

To: Department of Mining, Industry Relations and Safety

Re: Draft Excess Tonnage Guidelines

21 January 2021

Introduction

AMEC appreciates the opportunity to provide a submission to the Department of Mining, Industry Relations and Safety (DMIRS) consultation on updated Draft Excess Tonnage Guidelines. The proposed changes will be of direct relevance to the plans and operations of our Western Australian member companies.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry body representing over 350 mining and mineral exploration companies across Australia, with the majority having project interests in Western Australia. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

The mining and exploration industry make a critical contribution to the Australian economy, employing over 255,000 people, and in 2018/19 collectively paid over \$39 billion in royalties and taxation. In 2019/20 resources companies invested \$35 billion in new capital and generated more than \$176 billion in mineral exports. \$2.8 billion was spent on minerals exploration in 2019/20, representing an 18% increase from the previous year.

Draft Excess Tonnage Guidelines

General feedback

AMEC engaged with the Department throughout the consultation period for Excess Tonnage Guidelines when last reviewed in 2017. We made a submission and held a subsequent workshop for our members with Dr Ivor Roberts, then Executive Director Mineral Titles Division to discuss the proposed amendments. The concerns we had with the proposed amendments' effect on Native Title remain relevant to the current consultation process, as well as the proposed inclusion of hillside drilling.

Agreement from affected Native Title party (where required)

AMEC had significant concerns with the introduction of this requirement in the 2017 consultation process, and these concerns have not been alleviated. Native Title is a sensitive issue that is covered under Federal Legislation.

As a Native Title approval is sought with a tenement application, this requirement is duplicative and will introduce a considerable time delay. The Programme of Work application process necessary for any ground disturbance has an effective due diligence process for preventing damage to Aboriginal Cultural Heritage. The requirement to also seek Native Title agreement for excess tonnage adds a further element of duplication.

In the event an application seeks a cumulative total of more than 10,000 tonnes per tenement, AMEC does not consider the requirement to provide evidence of an agreement from the affected Native Title party to future approvals or consent to excess tonnage, to be an effective policy requirement.

Industry was uncertain about the type of activity this new requirement would be applicable to, and the intent behind the requirement. As the guidelines are being updated, now is an opportune time for the Department to engage with Industry to advise of:

- How many applications for excess tonnage were received?
- How many were required to provide Native Title agreement evidence?
- What activities were covered by the guideline?
- At what stage is exploration considered mining, as this has correlation with tonnage in excess of 10,000 tonnes?
- Is the consent of the primary tenement holder required for Special Prospecting Licences?

Additionally, “or” should be added to the end of the first dot point under “8.”, on page 3 of the draft guidelines. Consistency of language is important; this requirement should only apply to ‘determined’ Native Title parties, not ‘registered’, as a ‘registered’ party is only an applicant in relation to the claim.

Hillside drilling and Special Prospecting Licences

AMEC acknowledges that Special Prospecting Licences have been added to the 500-tonne draft excess tonnage category. However, the proposed addition of hillside drilling is of concern to industry.

It is noted that DMIRS will provide a calculator to assist with the calculation of tonnage for cut-and-fill drill pads required for hillside drilling, however as no other tools have been specified, and hillside drilling is not currently included in excess tonnage requirements, the intent behind this new requirement and the extent of additional information required is unclear. We would like to request more clarity, and dependent on the information presented, may request further consultation before this change is implemented.

Guidelines

Industry appreciates and welcomes the provision of good quality guidance materials from Government. Clear, concise policy documents minimise the need for prescriptive measures, and encourages Industry to present high-quality applications to regulatory bodies for assessment, with an overall increase in transparency.

AMEC requests insight from the Department into the current state of excess tonnage applications, particularly if there are any areas in the current process that frequently require re-addressing or additional information for assessment? If so, it would be prudent to address these ambiguities in the current consultation period, to continue encouraging consistent, high-quality applications and assessments.

Final comment

AMEC continues to welcome opportunities to engage with the Department as regulatory reforms are undertaken. Similar to this consultation process, we request ongoing engagement to ensure there are no unintended consequences for industry.

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