



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



Department of Mines, Industry Regulation and Safety

Mining Rehabilitation Fund (MRF)

Frequently Asked Questions

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Mining Rehabilitation Fund (MRF) Registration

Do I need to register for the MRF? How do I register for the MRF?

If you own a tenement that falls under the *Mining Act 1978* (Mining Act), you are required to register for the MRF and supply an MRF report by 30 June each year (the close of the levy period).

Where a tenement is jointly held, each tenement holder must supply a separate MRF report.

Persons that held tenements in prior levy periods should already have registered for the MRF. However, you will need to register for the MRF if any of the following circumstances apply:

- you have acquired mining tenure in the State for the first time
- you previously registered for the MRF but have been granted a new tenement under a different legal name (or with a different correspondence address) from your existing tenements
- you previously registered for the MRF but have since changed your legal name and/or correspondence address by lodging an Application to Amend (Form 30) with the Department of Mines, Industry Regulation and Safety (DMIRS).

In the above circumstances, a new registration letter will be sent to the tenement holder at the address recorded at Mineral Titles Online (MTO). The registration letter contains two unique verification codes and instructions for tenement holders to register online for the MRF. To complete your online registration, go to the website: www.dmirs.wa.gov.au/TenReg and enter the two codes provided in your registration letter.

What should I do if I haven't received (or have lost) my MRF registration letter?

If you have not received the MRF registration letter and believe that you should have, or have since lost your registration letter, please email us at MRFequiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable), address and tenement numbers.

We may contact you to confirm that you are the tenement holder or that you have permission to act on the tenement holder's behalf for MRF purposes.

If we are unable to confirm that you are the tenement holder or that you have permission from the tenement holder to act on their behalf, we will re-send the registration letter to the tenement holder at the address recorded in MTO.

I am having trouble registering for the MRF (or managing my DMIRS account). Who do I contact?

If you have difficulty with the MRF registration process (or with managing the details of an existing DMIRS 'ex' account), please refer to the MRF Verification Code Registration Step-by-Step Guide document, which can be found at:

<http://www.dmirs.wa.gov.au/Documents/Environment/ENV-MEB-285.pdf>

If you still experience problems with registration please email us at MRFequiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable), address and tenement numbers.

For problems with your DMIRS account, please contact the DMIRS's Service Desk by emailing service.desk@dmirs.wa.gov.au.

The verification codes from my MRF registration letter have expired/are not working. What should I do?

The codes will expire if you have made changes to the address details and/or ownership of your tenements in MTO since the letters and codes were issued.

Please email us at MRFequiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable), address and tenement numbers.

We may contact you to confirm that you are the tenement holder or that you have permission to act on the tenement holder's behalf for MRF purposes. Once we confirm this, we will email you a new registration letter.

If we are unable to confirm that you are the tenement holder or that you have permission from the tenement holder to act on their behalf, we will re-send the registration letter to the tenement holder at the address recorded in MTO.

Why have I been sent documentation regarding the MRF?

You will be sent documentation to inform you of your obligations under the MRF if you are recorded on MTO as the legal holder of a tenement. You may also receive documentation if you have previously been nominated to receive notices on behalf of a tenement holder.

If you believe that you should not be receiving MRF-related information or documentation, please email us at MRFequiry@dmirs.wa.gov.au.

How can I check or update my contact information in MTO?

You can register for free access to MTO and log into the MTO system through the DMIRS website: www.dmirs.wa.gov.au/Mineral-Titles-online-MTO-1464.aspx. Contact details within MTO can be updated by lodging an Application to Amend (Form 30) and Statutory Declaration (Form 99) on-line or at a DMIRS office.

Why aren't all of my tenements listed in my report?

MRF reports have been grouped using the tenement holder names and corresponding addresses recorded in MTO.

If you have received more than one letter, or think one or more tenements are missing from the group, it may be because the company names and addresses in MTO are different. If this is the case, before changing the data in MTO, please email us at MRFenquiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable) and relevant tenement numbers, so we can confirm if this is the issue.

We may contact you to verify that you are the tenement holder or that you have permission to act on the tenement holder's behalf for MRF purposes. If we are unable to verify this, we will re-send the registration letter to the tenement holder address in MTO.

I registered my tenements without difficulty but some (or all) of them no longer appear in the Environmental Assessment and Regulatory System 2 (EARS2). Why?

If you change or modify the name or registered address of a tenement-holder in MTO after completing the MRF registration process (but before you begin the MRF report), your tenements will no longer be visible when you log in to EARS2.

If this happens, please email us at MRFenquiry@dmirs.wa.gov.au, stating that the tenement address has been modified or changed and we will generate new verification codes for you. You will then have to complete the registration process again.

My tenements are all registered to the same address but I have received multiple registration letters for the MRF. Why?

If you have received multiple registration letters, even when all of your tenements are registered to the same address, you should check that the addresses are recorded identically on MTO.

The most common cause for the issue of multiple letters is a simple spelling mistake and/ or typographical error in the address(es) (for example, an extra character, the use of the ampersand ('&') instead of 'and' or an extra space at the end of a line).

If you find an error, you will need to lodge an Application to Amend (Form 30) and Statutory Declaration (Form 99), on-line (using MTO or at a DMIRS office). Once these forms have been lodged and addresses for all tenements are consistent, the tenements should appear correctly in EARS2.

Why doesn't the MRF registration online system accept my email address?

Please ensure your email address does not contain a space character directly before or after your entry.

If you still experience problems, please email MRFenquiry@dmirs.wa.gov.au with a screenshot of the error that is appearing. We will investigate the matter and contact you by phone or email when we have resolved the issue.

I have recently taken ownership of a tenement but the changes have not taken effect in MTO. Can I still obtain an MRF registration letter?

MRF registration letters are provided only to the tenement holders registered on MTO. If you are waiting for tenements to be transferred, you will not be able to obtain a registration letter until the transfer is complete.

If you are transferring a tenement to someone else, you will be responsible for reporting disturbance on that tenement until the transfer is complete and visible in MTO.

If you are a new tenement holder, you need to be aware that it is your legal obligation to report to the MRF by the prescribed day (30 June) each year.

MRF Reporting Process

Is it compulsory for me to participate?

Yes. All holders of tenements that are granted under the *Mining Act 1978* are required to provide assessment information to the MRF prior to the close of the levy period each year.

My tenements are covered by a State Agreement. Do I still have to report through the MRF?

If you hold a tenement that is granted, or held, pursuant to a State Government agreement, you are not required to report for the MRF.

If you hold a tenement that was originally granted under the Mining Act (and therefore required to participate in the MRF) but has since been converted to a State Agreement tenement, you will need to contact the Department of Jobs, Tourism, Science and Innovation and ask to have confirmation sent to the MRF team (at MRFenquiry@dmirs.wa.gov.au) that the specific tenements are pursuant to a State Agreement. The reporting obligation will remain until this confirmation has been received from DSD and the MRF team has removed the tenement's MRF reporting obligation from the EARS2 system.

How often do I need to report for the MRF?

Data for the MRF needs to be reported on or before the close of the levy period, which is 30 June each year.

What is the assessment date?

The assessment date is the date that you collected the disturbance data. The assessment date must fall within the levy period that you are reporting for.

What is the levy period?

The levy period is the financial year, 1 July to 30 June each year.

What data do I need to report?

You need to provide data on all disturbances present on your tenement on the assessment date within the period of 1 July to 30 June, unless you have already received DMIRS confirmation that a particular disturbance has been rehabilitated.

All exploration and mining disturbances present on the selected assessment date will need to be reported for each individual tenement.

Multiple types of disturbances can be reported for an individual tenement and the same disturbance can be reported across more than one tenement. This recognises the fact that disturbances like roads or pipelines cross the boundaries of multiple tenements.

What is the 'Mine Activity Reference'?

When entering data, the 'Mine Activity Reference' is the name that you use to identify the disturbance and must align with your approval documents and Annual Environmental Reports (AERs). The 'Mine Activity Reference' cannot be used more than once for an individual tenement.

Why doesn't the system accept my 'Mine Activity Reference' when I enter disturbance data?

As individual disturbances can cross the boundaries of multiple tenements, the same 'Mine Activity Reference' can be used to describe the same disturbance on different tenements. It cannot, however, be used more than once on any single tenement.

Where should I get my disturbance data from?

The data that you need to provide is collated from a self-assessment of your tenements.

You are responsible for ensuring the data reported is accurate. Disturbance data values must be recorded to a minimum of two decimal places (in hectares).

You must have evidence to support the information provided in the MRF report. Please note that under section 31 of the *Mining Rehabilitation Fund Act 2012* (MRF Act), penalties of up to \$20,000 can be imposed for providing false and misleading information.

If you have lodged an AER, you may be able to use the same evidence to support your MRF report.

Do I report only the activities I have undertaken in the last 12 months?

No. All disturbances created in the life of a tenement must be reported in the MRF, regardless of whether or not activity has occurred in the last 12 months.

Please note that, under section 31 of the MRF Act, penalties of up to \$20,000 can be imposed for providing false and misleading information.

Who is responsible for the data reported?

Each registered tenement holder is responsible for the accuracy of the assessment information reported to the MRF and penalties can be imposed for providing false and misleading information.

You must retain records to substantiate the data you have provided. These records will need to be retained for at least two years after the close of the levy period.

I am a part owner of a tenement. Does the joint holder have to lodge a report too?

Yes. Each holder of a tenement must lodge an MRF report annually. If you hold a tenement jointly with others, your tenement will not be assessed for a levy (or an Assessment Notice issued), until every tenement holder lodges a report.

I am a part owner of a tenement and my partner has reported disturbance data that is different from mine. Whose data is used in calculation of the levy?

The system will base its assessment on the most recent set of data provided. For this reason, DMIRS recommends that joint holders agree on the data to be reported prior to lodging their individual reports.

Each tenement holder will receive an email notification when a change has been made to the disturbance data reported for a tenement and DMIRS recommends that each holder should review any changes to confirm their accuracy.

I am a part owner of a tenement. Who will receive the Assessment Notice and who is responsible for paying any levy?

During the reporting process, each tenement holder will have the opportunity to nominate one of the joint holders (or an agent) to be e-mailed the original Assessment Notice (provided that he or she has registered for the MRF). The other holder(s) will then be emailed a copy unless they elect not to receive one.

If no party is nominated, the EARS2 system will choose the first-registered tenement holder to receive the notice.

If holders nominate different parties, EARS2 will use the last-nominated party. The Nominated Party can, however, be changed at any time.

Although only one tenement holder may receive the original Assessment Notice, it is the responsibility of all joint holders to ensure that any levy is paid by the due date.

Payment must be received in full and quoting the correct information as directed on the Assessment Notice. If full payment is not received by the due date, you may incur a penalty.

One or more of my tenements have no disturbance. Do I need to report on these?

Yes. You must complete an MRF report each year, even if there is no disturbance on a tenement because (a) no work has been undertaken during the current life of the tenement or (b) all rehabilitation of mining activities has been completed and has been approved by a DMIRS Environmental Officer.

In these circumstances, you may select the checkbox 'There is no assessment information to report on this tenement'.

If there is no disturbance to report for any of your tenements, the Rehabilitation Liability Estimate (RLE) will fall below the threshold specified in the regulations (currently \$50,000) and no levy will be payable. You will receive an email stating that you have no levy to pay.

My tenement contains some historical disturbances that I have inherited. Do I have to report these?

If there has been a break in tenure between the current tenement and the historical disturbance, you will not need to report the historical disturbance. This situation might arise, for example, if you peg out a new tenement over the area of a former tenement that has lapsed.

You will need to report the historic disturbance, however, if:

- you were also the holder (or one of the holders) of the previous tenement (for example, your Exploration License was converted to a Mining Lease)
- you acquired an existing tenement from a previous holder
- you have re-disturbed historical work that was undertaken on a previous tenement.

In these circumstances, you are responsible for rehabilitation of these disturbances.

The only exception to this occurs when an historical disturbance on your tenement has been declared by DMIRS to be an abandoned mine site.

My land has been rehabilitated. Do I need to report?

This depends on whether the work has been done under a Mining Proposal or under a Programme of Work (PoW).

For activities approved under a Mining Proposal to be classed as 'rehabilitated', you must have fully met either the completion criteria contained in the Mine Closure Plan or the closure obligations within your Mining Proposal and have started monitoring of rehabilitation. You must also have **obtained DMIRS approval**.

Until DMIRS has approved the completed rehabilitation work, all land on which rehabilitation work has been undertaken is classified, for MRF purposes, as 'Land Under Rehabilitation' (Category E). Once it's been approved, it's considered to be 'rehabilitated' and no longer needs to be reported to the MRF.

For activities approved under a Programme of Work (POW) (i.e. exploration and prospecting activities), areas that have been rehabilitated are not separately reported and continue to be reported as 'Disturbed Land' along with un-rehabilitated areas. When you have completed all of the work allowed by the POW and have rehabilitated the disturbances, you must confirm this by submitting the Exploration/Rehabilitation Report. From that point, you do not need to report any further activity under that POW.

What happens if I report before the close of the levy period?

Your report will not be processed until after the close of the levy period each year so you will still be able to edit your report until the levy period closes.

You should be aware, however, that, if you change the mailing address for one or more of your tenements after lodging your report, this may create a new report and separate the tenements from the previous report (as they will now be grouped under the new address). You will also receive new MRF registration codes. After changing your address, you should check with the MRF team to confirm the current status of your report.

I have missed the 30 June deadline. What happens now?

If you fail to report by the 30 June, you will be liable for a penalty of up to \$20,000 per tenement under section 15(2) of the MRF Act. In practice, a modified penalty of \$4000 per tenement will apply to tenement holders who have failed to provide DMIRS with assessment information.

If 30 June has passed and no report has been provided, DMIRS is authorised (under section 16 of the MRF Act) to complete the MRF report on your behalf in order to calculate a levy.

Section 16 does not limit the matters that DMIRS may consider when making an assessment.

Once DMIRS has reported on your behalf, you may be required to pay both the MRF levy calculated and the modified penalty for failure to report.

There was an error in my report. What do I do to correct it?

If you have made an error in your report, you are able to edit the report until the close of the levy period each year.

After the close of the levy period, you will be required to provide a written application to have data changed in relation to your MRF report.

If you have made an error, please email us at MRfenquiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable), address and tenement numbers with information about the proposed changes.

I can see my MRF details but I cannot edit them. What should I do?

Before the levy period has closed, you can still edit the data that you've input by opening the report and clicking on the 'Edit' button at the top of the page.

After the levy period has closed and the report has been locked, you will not be able to edit your data. If you wish to do so, you will need to request DMIRS to unlock the report for you. For instructions on how to do so, refer to the previous section entitled 'There was an error in my report. What do I do to correct it?'

I have received an MRF direction in relation to an MRF desktop audit. What does it mean and what do I have to do?

MRF reports are subject to auditing by DMIRS officers.

A number of tools are used to audit the disturbance data that has been reported to the MRF, including aerial and satellite imagery, environmental approvals, AERs and previous MRF reports.

If you are requested to provide information and/or records in relation to an MRF report through an MRF direction, you must provide a response in the format and by the time specified in the communication. These queries are an official direction issued under section 29 of the MRF Act, which, if not complied with, may result in court proceedings and a penalty of up to \$20,000.

I received a letter notifying me that DMIRS has initiated an MRF assessment on my behalf. What does it mean and what do I have to do?

It is important that DMIRS obtains accurate disturbance data from all tenements in the State for the purposes of calculating the MRF levy. Therefore, under section 16(2) of the MRF Act, DMIRS may report assessment information on behalf of tenement holders that fail to report by the close of the levy period.

If the RLE falls below the \$50,000 threshold, there will be no monies owed and an email confirmation of this will be sent to the tenement holder, where possible, as well as any joint tenement holders.

If the RLE is above \$50,000, an Assessment Notice, with the details of the levy that is payable, will be sent to the tenement holder, as well as any joint tenement holders.

Will disturbance data from MRF reports be made publicly available?

The disturbance data reported to the MRF for each tenement will be made available to the public each year through the DMIRS website. The names of individual tenement-holders and individual Mine Activity References are withheld.

Members of the public are able to report any discrepancies that they note in the published data by emailing MRFenquiry@dmirs.wa.gov.au and providing the tenement number(s) and alleged discrepancy.

Does my MRF levy count towards my expenditure report requirement (Form 5)?

Yes. Regulation 96C of the Mining Regulations 1981 would allow any payment into the MRF to be reported on the Operations report – Expenditure on Mining tenement (Form 5) within the administration/overheads/land access/native title costs part of the form.

This cannot exceed 20 per cent, in total, of the minimum expenditure commitment, or the total expenditure incurred on activities, whichever is greater.

Issuing of the Assessment Notice

The levy period has closed but I haven't received an Assessment Notice. Why?

If you haven't received an Assessment Notice, the most likely reasons are:

1. You have not completed your report.

If you have not completed your report, we are unable to process the assessment. When you log into the MRF section of EARS2, your MRF report should be in the 'Submitted' box and not the 'Not Started/In Progress' box at the top of the screen.

If you edited your report after submitting it, it is also possible that you did not finalise the edits by clicking the Submit Form button. In this case, it will display a status of 'Submitted (Edit)'.

2. You are not recorded as the Nominated Party and have not requested that a copy of the notice be emailed to you.

If a tenement is held jointly, an email containing the Assessment Notice is sent to the email address of the Nominated Party that was provided during the MRF report process. If you choose not to be the Nominated Party, you may still elect (at Step 4 of the lodgement process) to receive a copy of the notice. You will not receive a notice, if you selected 'no' at this stage.

Although the Nominated Party is established during the lodgement process, it can be changed at any time through the EARS2 system.

3. You have not provided a valid email address or your email address is incorrect.

As all notifications (including Assessment Notices) are emailed, it is imperative that your email address is kept up-to-date. If your email address changes, please:

- (a) update the email address attached to your DMIRS user ID. You can do this on the DMIRS web-site at <https://registration.dmirs.wa.gov.au/Update>
- (b) when submitting your MRF report, make sure that your current e-mail address is recorded as a Mining Rehabilitation Fund Contact at Step 4
- (c) if the levy period has closed and your report is locked, send an e-mail to MRFenquiry@dmirs.wa.gov.au, advising us of the change (and quoting the MRF Reference ID of the last report) so that we can update our mailing list.

4. No levy is payable.

If the RLE for each of your tenements is less than the \$50,000 threshold, there will be no levy payable and you will not receive an Assessment Notice. You will, however, still receive an email confirming that no payment is required.

If you believe that any of these issues apply to you and you would like assistance, please email us at MRFequiry@dmirs.wa.gov.au and provide us with your name, company name (if applicable), address and tenement numbers.

What is the Nominated Party?

During the reporting process, each tenement holder will have the opportunity to nominate one of the joint holders (or an agent) to be e-mailed the original Assessment Notice (provided that he or she has registered for the MRF). The other holder(s) will then be emailed a copy unless they elect not to receive one.

If no party is nominated, the EARS2 system will choose the first-registered tenement-holder to receive the notice.

If holders nominate different parties, EARS2 will use the last-nominated party. The Nominated Party can, however, be changed at any time through the EARS2 system.

Although only one tenement holder will receive the original Assessment Notice, it is the responsibility of all joint holders to ensure that any levy is paid by the due date.

Where can I change the nominated party?

The Nominated Party may be modified within the MRF report in step 4 or by going to your EARS2 home page>MRF>MRF Nominated Party>Search.

Where will my MRF assessment notice be sent?

If you are the sole holder of a tenement, the Assessment Notice will be emailed to you (or to your agent) at the address provided in Step 4 of the MRF reporting process.

If a tenement is held jointly, the Assessment Notice will be sent to the Nominated Party. The other holders will then be emailed a copy unless, during the lodgement process, they elected not to receive one.

How do I pay my MRF levy?

The instructions on how to pay the MRF levy are included in the Assessment (or Reassessment) Notice that is emailed to the Nominated Party.

Payments under \$100,000 may be made by credit card using DMIR's Payment Portal facility (available on the department's website). If not paying by credit card, however, payments should be paid by electronic funds transfer (EFT) to the BSB and Account Number specified in the Notice. All payments should quote the Payment Number shown on the Notice."

Can I pay a portion of the levy if my partner/s have not reported or paid?

No. Each tenement holder is jointly and severally liable for the payment of the full levy. If a tenement is held jointly, all holders must register and report to the MRF. Only after all holders have reported will a levy be calculated and an Assessment Notice issued.

Can I make a partial payment for my MRF levy?

No. DMIRS will not accept partial payments and will return them to the payer. The Assessment Notice must be paid in full by the due date to avoid incurring penalties for late payment.

I disagree with the levy amount contained in the Assessment Notice. What can I do?

If you believe that there has been an error in the assessment of the levy amount (or that you are not liable for payment of the levy), you may lodge an objection under section 20 of the MRF Act.

Objections must be made in writing to the CEO via MRFequiry@dmirs.wa.gov.au **within 28 days** of the date of the Assessment Notice and must:

- identify the person making the objection
- give details of the grounds on which the objection is being made
- attach a copy of the Assessment Notice to which the objection relates.

Once all the required information has been provided, a decision will be made within 28 days.

Unconditional Performance Bonds (UPBs)

My UPB was not retired in the first year of the MRF or I have had a UPB applied since the first year of the MRF. How do I go about getting the UPB retired?

While the majority of UPBs have been retired through the MRF, the application of personal sureties and UPBs are discretionary decisions made under the Mining Act through delegation from the Minister for Mines and Petroleum.

DMIRS will impose UPBs on tenements where it considers that there is a high risk of the rehabilitation liability reverting to the State, regardless of whether a levy payment is required to be made under the MRF.

If you believe that this risk has been mitigated or reduced since the UPB was retained or applied, you should contact the Environmental Officer in your respective region to discuss retirement of the UPB.



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