

To: Department of Mines, Industry Regulation and Safety (DMIRS)

Re: Implementation of GDA2020

17 July 2020

Introduction

AMEC appreciates the opportunity to be consulted on the proposed transition from GDA94 to GDA2020. Our Mining and Legislation Committee welcomed the opportunity to meet with the Department of Mining, Industry Regulation Safety to robustly discuss our Industry's serious concerns about long-term regulatory impacts of implementing GDA2020 on 9 July 2020.

We appreciate that the Department proactively reached out and engaged with AMEC and its members ahead of the implementation.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry body representing over 275 mining and mineral exploration companies across Australia, the majority of which have major project interests in WA.

The mining and exploration industry make a critical contribution to the Australian economy, employing over 255,000 people. In 2017/18, these companies collectively payed over \$31 billion in royalties and taxation, invested \$36.1 billion in new capital and generated more than \$250 billion in mineral exports.

Feedback

General

The realities of tectonic movement mean that GDA2020 is the third transition in the geodatum.

The previous transition of geodatum from AGD84 to GDA94 was a 200m shift and was originally anticipated to create 'working issues' for 3 to 4 years post-implementation. However, the known distortions created by the introduction of the GDA94 grid has had a far greater impact than anticipated, with problems arising from the co-existence of two grids still being experienced today, 20 years on.

Industry has significant concerns that the proposed introduction of a third grid under GDA2020 will exacerbate these problems.

AMEC and Industry are opposed to the proposed changes to the Regulations as they do not resolve long-standing issues with the use of geodatum and will negatively impact our industry.

AMEC and Industry supports working with the WA State Government to find the necessary legislative amendments to achieve a long-term solution.

Consequences for Industry

The proposed concurrent operation of three geodetic sets is complex and results in the distortion of tenure. While the grid lines move with the drift of the continent, coordinates do not. This causes significant challenges for the mining and mineral exploration industry, as Western Australian mining title registers comprise both a textual description and a spatial representation for all tenements throughout Western Australia, while the description for mineral exploration licences is a geographical coordinate set comprising latitude and longitude intersections using GDA94 datum. Mining tenements and exploration licences are not described using coordinates and will be unable to be accurately described using dynamic datum, which GDA2020 proposes.

The use of TENGRAPH Web, the spatial enquiry and mapping system displaying the position of WA mining tenements, run by DMIRS, is intended to provide a current and accurate representation of land under mining activity, and be used to determine ground available for mineral exploration. Under GDA2020, due to issues of scale and size, the TENGRAPH will not recognise the 1.8m shift. This will contribute to the accumulating array of ongoing issues for mining and mineral exploration, as the last two datums have done for many years.

Identified issues with the draft DMIRS principles

AMEC and industry appreciate the clear effort and careful thought that went into the preparation of the draft principles shared at the meeting on 9 July. However, the document's length and complexity belie how truly complex a third grid will be.

The draft principles still do not provide mineral explorers and miners with the certainty of tenure to overcome the sovereign risk that GDA2020 introduces. There are numerous discrepancies and inconsistencies with the interaction of GDA2020 and the Mining Act. As per discussions at the meeting with AMEC and the Department, the following key issues with the draft DMIRS principles were discussed:

- Section 69 of the Mining Act has the potential to invalidate an entire tenement due to a nominal breach resulting from the third grid, and the State has not provided any assurance this will be exempt
- Multiple principles such as 10c, would have flow-on effects, creating significant costs for our Industry, for example, who is liable to pay for the 1.8m gap?
- Tenements within the yellow grid (DMIRS provided diagram) could potentially undergo Native Title applications processes three times if three concurrent datums exist? What are the Future Act implications?

Preferred solution: Reform the legislation

AMEC and Industry considers that a legislative solution that decouples the grid from the origin point will negate the requirement for tenements and mineral exploration licences to be described using geodatum.

AMEC and industry understand legislative change is a slow and challenging process. However, we strongly believe the benefits resulting from a change to the Act will ultimately resolve long-standing issues which have not been able to be addressed by periodic changes to the Regulations.

The locking of the grid to a position regardless of coordinates would resolve inevitable discrepancies which will pose ongoing lengthy and costly disputes, delaying the wide-ranging benefits mining and mineral exploration provide for communities.

At a time when State, Territory and Commonwealth Governments have highlighted the importance of our industry for the nation's economic recovery from the likely COVID-19 related recession, Government should drive efficient and effective legislative reforms that reduce red tape and streamline current processes to support immediate and long-term economic and social benefits.

Urgency.

The New South Wales and Queensland's departments responsible for mining tenure have assured AMEC that support for GDA94 will be provided until respectively June 2023 and June 2022. The Northern Territory is yet to set a date for a shift of any datum.

Western Australia could mirror these jurisdictions by providing support for the existing datum. This would enable suitable time for consultation and futureproofing of the Act to be conducted.

Next steps

As discussed, AMEC opposes the originally proposed reform to regulations and the introduction of the proposed principles as the continuation of fundamentally flawed policy. However, AMEC will support an appropriate Act amendment and would welcome an opportunity to work with the Department on the wording of such a change. Furthermore, when suitable AMEC will seek a meeting with the Minister to discuss this important issue.

AMEC looks forward to engaging with DMIRS in ongoing consultation to address this issue.

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