

**To: REGIONAL NSW, MINING, EXPLORATION AND GEOSCIENCE**

**Re: GUIDELINE - THE PREPARATION OF NATIVE TITLE ASSESSMENT REPORTS**

**28 October 2022**

## **Introduction**

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide a submission to the Department of Regional NSW, Mining Exploration and Geoscience (MEG) on the draft *Guideline - The Preparation of native title assessment reports in support of applications for authorities granted under the Mining Act 1992 and the Petroleum (Onshore) Act 1991 (Draft Guideline)*.

## **About AMEC**

AMEC is a leading national minerals industry association representing over 500 member companies across Australia. Our members are explorers, emerging miners, producers, and a wide range of businesses and services working in and for the minerals industry. AMEC has a growing number of members working and investing in NSW.

## **Guidance on native title always appreciated**

Native title is a complex and important matter and AMEC welcomes the provision of improved guidance and information for the NSW minerals industry.

This Draft Guideline is one of the best draft documents that we have had the pleasure to review from the NSW Government. The Draft Guideline is well presented and pitched, clearly written with useful information focused on the needs of the user. The document logically guides the user and includes useful examples, tables, templates, checklists and FAQs to support understanding of the complex requirements. This information will go far to support industry to maximise compliance and should be used as a template for further draft documentation from MEG to support industry and investment in NSW.

## **Comments on the Draft Guideline:**

### **1. Assessment of extinguishment should not have to be replicated**

As detailed so clearly in the Draft Guideline, the process of assessing extinguishment is complex, lengthy and often expensive for industry to prepare and Government to assess.

Unlike other authorities under the *Mining Act 1992*, exploration licences are often held for only a few years, relinquished, and then the same ground is sought by another company. Currently, AMEC understands that the

process assessment of extinguishment needs to be done for every tenure, even when this has already been recently completed for tenure in exactly the same area. This is duplicative and costly for both industry to prepare and Government to assess.

AMEC strongly recommends that a process to minimise duplication of assessments of extinguishment, possibly including evidence of a previous assessment as an option for proof of extinguishment.

## **2. Provide clarification on the ‘high standard’ that is required for the preparation of a report**

This Draft Guidelines notes that applicants are required to provide a native title assessment reports to a ‘*high standard*.’ However, the guidelines provide minimal clarification on what satisfies ‘*high standard*’.

AMEC recommends that the references to a ‘*high standard*’ are either clarified or note is made of the supporting example documents for further information that provide a clearer understanding of the level of detail required in the extinguishment assessment reports.

## **3. Consider confidentiality of reports**

Care, responsibility and accountability are essential components of native title considerations. Such requirements often entail a level of confidentiality and sensitivity. Section 7.3 stipulates that reports to MEG are not treated as confidential and “*if a report is shared with another agency or native title party you will be contacted*”.

AMEC recommends that permission is sought from the applicant prior to sharing the native title assessment report with external parties.

## **4. Clarify expected responses and timeframes for MEG**

Section 8 of the Draft Guideline outlines the review of the report by MEG but is unclear on the response time for the initial check of the report and any requirements for the applicant to provide additional information.

AMEC recommends that this information is added to Section 8 and the flowchart at Figure 1.

AMEC looks forward to finalisation of this Guideline and you have any queries regarding this submission, please do not hesitate to contact:

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