



CHANGES TO THE ADDRESSING REQUIREMENTS FOR MINING TENEMENT APPLICANTS AND HOLDERS

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Target group

Mining industry

Mineral Titles Division Staff

Introduction

From mid May 2016, Department of Mines and Petroleum (DMP) will be introducing new addressing requirements for mining tenement applicants and holders which will require an applicant to stipulate their principal place of business or residential address and nominate a “**Designated Tenement Contact (DTC)**”.

The *Mining Act 1978* is being amended (via the *Licensing Provisions Amendment Bill 2015*) to provide the framework for the new addressing requirements which will ultimately require each applicant or holder of a mining tenement to have a DTC. In the interim DMP is encouraging the mining industry to support voluntary nomination of a DTC for each applicant and holder of a tenement, before the legislation requiring a DTC is implemented (expected later this year).

BACKGROUND

DMP is committed to enhancing its business processes by improving the quality of addressing data for its customers and introducing the use of online services including the use of email addresses.

The Mining Industry Liaison Committee (MILC) in March 2015 identified an advantage to industry of having a point of contact for outgoing DMP correspondence (via email) to each applicant or holder in relation to a tenement and to facilitate this DMP has introduced the concept of a DTC for each applicant and holder of a mining tenement.



The DTC replaces the correspondence address currently used for mining tenements. In addition, the collection of a Principal Place of Business (or residential address for individuals) provides the department with a contact point for its customers regardless of the reason for contact and formalises address details for those processes that require physical service.

DMP is moving to implement the use of electronic mail when communicating with tenement applicants and holders and has included amendments to the *Mining Act 1978* into the *Licensing Provisions Amendment Bill 2015*, which will require the nomination and maintenance of a “Designated Tenement Contact” (DTC) by each applicant and holder of a tenement. The attributes of a DTC will include an email address.

WHAT IS THE DESIGNATED TENEMENT CONTACT (DTC)?

The DTC is a correspondence address provided by each applicant or holder of a mining tenement which will be used as the nominated contact for the Tenement. The applicant or holder will be required to provide two addresses:

(1) a principle place of business (residence for an individual) which includes:

- Address
- Telephone
- Email

(2) a Designated Tenement Contact (Correspondence Address) which includes:

- DTC Name
- Address
- Telephone
- Email

Also refer to the section “What happens once I nominate my DTC”.

Key characteristics of the DTC:

- Each applicant and holder must nominate and maintain a DTC.
- The DTC can be a third party or the tenement applicant/holder.
- The same DTC can be used by more than one applicant and holder.
- If nominated by the applicants or holders the email address provided as part of the DTC will be used to progressively send outgoing DMP



correspondence to the applicant or holder of the tenement via the DTC email address.

- The DTC details will formally form part of the tenement register supported by the DTC legislation. Some restrictions will be in place around the visibility of the DTC email address.
- **The DTC is not a tenement administrator; it is a correspondence address for the applicant or holder of the tenement.**
- The dedicated DTC email address will not be used (as the sole form of communication) in respect to processes under the *Native Title Act 1993 (Cwth)* and in the Warden's Court and where legislation requires physical service on an applicant or holder.

BENEFITS OF THE DTC

Benefits include:

- Improves efficiency hence cost savings and tightens the provision of correspondence and business address information including email addresses.
- Improves efficiency around the contact process for transactions related to a tenement as each applicant or holder's DTC will be advised.
- Formalises the current situation where the correspondence address for an applicant or holder of a tenement can be a tenement management company or other party for a given tenement.
- Provides the ability for the same tenement applicant / holder to have a different DTC for individual tenements.
- Is an instant, expeditious form of communication that can be recorded and allows DMP to provide more efficient customer services such as rental reminders.

WHAT HAPPENS ONCE I NOMINATE MY DTC?

Outgoing DMP correspondence will be sent to the DTC postal address. In addition, the correspondence will be sent to the DTC email address if the applicant or holder has nominated to receive correspondence via email.

DMP will ultimately phase out sending outgoing correspondence to tenement applicants and holders by post, however there will be some exceptions such as intention to forfeit notices where there is a legislative requirement to serve notice.



HOW CAN I VOLUNTARILY NOMINATE MY DTC?

You can nominate your DTC via Mineral Titles Online (MTOL) therefore you must log into MTOL. If you have not already registered then you need to register (which is free) using the “New User Registration” option.

Once logged on then select online transactions:

For new mining tenement applications

Select “**Apply for a tenement**” and follow the prompts.

MTOL will request the applicant’s willingness to receive future electronic correspondence from DMP relating to the tenement and if this is confirmed, then MTOL will require the details of the applicant’s DTC to be provided.

Continue to follow the prompts until the lodgement of the tenement application is completed.

For existing granted mining tenements

Log into MTOL and select online transactions.

Select “**Lodge application to amend**” and follow the prompts.

MTOL will request the holder’s willingness to receive future electronic correspondence from DMP relating to the tenement and if this is confirmed, then MTOL will require the details of the holder’s DTC to be provided.

Continue to follow the prompts until you finalise lodging the application to amend (which must be supported by a statutory declaration in accordance with section 103G of the *Mining Act 1978* and 84E of the Mining Regulations 1981, with the declarant averring to authorisation given by the tenement holder agreeing to the amendment that provides details of the holder’s DTC and attributes).

Continue to follow the prompts until the application to amend is completed.

HOW CAN THE DTC BE CHANGED IN THE FUTURE?

Scenario 1

The tenement applicant or holder wishes to change all or some of their existing DTC attributes which includes:



- DTC Name
- Address
- Telephone
- Email

Then using the online transaction in MTOL “**Lodge application to amend**” and following the prompts the appropriate amendments can be made.

Scenario 2

An incoming party via a transfer, wishes to replace the existing transferor’s DTC and attributes and substitute them with their own DTC and attributes.

Then using the online transaction in MTOL “**Lodge a tenement transfer**” follow the prompts and once the entry of the Transferee details is completed, MTOL will ask the willingness of the transferee to receive future electronic correspondence from DMP relating to the tenement and if this is confirmed, then MTOL will require the details of the transferee’s DTC to be provided.

Continue to follow the prompts until the lodgement of the transfer is completed.

Scenario 3

An incoming party via a devolution wishes to replace the existing applicant or holder’s DTC and attributes and substitute them with his own DTC and attributes.

Then using the online transaction in MTOL “**Apply for a devolution**” follow the prompts and once the entry of the Executor/Administrator details is completed, MTOL will ask the willingness of the Executor/Administrator to receive future electronic correspondence from DMP relating to the tenement and if this is confirmed, then MTOL will require the details of the Executor/Administrator’s DTC to be provided.

Continue to follow the prompts until the lodgement of the devolution is completed.

Scenario 4

In respect to “**deemed transfers**” where a “primary tenement” is being converted to a “secondary tenement” and before the secondary tenement is granted, the primary tenement is the subject of a transfer, then on the registration of that transfer, the applicant for the secondary tenement will be deemed to be transferred into the new transferee name.



If primary tenement transferee has nominated a DTC then that DTC and attributes will automatically be updated in the secondary tenement as part of that deemed transfer. Examples of deemed transfer under the *Mining Act 1978* include sections 49, 56A(8), 56B(4), 70B and 70L. Note these are automatic processes therefore there is no action required on the part of the applicant for the secondary tenement.

DTC LEGISLATIVE FRAMEWORK

Act Amendments

The *Licensing Provisions Amendment Bill 2015* will:

- Define a DTC.
- Provide power to regulate matters in connection with the DTC.
- Provide power to regulate where a notice is required by legislation to be given to a tenement applicant or holder, and where it is sent to the DTC it is deemed to be compliant with that legislation.

Mining Regulation Amendments

- Requires the tenement applicant and holder to nominate a DTC.
- Defines the DTC attributes.
- Manner of providing for a DTC
- Provides for updating and recording the DTC

It is expected that the above Mining Act and Regulation amendments will be implemented before the end of 2016.

REMINDER TO NOMINATE A DTC

Each tenement applicant and holder is encouraged to nominate and maintain a DTC, noting that the requirement to nominate and maintain a DTC will be mandatory at a future date.



CONTACT DETAILS

If you need more information on the “Designated Tenement Contact (DTC)” please call Tony Bullen, General Manager Tenure and Native Title on (08) 9222 3112 or email tony.bullen@dmp.wa.gov.au

If you need assistance in the use of Mineral Titles Online please call MTOL Enquires on (08) 9222 3030 or email mto.help@dmp.wa.gov.au

If you are experiencing technical problems please call the Service Desk on (08) 9222 0777 or email it.servicedesk@dmp.wa.gov.au

Authority

Authorised By: EXECUTIVE DIRECTOR, MINERAL
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Signed:



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