

To: Northern Territory Legacy Mines Unit, Department of Industry, Tourism and Trade

Re: *Legacy Mines Remediation Bill 2023.*

18 September 2023

Introduction

AMEC appreciates the opportunity to provide industry feedback on the draft legislation for the *Legacy Mines Remediation Bill 2023*. The efforts of the Department of Industry, Tourism and Trade (DITT or the Department) to brief the Mining Remediation Fund panel and wider Industry have been appreciated.

These reforms are seen by Industry as a consequence of the amendments to the *Mine Management Act 2001* and the *Environment Protection Act 2019*. The legislation is, however, appreciated as its own distinct framework. It is important that the Legacy Mines Fund (LMF) has its own standing, and this legislation is drafted to provide for its successful operation.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national peak industry body representing over 560 mining and mineral exploration companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

Mineral exploration and mining make an essential contribution to the Northern Territory's economy, employing over 8,500 people. In 2021/22, the mining industry made up \$5.7 billion of the NT Gross State Product, accounting for 35% of NT's economic output. In 2022/23 mining companies contributed a total of \$367 million in mineral royalty payments, contributing 36% of the Territory's total own-source revenue.

The Territory Economic Reconstruction Commission and the subsequent Mineral Development Taskforce identified mining and mineral exploration as the way to grow the NT economy to \$40billion by 2030. A fully operational LMF is a part of that journey.

General Remarks

AMEC is supportive of the drafting of this legislation. However, we do propose the following amendments to improve the operation of the Act:

Unsecured Mining Activities

A concern for Industry is that the LMF amendments will change the liability of tenure holders for what were defined as Unsecured Mining Activities will have changed. Noting the definition of Unsecured Mining Activities as per the *Mining Management Act 2001*, S 46B (2) reads:

Unsecured mining activities are mining activities, whether carried out by a person before or after the commencement of this section, in relation to which the person:

(a) provided no security; or

(b) provided a security that has been expended.

A commitment from Government that the financial liability of current tenure holders will not be altered would be welcome.

Exemption from environmental approvals

Industry is concerned that the expenditure of the funds will be consumed by undertaking governmental environmental approvals. The expenditure and projects of the LMF should be made explicitly exempt from the Environmental Impact Assessment and other assessment processes performed under the Environmental Protection Act 2019. The purpose of this fund is to remediate sites, not to pay for government approvals. If the legislation does not clearly carve the LMF out from the beginning in the future, there may be a reconsideration.

Invest the majority of the Legacy Mines Fund in the ground.

The legislation is drafted to provide full discretion to the Government as to the expenditure of the LMF. AMEC proposes that Section 11 is clearer as to the reporting requirements. Each project expended upon should be detailed, and the percentage of funding that is directed to research named. AMEC considers that a threshold of 25% should be the maximum for research funding. Most of the funds expended should be directed at in-ground expenditure.

Legacy Mine Fund Industry Panel

AMEC is disappointed to note that a Legacy Mine Fund Industry Panel was not provided for in the draft. We consider it should be. The Western Australian Mining Rehabilitation Fund has made provision for such a group to provide advice (Section 33 of the *Mining Rehabilitation Fund Act 2012* (WA)¹). We would welcome consideration of replication of this group in the Northern Territory.

¹ Mining Rehabilitation Fund Act 2012 [available here](#).

Review & Audit

The draft Act lacks a defined review or audit period. AMEC considers a review period should be identified, at a minimum in ten years' time to review whether the LMF is achieving what is defined in the purpose.

Provision should also be made for a five yearly audit. Ensuring the probity and integrity of the LMF is important to Industry.

Interest inclusion welcomed.

AMEC is pleased to note that the interest from the payments made by industry into the LMF will remain in the fund. This is sensible policy and is supported by Industry.

Final comments

AMEC welcomes the opportunity to provide further commentary to the Department regarding the implementation of these reforms where appropriate.

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