



CONSULTATION SUMMARY

Mining Amendment Bill (No.2) 2021

The Department of Mines Industry Regulation and Safety (DMIRS) is proposing amendments to the *Mining Act 1978* to improve regulation and regulatory practice in Western Australia. These changes are contained in the Mining Amendment Bill (No. 2) 2021 which seeks to:

- streamline administrative processes.
- safeguard the security of titles and licences.
- generate certainty for the resource sector.

Key components of the bill are:

- Modernising of the geodetic datum through the adoption of GDA2020.
- Allowing lease conversion applications to be made without first marking out the land when the land cannot be accessed due to a significant event.
- Providing a discretion for the Minister to determine that land is “unavailable for exploration” when granting exploration licences.

Adoption of the Geocentric Datum of Australia 2020 (GDA2020)

The State is moving to adopt the latest, most accurate and modern geodetic datum - GDA2020. This move will ensure coordinates are aligned with Global Navigation Satellite Systems, critical to applications that rely on accurate satellite positioning, such as in-vehicle navigation, automated mining operations, and surveying.

To enable the transition to GDA2020, amendments to the Mining Act will enable the exploration licence grid to remain constant as it is now (at GDA94), while its location on the surface of the land will be described using GDA2020. This will remove practical and administrative issues resulting from the overlay of different grids.

The changes are flexible enough that any future datum can be automatically applied. This will enable the continued accuracy of location and security of the titles system into the future.

Lease conversion applications to be made without first marking out the land

A licence holder’s right to convert to a lease will be protected and the security of title safeguarded where the holder can’t access land for marking out because of an event, such as a natural disaster or emergency, civil disturbance, industrial dispute or other circumstance that is beyond the control of the holder.

The holder of a prospecting licence, exploration or retention licence will be able to submit a conversion application for a mining lease or general purpose lease without first completing the marking out of the land. Once the event no longer prevents access to the land, the titleholder will be required to complete the marking out.

This will remove the risk to the holder of losing the title in certain circumstances that prevent access to the land and to secure the titles system.

Minister’s discretion when granting exploration licences

To streamline the tenement granting process and minimise delays to the processing of exploration licence applications, the Minister for Mines may, at his or her discretion, determine that land is “unavailable for exploration” when granting exploration licences.

This is in recognition that not all land subject to an exploration licence application is of interest to the applicant. Areas such as Native Title areas (determined or undetermined), granted miscellaneous licences, or areas set aside by the Government for other future land uses may be made unavailable for exploration.

Further exploration licences will not be granted over areas determined to be “unavailable for exploration”, but other types of mining tenure may still be applied for and granted over that area to ensure that the land is not sterilised from future land use opportunities.

The proposed changes allow flexibility to recognise areas that are not of value to the applicant or that may be of greater value to a third party, and align the rules around exploration licences with existing provisions for other tenement types.

CONSULTATION

DMIRS first publicised the proposed amendments to industry, government and Native Title parties in May and June 2021. This was done as part of consultation undertaken for the Mining Amendment Bill (No.1) 2021 [previously referred to as the Streamlining (Mining Amendment) Bill 2021]. Feedback received as part of that consultation has been considered during the finalisation of the draft Mining Amendment Bill (No 2) 2021.

Details of the consultation on the proposed amendments and information sessions are available at www.dmirs.wa.gov.au/content/open-consultations

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