



Environment Liaison Committee

MINUTES – 16 September 2016

Meeting No:	3/2016	Time:	9:30am – 11:15am
Venue:	DMP Level 8, Mineral House, 100 Plain St, East Perth	Secretariat	Department of Mines and Petroleum – Environment Division

Attendees:

Dr Phil Gorey (Chair)	Department of Mines and Petroleum (DMP)
Mr Harry Backes	Cement Concrete & Aggregates Australia (CCAA)
Mr Kane Moyle	Chamber of Minerals and Energy WA (CME)
Mr Les Lowe	Amalgamated Prospectors and Leaseholders Association (APLA) (via videoconference from Leonora)
Mr Anthony Sutton	Office of the Environmental Protection Authority (OEPA)
Mr Nic Woolfrey	Department of Parks and Wildlife (DPaW)
Mr Matthew Awang	Department of Water (DoW) proxy

In Attendance:

Ms Karen Caple	Department of Mines and Petroleum (DMP) (Observer)
Dr Marnie Leybourne	Department of Mines and Petroleum (DMP) (Observer)
Mr Daniel Endacott	Department of Mines and Petroleum (DMP) (Item 3.3)
Mr Ian Mitchell	Department of Mines and Petroleum (DMP) (Item 3.4)

Secretariat:

Ms Kate Buckley	Department of Mines and Petroleum (DMP)
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1. INTRODUCTION

1.1 The Chair of the Environment Liaison Committee (ELC) opened the meeting at 9.35 am and welcomed members.

1.2 Apologies

ELC:

- (a) **Noted** the following apologies:
- (i) Mr Simon Bennison AMEC
 - (ii) Mr Andrew Taylor APPEA
 - (iii) Mr John Connolly DoW
 - (iv) Environmental Defenders' Office of WA
 - (v) Mr Richard Riordan DSD
 - (vi) Ms Mia Pepper CCWA
 - (vii) Ms Kelly Faulkner DER
 - (viii) Mr Gary Peacock PGA



2. PREVIOUS MEETING

2.1 Acceptance of Minutes

ELC

- (a) **Accepted** the minutes of Meeting No. 2/2016 held on 17 June 2016 without change.
- (b) **Noted** that the legislative reforms for transparency to release environmental information are on hold pending the progression other legislative amendments and transparency reforms across the agency.

2.2 Review of Action List

ELC:

- (a) **Noted** the Action List updated from the 17 June 2016 meeting.
- (b) **Noted** that Mr Jim Dodds, Director of Public Health at the Department of Health has agreed to provide a briefing at the December meeting on the *Public Health Act 2016*, and provided input that the following topics should be covered: the triggers and process for health risk assessments (Part 7 of the Act), interaction with the existing *Health Act 1911*, and consideration of dust and fibrous material monitoring. Any further topics to be addressed should be forwarded to the secretariat as soon as possible.
- (c) **Noted** that the CCAA has received data as requested on overall assessment timeframes including referrals to other agencies, and CCAA noted the trend of decreasing total timeframes for mining assessments.

3. AGENDA ITEMS

3.1 Revised Committee Membership

ELC:

- (a) **Noted** the Agenda Paper and the general support for inclusion of the Environmental Consultant's Association (ECA).
- (b) **Noted** APLA's observation that while 'promotion of the environmental industry' was part of the ECA's remit as stated in the agenda paper, this was not within the scope or purpose of the ELC. It was noted that ECA members would undertake a wide range of environmental work across many industries, not just the resources industry.
- (c) **Endorsed** the revised committee membership including the ECA.

3.2 Terms of Reference

ELC:

- (a) **Noted** that each member organisation will have one representative attending the meeting, the same as the previous Reforming Environmental Regulation Advisory Panel.
- (b) **Endorsed** the revised Terms of Reference, including the change of committee name to 'Environment Liaison Committee'.

3.3 Mining Proposal Reform Implementation

ELC:

- (a) **Noted** the Agenda Paper and the presentation by Daniel Endacott from DMP on the implementation of the 2016 Mining Proposal Guidelines.
- (b) **Noted that** DMP is undertaking reviews of its internal processes, procedures and training for the successful implementation of the 2016 Mining Proposal Guidelines and will be undertaking further consultation on particular aspects such as small operations templates; changes to annual environmental reports and transitioning sites on care and maintenance.
- (c) **Noted** that many small operators are undertaking sizeable operations with significant earthmoving required to discover resources. DMP's regulation is focused on environmental impact and therefore assessments are based on the size and risk of the operation, and not based on the size of company or number of personnel undertaking the work. The risk-based system is designed to be scaleable such that a small vs large operation dichotomy should not exist, and regulatory requirements are targeted and proportional. The need to provide additional support to assist 'small operators' to comply with regulatory requirements was acknowledged. DMP will consult with industry to clarify and define 'small operations'.
- (d) **Noted** the complexities around resubmission of mining proposals for existing activities, particularly the submission of a replacement mining proposal to capture previously assessed and approved activities and disturbances. APLA raised this may be difficult where there is a radical change in planned activities. Clarity is required on what triggers a resubmission. It was noted that due to the large numbers of already approved mines, many mining proposals received will be submissions of revised proposals rather than new sites. Noted that a revised proposal is likely to raise the same issues as existing activities, and the acceptability of a subsequent proposal would be dependent on the ability to manage those issues over the whole operation.
- (e) **Noted** that the 2016 Mining Proposal Guidelines are consistent with the existing *Mining Act 1978* provisions and are not dependent on the passage of the Mining Legislation Amendment Bill 2015.
- (f) **Noted** that CCAA has been working with members to develop a guide for quarrying activities and will liaise with the Department of Mines and Petroleum for their input.
- (g) **Noted** that DMP has received at least three Mining Proposals to date that follow the 2016 Mining Proposal Guidelines.
- (h) **Agreed** that DMP will consider the presentation of learnings or case studies at upcoming ELC meetings, and other communication tools such as the e-newsletter, based on the assessment of the Mining Proposals received to date under the 2016 Mining Proposal Guidelines.
- (i) **Agreed** that members will provide nominations for participation on the Industry Reference Group for the implementation of these new Guidelines, to the Secretariat.

3.4 Closure and Relinquishment Reforms

ELC:

- (a) **Noted** the Agenda Paper, the presentation from Mr Ian Mitchell from DMP on Closure and Relinquishment Reforms, and the tabled paper titled 'Future Directions in Mine Closure and Rehabilitation – Workshop Findings and Analysis August 2016'.
- (b) **Noted** that a preliminary workshop was held in August 2016 with some industry and government representatives as an information gathering exercise, to identify key priorities and areas of work in mine closure and relinquishment. The three key areas of work identified were: the role of government agencies in relinquishment; a framework for relinquishment, and technical guidance and rehabilitation standards.
- (c) **Noted** these issues are not just for DMP and are likely to require collaboration or to be led by other government agencies. The findings will be considered in the planning and scoping to develop the next stage of reform work.
- (d) **Noted** that previous reforms were heavily focused on approvals reforms, and the next stage for operational projects is ultimately closure. CME stated good policy and good decision making is needed not only for government but to ensure that industry has confidence in the closure process and requirements in order to invest with certainty into rehabilitation.
- (e) **Noted** the difference between abandoned mines and legacy workings on existing sites, and how to identify closure objectives for legacy workings versus modern closure objectives. APLA raised that there needs to be considerations for new activities to re-mine previous workings.
- (f) **Noted** there needs to be a clear process to decide what are appropriate closure and relinquishment outcomes for older sites.
- (g) **Noted** the principles of safe, stable and non-polluting are sound and should be coupled with site-specific requirements. The Mine Closure planning process and its three year reiterations enables continual refinement of outcomes.
- (h) **Noted** that for Department of Parks and Wildlife in its role as a public land manager there needs to be a clear decision making process at the outset regarding a feasible and reasonable end land use, and clear decision making process if future land use is different from existing, particularly for existing reserve lands eg. State Forest. An assessment of future residual liability would avoid wasting time and money trying to engineer an outcome that is not achievable.
- (i) **Noted** that in some instances closure commitments may have been made up front to support an approval, but may not be achievable in the long term. It was questioned due to the long term nature of these issues whether the newly submitted Mining Proposals and Mine Closure Plans would be subject to these reforms and whether the outcomes proposed in them would be achieved.
- (j) **Agreed** that DMP will keep all ELC members informed of future consultation opportunities and workshops.

4. STANDING ITEM: STAKEHOLDER CONSULTATION

4.1 Stakeholder Consultation Schedule

ELC:

- (a) **Noted** the Agenda Paper and Schedule, and that the Guidelines for Groundwater Monitoring in the Onshore Petroleum and Geothermal Industry were released yesterday.

4.2 Papers for Noting

ELC:

- (a) **Noted** the public release of: August 2016 “Guidelines for Onshore Oil Spill Contingency Plans” and July 2016 “Response to Submissions: Draft guidelines for Onshore Oil Spill Contingency Plans.”

5 OTHER BUSINESS

5.1 Departmental Updates

ELC:

- (a) **Noted** that Mr Richard Sellers, former Director General of DMP has been appointed Director General of the Department of Transport. Dr Tim Griffin has been appointed Acting Director General of DMP until April 2017.
- (b) **Noted** that DMP is working with other agencies following up on the Quinlan Review, and that DMP’s publicly released documents are likely to be standardised in classification, branding and content type.

5.2 Member Updates

ELC:

- (a) **Noted** the update provided by Mr Anthony Sutton from the Office of the Environmental Protection Authority on the progress of implementing the recommendations from the legal and governance review of the Environmental Protection Authority (EPA). Noted that the EPA’s factors will continue to be complementary with the DMP environmental factors in the 2016 Mining Proposal Guidelines.
- (b) **Noted** the CME is participating in this policy review through the EPA Stakeholder Reference Group.
- (c) **Noted** the Department of Water is also reviewing its policies, and the Water Online System will be operational in the next few months.
- (d) **Noted** that APLA provided its thanks for the support provided by DMP to attend via videoconference from Leonora.

6 CLOSE AND NEXT MEETING

There being no further business, the Chair closed the meeting at 11.15 am, noting the next meeting is scheduled for Friday 16 December 2016 from 9.30 – to 11.30 am.

MINUTES OF MEETING NO. 3/2016 OF THE ENVIRONMENT LIAISON COMMITTEE HELD ON 16 SEPTEMBER 2016

ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING

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Chair

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Date