

To: **REGIONAL NSW, MINING, EXPLORATION AND GEOSCIENCE**
Re: **DRAFT GUIDELINE – INFRASTRUCTURE FACILITY PROCESS**

10 March 2023

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 infrastructure facility process – Native Title Act 1993* (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. The Draft Guideline is generally clearly written with useful information focused on the needs of industry users with an interest in NSW. This information will provide support to industry to maximise compliance in NSW and further drive investment in the State.

As AMEC does not represent coal or petroleum operations in NSW, we will leave comments regarding coal and petroleum to other industry stakeholders.

Comments and recommendations on the Draft Guideline

AMEC provides the following overarching comments on the Draft Guideline:

1. Clarify ancillary mining activities

The Draft Guideline provides information on the important terms 'infrastructure facility' and 'ancillary mining activity' in section 2.2, 2.3, 2.4 and section 10. This is the critical component of the document, and this section should be separated from the description of the process and combined so there is better clarity for the reader on what process applies when and where. AMEC also notes that the important term 'AMA' is used only as an acronym in the documents and not written in full at least once.

AMEC recommends providing better clarity on the meaning of 'infrastructure facility' and 'ancillary mining activity'.

2. Provide a flow chart to show the process

The objective of the Draft Guideline is to describe the steps for the infrastructure process under native title. This is a complex process that is described over multiple sections of the document. A flowchart would be a simpler way to provide this information clearly for the reader of the document and also as a reference guide. This flow chart should detail the process with timeframes and options to clearly show the steps in the process.

AMEC strongly recommends that a flow chart of the process is included to provide greater clarity for the reader.

3. Detail requirements of the applicant

Currently the requirements for the applicant in the infrastructure process are itemised or outlined in section 3.2 only. Examples of submissions and detail on the exact information and preferred format for the application would support the applicant to provide the appropriate information and maximise compliance. This additional information was provided in the other MEG native title guidelines and this document would greatly benefit from this additional information.

AMEC recommends providing further detail on the requirements for applicants to maximise compliance.

4. Reference other MEG native title guidance or combine into a single document

The Draft Guideline is the fourth draft guidance document on different aspects of native title by MEG in recent months. Consideration should be given to combining the documents with sections or appendices or at least referencing the other documents in each document to ensure that users do not miss information and to minimise confusion. Further, the title of this Guideline should be reconsidered in view of the additional guidance documents – as it stands, the title does not clarify the content for the reader.

AMEC recommends providing references to other MEG native title guidelines or combining them as one document, as well as amending the name of this guideline to clarify the content for industry stakeholders.

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

Lucy McClean
Director – New South Wales, Victoria & Tasmania