



21 November 2023

Department of Mines, Industry Regulation and Safety
Mineral House
100 Plain Street
EAST PERTH WA 6001

Via email RTD.Consultation@dmirs.wa.gov.au

RE: Fee for Objections under the Mining Act 1978

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock, and mixed enterprises.

As an organisation which consists solely of leaseholders and landowners from both the pastoral and agricultural regions of Western Australia, many of whom have existing and future mining tenements on their properties, we are pleased to provide this brief submission on the Fee for Objections under the *Mining Act 1978*.

BACKGROUND

The *Mining Amendment Act (No.2) 2022* now provides that a Mining Act objection must be accompanied by a prescribed fee. The Department of Mines, Industry Regulation and Safety (DMIRS) is proposing to amend the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the *Mining Act 1978* of \$859. It is expected that the new fee will come into effect on 1 July 2024.

Any person can object against applications for mining tenure, applications from expenditure, and applications for restoration of a tenement following forfeiture and to survey. There is currently no fee to bring an objection before the warden.

DMIRS has stated that the fee for objections is required to:

- Provide ongoing funding for a second warden in Perth;
- Support staff;
- Ensure there is sufficient resourcing to deal with the number of objections being lodged each month; and
- Reduce the number of active matters before the wardens.

SUMMARY

The PGA strongly opposes the introduction of the prescribed fee for objections. The introduction of the prescribed fee for objections will impose a new and considerable financial impost for pastoralists and graziers in areas where there is a high level of mining activity.

Whilst mining and pastoralism are not always mutually exclusive, many pastoral leaseholders receive numerous applications, often from multiple sources, which may impact on current or future pastoral activities, including carbon offsets projects. It is unreasonable to expect that these legal leaseholders will have to pay a fee to object to an activity on their property which may impact their businesses.

The PGA does recognise that the introduction of the prescribed fee for objections may be appropriate to reduce trivial or malicious objections from third parties and individuals. However, this “one-size-fits-all” approach will only create a barrier of significant fees for leaseholders where there are legitimate concerns that an activity may impact their commercial enterprise.

Further, it is the PGA’s opinion that given that the WA State Budget has recorded six consecutive years of surplus, including an expected \$3.3 billion surplus in 2023-24, that the State Government can fund an additional Perth Warden and support staff for DMIRS without having to tax landholders.

It is the PGA’s recommendation that the prescribed fee for objections not be applied to leaseholders or landowners.

ISSUES

Western Australia’s (WA) rangelands cover 87% of the State. Around 39% of the State’s rangelands (87 million hectares) is under pastoral lease. The remainder consists of unallocated Crown land (UCL), land reserved for conservation or indigenous purposes, non-pastoral leasehold, and freehold.

There are 491 registered pastoral leases in WA, held in 436 pastoral stations: 152 stations in the northern rangelands (92 in the Kimberley and 60 in the Pilbara); and 284 stations in the southern rangelands.

Pastoral leases exist in a complex matrix of land tenures and uses. Lease ownership includes large corporations, private companies, family operations, Indigenous organisations, and, particularly in the Pilbara and Goldfields, mining companies.

However, particularly in the Southern Rangelands, most leases are owned and operated by individuals or family businesses, and often these businesses may own two or more pastoral leases, as well as other types of leases (ie grazing).

As these leases can often receive several applications within a week, the imposition of a prescribed fee for leaseholders to object to any of these applications would place an unfair financial burden on many pastoral businesses, to the detriment of both the pastoral industry and the rangelands.

Although there is no question over the importance of the mining industry to the Western Australian economy, one cannot underestimate the value of the pastoral industry to regional and remote WA. Any move to limit the rights of pastoral lease holders to the advantage of the mining industry should be treated with concern.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Seabrook', with a long, sweeping horizontal line extending to the right.

Tony Seabrook
PGA President