the required information to inform future remediation options.

To undertake the work mapping these features an Aboriginal business was engaged to locate and document features within an 80 ha area in the Bulong area. The project mapped 54 previously unidentified abandoned mine features with zero safety incidents, employed one Perth based and two Kalgoorlie based Aboriginal employees and generated significant supporting data and data applications.

As a result of the successful delivery of this pilot study, the shafts program will be expanded in 2021-22 FY mapping high risk features, previously identified through the risk prioritisation of the abandoned mines inventory and collecting specific data to inform remediation actions.



Image 3 – Geotechnical assessment down shaft camera and LiDAR survey

Donnybrook Shaft Remediation

In May 2018, the Department of Biodiversity, Conservation and Attractions (DBCA) reported the presence of old mine workings within the Argyle Forest Block to DMIRS. Following assessment of the site in accordance with the AMP risk assessment and prioritisation process, the Donnybrook site was confirmed a priority for remediation due to operational and community safety risks. The project site is located approximately 2km south of Donnybrook within a small section of the Boyanup State Forest. There are 36 features recorded on the abandoned mines inventory within the forest area. A further six have been identified during site inspections and it is possible that additional features exist within the forest area that have not yet been recorded.

The focus of the first stage of the project is on 10 shafts, located within proximity to the primary access track. A geotechnical assessment report and a subsequent remediation methodology report were awarded and completed within the 2020-21 FY. The assessments included down shaft camera and LiDAR surveys, base condition testing, gas monitoring and drilling to locate voids beneath the forest access track. Flora, vegetation and Phytophthora dieback surveys of the project area were completed in 2020-21 FY to inform earthworks planning.

Site access requirements and other stakeholder engagement will be completed with key stakeholders in the first half of 2021-22 FY prior to earthworks commencing.



Image 4 – Removal of hydrocarbons and waste containers from the E9 area

Ellendale Diamond Mine

Ellendale Diamond Mine is located approximately 120km east of Derby in the West Kimberley region of Western Australia. It includes the E4 and E9 pit voids, stockpiles, waste rock landforms, TSF's and other associated infrastructure. Mining at the Ellendale site commenced in 2002 and continued to 2015, when Kimberley Diamond Company NL (KDC) entered into administration in 2015. Ellendale was declared an abandoned site in December 2015.

During 2020-21 FY a structural engineer was engaged to undertake a detailed inspection of the redundant plant and equipment across the sites as part of developing the technical scope of works to support the deconstruction and removal of these items. The engineering inspection re-confirmed the obsolete and redundant plant and equipment pose significant safety risks and also contributed towards identifying significant amounts of remnant hydrocarbons remaining on site. All potential hydrocarbon waste materials and containers were removed from site immediately before the 2020-21 wet season and taken to licensed waste disposal facilities in Derby.

A Hazardous Materials (HAZMAT) report has been prepared following the engineering site inspection together with the technical scope of works, supporting diagrams and plans for the deconstruction of all remaining plant and equipment across the Ellendale sites.

The bore field areas were included in the declared abandoned mine boundary areas following publishing of the additional areas in the Government Gazette in October 2020. The clean-up works program, including sealing the bores currently open to the environment, has been awarded with the works anticipated to be initiated and completed in the 2021 dry season.

The AMP has also developed program specific procurement templates (AS4000) to undertake deconstruction and earthworks with the works to be executed as rehabilitation under the MRF Act. These new templates have been used in the Request for Tender released in June to engage a Class 1 demolition licenced operator to deconstruct and remove from site the plant, equipment and all associated waste materials. It is anticipated this contract will be awarded in 2021-22 FY with works to be undertaken during the 2022 dry season.

The AMP continues to work with stakeholders, including the companies with tenure interests across the Ellendale area, to minimise the safety, health and environmental risks at the site while ensuring the resource value of the tenements is not diminished.



Image 5 – Tailings plume downstream from the uncontained stockpile

Elverdton

The Elverdton mine site is located approximately 10km south-east of Ravensthorpe and can be defined as a cluster of abandoned mine features comprising tailings dumps, underground mine shafts, water dams and mine infrastructure. Gold and copper mining began in the area during 1899 with major periods of copper ore production between 1901–18 and 1957–71.

During the 2020-21 FY the sampling and analysis quality plan (SAQP) developed from the 2019-20 FY preliminary site investigation was endorsed by the Accredited Contaminated Sites Auditor (CSA). The CSA has been engaged to oversee and report on the assessment and management of potential contaminants associated with the site. The SAQP will guide further site investigations related to soil, air, groundwater and surface water through a DSI process. The DSI focus is on the uncontained tailings including the downstream plume.

Due to historic low interest rates and the Elverdton project being funded by MRF interest, the DSI is currently on hold.

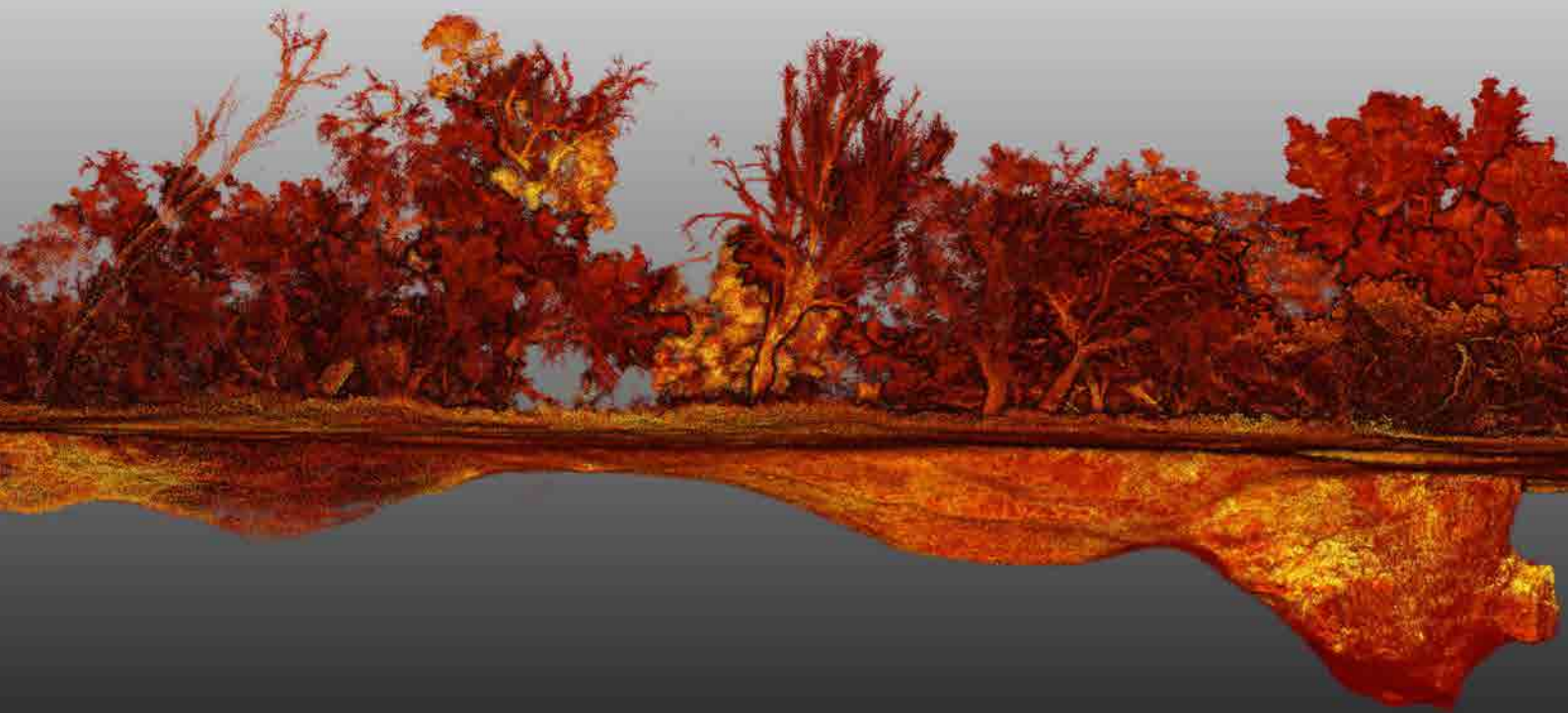


Image 6 – Laser point cloud image indicating subsurface voids and subsidence risks

Wheal Ellen shafts

The Wheal Ellen site is located approximately 2.4 km southwest of Northampton in the Mid West region of Western Australia. The lead mine operated between 1873 and 1924. The site includes mine shafts, subsidence risk areas, open cut pits, a tailings stockpile, costeans, buildings, machinery and shallow workings. Following assessment of the site in accordance with the program’s risk assessment and prioritisation process, Wheal Ellen was selected as a shaft rehabilitation project. The Wheal Ellen site is also included within the Northampton Lead Tailings Program (NLTP) being managed by the Department of Planning, Lands and Heritage (DPLH). Phase 2 Part B of the NLTP has commenced with the construction of a permanent and secure facility to safely dispose of tailings removed as part of the town site remedial works and tailings at the Wheal Ellen site.

A geotechnical assessment of existing mining features and associated subsidence risk areas across the site was completed in 2020-21 FY. Subsidence hazard zones were mapped and controls recommended for activities close to the voids and subsidence risk areas. This work informed the management protocols to avoid high risk subsidence areas associated with the DPLH containment cell construction works.

Methodology to rehabilitate and make safe the hazards associated with the shafts, open pits and subsidence risk areas at the Wheal Ellen site has been developed. As a result of historic low interest rates and this project being funded from MRF interest, the current works program has been placed on hold.

DPLH continue to actively manage the site during their construction phase including maintaining a full perimeter fence. DPLH controlled site access restrictions will remain in place post DPLH cell construction works.



Government of Western Australia

**Department of 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.dmirs.wa.gov.au
Email: online@dmirs.wa.gov.au

Mailing address

Locked Bag 100
East Perth WA 6892

National Relay Service: 13 36 77

Translating and Interpreting Service (TIS) 13 14 50

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