Information paper

Mining Regulatory Reform 2026

Purpose

This information paper explains the purpose and effect of proposed amendments to Part 5A of the *Environment Protection Act 2019*.

The amendments improve clarity, transparency and efficiency in the regulation of mining activities.

Proposed amendments

1. Consolidations of applications and licences

What is changing?

New powers are being introduced that allow the Minister to consolidate:

1. multiple licence applications relating to the same or substantially the same mining activity or mining site into a single application
2. multiple granted licences relating to the same or substantially the same mining activity or mining site into a single licence.

Why is this change proposed?

The amendments address overlapping applications and licences and will reduce complexity in licence administration and compliance, supporting integrated and efficient regulation.

The changes will help both mining operators and the regulator by removing overlapping licences for the same activity.

2. Terminating licence applications and exemption requests

What is changing?

New powers are being introduced that allow the Minister to terminate an environmental (mining) licence application or application for an exemption under section 124Q of the Act where:

1. Additional information has been requested but not provided within the required timeframe.
2. The applicant is no longer the mining operator for the site.
3. If an environmental approval was granted, the applicant no longer holds the environmental approval.
4. Other circumstances prescribed by the Regulations.

No other circumstances are currently proposed to be prescribed.

The Minister will be required to advise the applicant of the proposed termination of the process, and to seek the applicant's views before making a determination, if the termination is because additional information was not provided or it relates to a prescribed matter.

Why is this change proposed?

The assessment of applications for licences or exemptions may be delayed or frustrated where a mining operator fails or refuses to provide additional information, does not intend to progress the application, or is no longer the appointed mining operator or title holder. Without a termination process, applications may remain indefinitely "on foot", creating regulatory uncertainty and unnecessary administrative burden.

This amendment will enable the Minister to efficiently manage stalled or obsolete licence application and exemption request processes, while ensuring procedural fairness where termination arises from a failure to provide information or a prescribed circumstance.

3. Amending licences

What is changing?

Existing limitations on what can be amended in a licence are being removed, and the Minister's power to holistically review a licence are being clarified.

Why is this change proposed?

The Act currently only allows the conditions of a licence to be amended, creating uncertainty when other amendments, such as to operator details or mineral titles, are required.

Where an operator requests an amendment to the licence, the Act lacks certainty about whether the Minister can review all of the conditions of the licence or just those that are the subject of the application.

The amendments provide certainty about the Minister's powers when conducting reviews.

4. Revoking and cancelling licences

What is changing?

New powers are being introduced to support the revocation and cancellation of licences to clarify the regulatory framework. The Minister will be able to revoke and cancel a licence:

1. at the request of the mining operator, and
2. where the Minister is satisfied that the licence is no longer required, for example where:
    a. the activities authorised by the licence have been consolidated into another licence
    b. the appointment of the mining operator has been terminated and responsibility for the site has reverted to the mineral title holder or transferred to another operator
    c. the relevant mineral interest has been cancelled, ceased or transferred and the mining operator no longer has responsibility for the site.

Why is this change proposed?

The amendments provide regulatory certainty about the power to revoke and cancel a licence and improve administrative efficiency.

5. Consultation periods

What is changing?

Consultation periods associated with modified and tailored condition licences for exploration activities, fossicking and extractive operations are being reduced.

Consultation periods for variations to licences are being amended to align with consultation periods for the equivalent new licence.

Why is this change proposed?

The amendments maintain transparency and public participation while supporting reduced processing times for licence applications.

Aligning public consultation periods for variations with those of new licences addresses an inconsistency where some variations were required to be publicly exhibited for longer periods than a new licence. This created a regulatory disincentive for mining operators to seek amendments to existing licences and incentivised the submission of new licence applications, resulting in overlapping licences and increasing complexity in licence administration and compliance.

6. Joint mining operators

What is changing?

Limitations on the appointment of multiple mining operators are being removed.

The Act currently does not allow a mineral title holder to appoint more than one mining operator in relation to same kind of mineral or extractive mineral at a mining site. This prevents the appointment of joint mining operators.

Section 124D is being amended to allow the appointment of joint mining operators. Where joint operators are appointed, they will be jointly and severally liable for the activities on the mining site.

Why is this change proposed?

Removing the limitation better reflects commercial enterprises and arrangements.

The changes will also clarify responsibilities between mining operators that have been jointly appointed and mining operators that have been appointed in relation to different kinds of minerals and extractive minerals, and different types of mining activities. In turn, this will support regulatory enforcement and compliance activities.

7. Risk criteria and standard conditions

What is changing?

The processes for reviewing risk criteria and standard conditions are being amended and clarified.

Transparency and consultation requirements are being maintained.

Why is this change proposed?

The amendments simplify the Act and will improve administrative processes associated with the review of risk criteria and standard conditions, and the declaration of revised criteria or conditions.

8. Release and refund of mining security

What is changing?

Mining securities will be releasable and refundable in an increased range of circumstances.

The amendments will expressly allow securities to be returned where mining operators have changed, provided all existing disturbances remain secured.

Additionally, securities may be refunded without evidence of the completion of rehabilitation activities if the value of the security is less than $4000, or if, in the Minister's opinion, 'special circumstances' apply.

Why is this change proposed?

The amendments support the sale of mining activities and will provide a legislative basis for existing administrative processes associated with the return of securities when rehabilitation and remediation works are not completed, but the disturbances remain fully secured.

Introducing a threshold for the return of security acknowledges the administrative burden associated with managing limited impact activities for low value securities.

The 'special circumstances' provision will allow security to be returned in appropriate, exceptional, circumstances. In determining whether special circumstances exist, the Minister would have regard to matters including the level of disturbance at the site, whether the site is generally safe, stable and non-polluting, the period that has elapsed since the operator was responsible for the site, current ownership of the mineral title, and the relationship between the title holder and the mining operator. These obligations will be established through policy.

9. Environmental officer powers

What is changing?

New powers will allow environmental officers to require a mining operator or environmental approval holder to provide information or documents in a specified form or format and revise or amend information or documents previously provided and resubmit the revised or amended version.

Why is this change proposed?

These changes address a gap in the powers of environmental officers.

These powers will ensure that information and documents are provided in formats that are easily accessible, searchable and suitable for compliance monitoring and enforcement purposes. It will also ensure that there is an express power to address situations where critical information required to support ongoing regulatory oversight is omitted or presented inconsistently by operators and approval holders.

10. Other clarifications and improvements

What is changing?

There are a number of minor changes to the Act that will clarify regulatory requirements.

These include:

- clarifying when a tailored licence can be granted
- clarifying when a statement of reasons and notice of decision is required
- clarifying the application of the Act to uranium and thorium
- simplifying the revocation of the appointment of environmental officers
- correcting minor errors.

Why is this change proposed?

The minor amendments address various inconsistencies identified in the Act and will promote a clearer and more efficient regulatory framework.

11. Transitional arrangements

What is changing?

Where public consultation activities have commenced in relation to a licence application, the current public consultation period will continue to apply.

Why is this change proposed?

The amendments are intended to ensure a smooth transition to the new framework and avoid unnecessary disruption to existing arrangements.

For stakeholders

The proposed amendments are intended to ensure that the environmental (mining) licensing scheme operates efficiently by addressing regulatory barriers and clarifying processes. The reforms support streamlined licensing processes while maintaining opportunities for community and stakeholder participation in the licensing of mining activities.

Licence holders

Expected impacts

The reforms will provide greater certainty in processes, reduce consultation timeframes, support earlier return of mining securities, and clarify the powers of the regulator.

Licence applicants may experience more efficient assessment processes through clearer information requirements and streamlined administrative arrangements.

What this means for you

Licence holders will benefit from:

- reduced consultation periods
- more pathways to the return of mining securities
- clearer processes around joint operators.

Environmental and community interest groups and the public

Expected impacts

The assessment and management of the environmental impacts from mining activities continues to provide the foundation for the licensing framework.

Public consultation periods and all transparency elements are maintained.

What this means for you

Environmental groups and community members should benefit from:

- continued consideration of environmental values in mining licensing
- continued transparency in decision-making
- clear opportunities to provide input on licence applications, proposed risk criteria and standard conditions.