

21 October 2024

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Department of Energy, Mines, Industry Regulation and Safety
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Via email: hailey.packer@dmirs.wa.gov.au

CCAA Submission: Draft Guidelines to Support the Application for a Second Renewal of a Mining Lease Made in Accordance with the *Mining Act 1978*

Dear Hailey

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide comments to the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) on the *Draft Guidelines to support the application for a second renewal of a mining lease made in accordance with the Mining Act 1978*.

CCAA is the peak body for the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout the nation. CCAA membership produce the majority of Australia's cement, concrete & aggregates, and ranges from large global companies to SMEs and family operated businesses.

Application for renewal

In the recent joint CME/AMEC/CCAA letter of 10 September 2024 to Minister Michael on this issue, it was noted that the current wording of the Mining Act in Section 78 allows only a single year to negotiate the new Mining Lease. This constrains when a renewal can begin. Considering that the advertising period under the NTA will immediately reduce the 12-month period by four months, it will leave only an 8-month period to negotiate a new agreement in an area with an existing and/or operating asset. This is insufficient time.

CCAA also notes in the letter from Minister Michael of 7 October 2024 responding to the joint letter the Minister states “I can confirm that we will consider potential amendments to the Mining Act aimed at expanding the renewal period”.

It is noted that the draft guidelines state that “An application for a second renewal may be lodged within the last three years of the term of the lease [NB: Legislative amendments are intended]”. Whilst this is an improvement on the previous one-year period, CCAA strongly **recommends** expanding the renewal period to five years, as stated in the joint letter. The Guideline should also be reworded to “An application for a second *and subsequent* renewal may....”

A five-year renewal period will provide flexibility and given the complexity of potential native title negotiations allow sufficient time for reasonable outcomes to be achieved.

The Government's stated commitment to extend a lapsed Mining Lease while native title negotiations continue is welcome. However, a proponent that must rely on this extension will still face investment uncertainty.

CCAA **recommends** the legislative changes are made as soon as possible in this term of Parliament.

Public Interest Considerations

CCAA notes that one of the matters considered during assessment is the benefits of renewing the tenement in the public interest. CCAA recognises that this criterion may require a balancing of competing interests and has been subject to several recent court cases.

CCAA **recommends** that the term 'public interest' is defined within this guideline to help provide greater certainty for applicants and enable them to provide a higher quality application that covers the required key aspects for the Minister or delegate to consider.

Transition arrangements

The Guideline should provide more detail on transition arrangements, especially until the required legislative amendments that detail the second renewal period are in place.

CCAA **recommends** that the Guideline should at least state the Government's commitment to extend a lapsed Mining Lease while native title negotiations continue.

Western Australia's regulatory environment needs to be internationally competitive to continue to attract capital to invest into the state to ensure a sustainable and competitive heavy construction materials industry. This in turn facilitates Western Australia's productivity, housing affordability and lower infrastructure costs.

For further information please contact Roger Buckley, State Director Western Australia on Mobile: 0417 401797 or Email: roger.buckley@ccaa.com.au.

Yours sincerely

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