



**Hon Bill Johnston MLA**  
**Minister for Mines and Petroleum; Energy; Corrective Services;**  
**Industrial Relations**

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Our Ref: 71-27896  
Your Ref: A984644 Petition No 54

Hon Peter Foster MLC  
Chair, Standing Committee on Environment and Public Affairs  
Legislative Council Committee Office  
Email – [env@parliament.wa.gov.au](mailto:env@parliament.wa.gov.au)

  
Dear Mr Foster

**PETITION NO. 54 – MINING ACT 1978**

Thank you for your correspondence dated 27 September 2022 regarding the petition from the Hon Dr Brad Pettitt MLC seeking a review of the *Mining Act 1978* (Mining Act) and specifically the framework for exploration licences.

Generally, all minerals in Western Australia remain the property of the Crown. The law governing the mining of the State's minerals is under the administration of the Mining Act. Under the Mining Act, a tenement may be applied for in respect of any private land. However an application cannot be issued over private land, as described in section 29(2) of the Mining Act, without the written consent of the owner. This provision applies to within 100 metres of any private land as described in that section, as well as any parcel of land less than 2,000 sqm, from the natural surface to a depth of 30 metres.

The Mining Act provides for the service of notice on a private land holder if and when any proposed activities affect that private land.

Any proposed exploration activities within sensitive areas (such as conservation areas, wetlands and townsites) must be undertaken in conjunction with the appropriate regulatory authorities and the relevant Minister. For example, if the intended activity is likely to have significant effect on the environment, it may require assessment by the Environmental Protection Authority (EPA) under the *Environmental Protection Act 1986*. Mining may not be carried out on reserves or other sensitive areas without the relevant consents as set out in sections 24, 24A, 25 and 25A of the Mining Act. At a minimum this will require the consent of the Minister responsible for the Mining Act, and either consultation with or concurrence of the Minister with the vested authority for the reserve.

Further, no mining lease or general purpose lease shall be granted on any national park, class A conservation reserve or marine reserve unless both Houses of Parliament by resolution consent the grant of the title. High value conservation areas around the State are protected under the *Land Administration Act 1997* (LAA). The

LAA provides for Crown reserves to be created and classified, with class A reserves afforded the greatest degree of protection.

The Mining Act manages the development of the State's mineral resources with the need to protect the environment and conservation values within sensitive areas of the State in a balanced and fair manner. The mining industry continues to deliver jobs and outstanding economic benefits to Western Australia and our regional communities.

The Mining Act has provisions for when private land owners must be notified and has existing procedures which require the approval of other regulatory agencies and the concurrence of the relevant Ministers which could exclude mining activity from certain areas. The proposition of the petition that the Mining Act is not fit for purpose is inaccurate.

Thank you for the opportunity to comment in relation to this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bill Johnston', written over a faint circular stamp.

**Hon Bill Johnston MLA**  
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**Corrective Services; Industrial Relations**

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