

MINING AMENDMENT BILL 2022

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, read a first time.

Second Reading

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [6.39 pm]: I move —

That the bill be now read a second time.

The Mining Amendment Bill 2022 amends the Mining Act 1978 to improve regulation and regulatory practice by streamlining administrative processes and safeguarding the security of mineral titles and licences. This bill supports the government's vision for Western Australia to continue to be recognised as a world leader in responsible resource development, underpinned by robust and adaptable legislative frameworks. The bill provides for three key reforms to the Mining Act, which I will now summarise.

The first reform provides for the adoption of the Geocentric Datum of Australia 2020, or GDA2020. GDA2020 is Australia's new geometric datum that is progressively replacing the old GDA94. The transition to GDA2020 is necessary to maintain the accuracy of location information. This will ensure that latitude and longitude coordinates are accurately aligned with global navigation satellite systems that support in-vehicle navigation, automated mining operations and surveying. Maintaining the accuracy of location information is critical to the security of the state's mineral titles system and to support modern resources sector activity. 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 amendments are forward looking and flexible, recognising that the continued movement of the earth's surface will require updates to the datum to be applied in the future. The Department of Mines, Industry Regulation and Safety will be able to adopt future changes to the datum through regulation, rather than legislative amendment, seamlessly securing the state's mineral titles system.

The second area of reform allows lease applications to be made without first marking out the land when applicants cannot access land through circumstances outside of their control. The Mining Act provides that a holder of a prospecting licence, exploration licence or retention licence may apply for a mining lease or general purpose lease over the land that is the subject of the existing licence. The licence holder must mark out the area of a proposed mining lease or general purpose lease prior to lodging an application and before the underlying licence expires. However, the ability for a licence holder to apply for a mining lease or general purpose lease over all, or part of, their existing licence is at risk when circumstances outside of the licence holder's control prevent access to the land. This was identified during the lockdowns and travel restrictions put in place as part of the state of emergency declared during COVID-19.

The bill proposes to amend the Mining Act to allow an applicant to first submit an application for the lease before marking out the land. This will preserve the licence holder's ability to apply for a lease over the existing licence area and maintain the security of the state's mineral titles system. Application of the new provisions are limited to exceptional circumstances as set out in the bill. These include a natural disaster, civil disturbance, industrial dispute or state of emergency. When an applicant's ability to access the land is prevented by any of the circumstances set out in the bill, the applicant may submit an application for the lease without first marking out the land. An application must be supported by a statement and evidence specifying why it is not possible to access the land for marking out purposes. The applicant's evidence must be sufficient to satisfy the mining registrar of the exceptional circumstances, otherwise the applicant must mark out the land. Once circumstances no longer prevent access to the land, the applicant will be required to mark out the land as soon as practicable, or within a time specified by the mining registrar. The new provisions will apply only under exceptional circumstances. The marking out of the land must still be completed before the lease is granted.

The third area of reform enables fees to be prescribed for lodging an objection against a mining tenement application. Unlike other application types under the Mining Act, there is currently no legislative provision that allows for a fee to be imposed for lodgement of objections. These amendments will align objection applications with other applications and actions under the Mining Act by enabling a prescribed fee to be applied. The amendments will not only align objection applications with other applications under the Mining Act, but also establish consistency with comparable jurisdictions when there is a fee for lodging objections, such as with the State Administrative Tribunal. The amendments do not propose any fee amount, only for a fee to be set. Any setting of a fee will require an amendment to the Mining Regulations 1981 and be subject to consultation with stakeholders.

Finally, this bill contains a minor amendment to designated tenement contact provisions. This amendment will increase the scope to give information, documents and notifications electronically, supporting the government's digital transformation and streamlining of services.

In conclusion, the key outcome of this bill is that it will maintain security of the state's mineral titles system by allowing seamless responses to changes in circumstances affecting the resources sector. This will provide greater certainty to the resources sector, allowing it to continue to grow to the benefit of the state and Australia.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [1651](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.45 pm
