



Response to Submissions Draft Environmental Applications Administrative Procedures

Introduction

The draft Environmental Applications Administrative Procedures document was released for public comment on 17 September 2019 closing 29 November 2019.

The procedures provide information on the process for screening and assessing environmental applications under mining and petroleum legislation administered by DMIRS. It also outlines how DMIRS may interact with other regulators and other legislation to progress the assessment of an application; including seeking inter-agency advice, parallel processing opportunities and constraints on decision-making.

This document has been prepared to provide clarity for proponents to understand the relevant legislative requirements as well as DMIRS' internal processes. DMIRS encourages proponents to engage early with the department before lodging their applications.

This document is a summary of the feedback received and DMIRS' responses to those comments.

Stakeholder Comments

The review process notified respondents that their submissions would be made publicly available on the DMIRS website. However, personal details or company names attributed to those comments could be made confidential at their request. For those stakeholders providing confidential feedback (four respondents), this appears as an "In Confidence" entry in the feedback table.

For the purposes of more easily grouping and responding to feedback from stakeholders, the submissions have been sorted by section of the draft document, however the text of the submissions are included verbatim. DMIRS thanks all stakeholders for their considered input into the process.

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
1	Mitsui E&P Australia	General	<p>I would like to provide some feedback on the draft Environmental Applications Administrative Procedures that is currently open for public comment.</p> <p>Table 1 of the draft Admin procedure indicates under the Environment Plan (EP) :</p> <p>“Relevant title (or access authority) for the area of the EP must be in place and the title holder(s) must provide notification of the operator prior to submitting the first EP application for DMIRS to accept the application.”</p> <p>Our company recently submitted a pipeline licence application to DMIRS and also a Construction Environmental Plan related to the construction of the pipeline. DMIRS advised that, under the requirements listed in table 1 of the draft procedure, the EP assessment could not start until the pipeline licence was granted.</p> <p>I consider that the EP should be assessed in parallel with the pipeline licence application as a means to ensure that a pipeline licence will not be granted unless there is a sound EP proposal for the work.</p> <p>The EP assessment could commence once the pipeline licence application screening has been completed and the application has progressed to the “under Assessment” phase to avoid commencing the EP assessment on a pipeline that does not have sufficient information for the pipeline licence application to progress.</p> <p>The EP assessment could progress to the point where queries are issued to the applicant and responses received from the applicant and the EP document is considered to be ready for approval. At that point, if the pipeline licence has not been granted the EP assessment could then be put on hold pending the granting of the pipeline licence.</p> <p>The other advantage of a parallel assessment of the pipeline construction EP with the pipeline licence application is reduced timelines for regulatory approvals. This is particularly important for our fast track project.</p> <p>Thank you for the opportunity to comment on the procedure.</p>	<p>Comments noted. An Environment Plan must be submitted by an operator and under regulation 37 of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 the instrument holder for an activity must ensure that there is an operator of the activity. The requirement for an Environment Plan to be submitted after the grant of the title is linked to the requirement to submit a notification of operator prior to the submission of the Environment Plan. In order for an operator to be nominated there needs to be a granted title. DMIRS will only assess EPs concurrently to the title application in the instance where there is a title, for special prospecting authorities or as deemed necessary by DMIRS. In these cases, DMIRS will withhold a decision on the EP until the title has been transferred or special prospecting authority granted.</p>
2	Association of Mining and Exploration Companies (AMEC)	General	<p>AMEC has been a long-time advocate for a more streamline and cost-effective environmental application process which provides much needed certainty and predictability for their investment and business decision making.</p> <p>In doing so, AMEC wrote to the Premier in December 2018 respectfully recommending: <i>“That increased strategic and high-level priority should be given to land access and approval processes relating to mining and mineral exploration activities in Western Australia.</i></p> <p><i>Our members consider that fast tracking and pro-actively facilitating mining development approvals can support economic growth, prosperity and job creation opportunities, as well as contributing to the State’s budgetary position.</i></p> <p><i>In doing so, it is not intended that there would be any diminution of normal environment or cultural heritage values or due diligence processes undertaken by Government in the decision-making process.</i></p>	<p>Support noted with thanks</p>

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			<p>We consider that there are various initiatives, including those of an administrative nature, which could be implemented to improve Departmental efficiency and the service culture of regulatory agencies. We are already working with relevant agencies in a positive and constructive manner in order to achieve these desired outcomes.</p> <p>Apart from improved guidance material, removal of duplication and regulatory red tape, and implementation of business improvements strategies, a 'top down' direction from you and / or Cabinet to relevant Director Generals, would provide them with the 'imprimatur' and mandate to instruct their staff to process development applications in a more efficient, effective and timely manner in the State's interest. It is reasonable to expect that the regulatory and approvals framework should, at least, work at the same speed as business.</p> <p>We fully endorse Recommendation 3 in the Service Priority Review to 'drive regulatory approaches that are risk-based and outcome-focused' and look forward to working with the Government to implement a relevant and well considered reform agenda through the Public Sector Reform Unit."</p> <p>This was then followed by a successful and constructive workshop with the Department of Mines, Industry Regulation and Safety (DMIRS) in February 2019 that we arranged between some AMEC members and Departmental representatives.</p> <p>We then had broad stakeholder workshops in August 2019 in relation to the <i>Streamline WA Initiative</i>.</p> <p>We are therefore pleased to see that some of the recommended initiatives emanating from those processes are being implemented by the Department of Mines, Industry Regulation and Safety.</p>	
3	Association of Mining and Exploration Companies (AMEC)	General	<p><u>Accredited environmental consultants</u> To assist the Department to deal with workload pressures we have previously suggested the use of accredited environmental consultants to certify or provide advisory support for 'low risk', less complex applications and posy-approvals support.</p> <p>Such certification would confirm that the application meets Departmental lodgement and information expectations. This would in many instances enable the application to enter the assessment process earlier than is currently the case.</p> <p>This is fully supported.</p>	Comment noted. The accreditation of environmental consultants is outside the scope of this Procedure.
4	Association of Mining and Exploration Companies (AMEC)	General	<p><u>Performance Reporting</u> We appreciate the efforts by DMIRS to expand the quarterly performance report to now include the total timeline and agency performance for Exploration Licences. This information is extremely telling and of concern, particularly noting for the September 2019 quarter, that the average total timeline was 59 weeks for grant of the licence, comprising:</p>	Comment noted. The quarterly report and timeframe for assessment of mining leases is outside the scope of this Procedure. DMIRS is not currently reviewing target timeframes, however this may be considered in the future in consultation with stakeholders.

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			<ul style="list-style-type: none"> • 7.8 weeks with DMIRS, • 8.6 weeks with the proponent, • 33.8 weeks in the Native Title and cultural heritage process, and • 9 weeks with other agencies. <p>In a very competitive global investment climate, our members consider that these timeframes are excessive and need to be addressed immediately. There should be increased transparency around which 'other agencies' are receiving referrals, why and how long for.</p> <p>AMEC strongly recommends that the quarterly performance report should also include a total timeline for a Mining Lease to be processed. We understand that the average timeline is around 500 business days (25 months), with the major proportion of that timeframe being taken within 'other agencies' (15 months). A breakdown of this component and others should be included within future DMIRS quarterly reports. This should include trend lines over the last 5 years.</p> <p>Based on previous information provided to AMEC by the Department, we understand that it takes on average 4 hours to process a PoW and around 20 hours to process a Mining Proposal. There does not appear to be a clear reason why the current target is 30 business days (6 weeks).</p> <p>There is also need for consistency in the use of 'business' days and 'calendar' days in agency reporting.</p> <p>We further note that the current Agency target timeframes for Mining Proposals, Exploration Licences, Mining Leases and Programmes of Work (PoW) have been in place for at least 10 years. As a direct result of the increased implementation of on-line processing, the removal of annual review of PoWs and other efficiency improvements there is clear justification to significantly reduce the current agency target timeframes in liaison with industry.</p>	
5	Association of Mining and Exploration Companies (AMEC)	General	<p><u>Other administrative enhancements</u></p> <p>Our members now look forward to the other administrative enhancements that were identified at the AMEC / DMIRS workshop in February 2019 being implemented as a matter of urgency in order to reduce timeframes and unnecessary delays. These include:</p> <ul style="list-style-type: none"> • Encourage early engagement with DMIRS, • DMIRS to review key areas for which requests for further information are issued to inform where guidance materials may be improved, • Ensure that proponents are notified at key decision points in the assessment process, • Investigate the potential for strategic Programme of Work (PoW) applications, • Introduce a 'Low Impact Notification' process for PoWs, • Release of guidance material on the interactions between DMIRS environmental assessments and environmental regulation by other agencies, including triggers and timeframes for referral and advice, and • DMIRS to continue to ensure that triggers for referral and advice are necessary and appropriate. <p>AMEC members also look forward to early implementation of the various initiatives identified in the August 2019 <i>Streamline WA Initiative</i> workshops. We understand that the subsequent Report on <i>Environmental Approvals in Mining – dated September 2019</i> was endorsed by the Streamline WA Steering Committee.</p>	DMIRS continues to implement these actions, some of which are being collaboratively with the Streamline WA Project team.

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6	APPEA Limited	Purpose	Procedures for: then third bullet point procedures for again...	Comment noted. This has been updated.
7	The Chamber of Minerals and Energy (CME)	PROCEDURE Early Engagement <i>"A scoping template is available to inform early discussions with the department."</i>	CME considers the procedure should specify whether face-to-face engagement is included as Early Engagement.	Comments noted. DMIRS welcomes face-to-face engagement and considers this early engagement, however DMIRS does not intend for this procedure to prescribe the format for early engagement.
8	The Chamber of Minerals and Energy (CME)	PROCEDURE Early Engagement <i>"A scoping template is available to inform early discussions with the department."</i>	Is this the Mining Proposal scoping document template? This document should be specifically referenced by the full name used by the Department to allow proponents to locate easily, and hyperlinked to the web location.	This section has been updated to reference the Mining Proposal scoping document.
9	The Chamber of Minerals and Energy (CME)	PROCEDURE Early Engagement <i>"Contact details for the relevant environmental officers are available on the department's website".</i>	Where are these contact details located? This should tell people the relevant page on the Department's website where these details are located, given the difficulty of navigating the broader website without a specific reference point.	This section has been updated to refer to the Environment contacts page of DMIRS' website.
10	Association of Mining and Exploration Companies (AMEC)	PROCEDURE Early Engagement	<u>Checklists and guidance material</u> In addition, this will require user friendly checklists and guidance material for applicants to navigate their way through the assessment process. We further note and support the intent for early engagement with DMIRS to identify site specific environmental factors and possible risks. A scoping template will be of additional assistance to inform Departmental officers apply a risk-based outcome focussed assessment process, and for proponents to engage early with the Department.	Support noted with thanks.
11	APPEA Limited	PROCEDURE 2. Lodgement <i>"Environmental application submission checklists are available to persons intending to lodge an environmental application."</i>	Will this checklist be hyperlinked or will it be available through online systems?	This section has been revised. Consistent with the Statutory Guidelines for Mining Proposals and Statutory Guidelines for Mine Closure Plans, checklists are no longer a mandatory requirement for applications and are provided for guidance only.

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12	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 3. Preliminary Review Process (Screening) <i>Table 1. Constraints on the acceptance of applications</i></p>	<p>CME submits that the Procedure should provide some flexibility so that Mining Proposals can be accepted for assessment prior to grant of tenure in some circumstances. As an example, where tenure for a mining operation is already granted, but tenure for ancillary infrastructure to support that operation is pending, multiple Mining Proposal assessments would need to be undertaken in order to achieve construction schedules (in some instances). In such cases, single Mining Proposal assessment should be undertaken which takes into account the environmental risks of the project as a whole, with activities assessed under the Mining Proposal approved as the pending tenure is granted. This approach would reduce the administrative and resourcing burden on both the regulator and industry, and in our view is not outside the bounds of existing legislative requirements.</p> <p>It is noted that standard procedure remains that tenure be in place prior to the Mining Proposal being accepted for assessment.</p>	<p>The procedure has been updated to reflect that DMIRS will provide flexibility so that applications can be accepted for assessment prior to grant of tenure in circumstances where tenure for a mining operation is already granted, but tenure for ancillary infrastructure to support that operation is pending.</p>
13	APPEA Limited	<p>PROCEDURE 3. Preliminary Review Process (Screening) <i>Table 1. Constraints on the acceptance of applications</i></p> <p><i>"Relevant title (or access authority) for the area of the EP must be in place and the title holder(s) must provide notification of the operator prior to submitting the first EP application for DMIRS to accept the application."</i></p>	<p>Access authority is a title</p>	<p>This has been revised.</p>

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14	The Chamber of Minerals and Energy (CME)	PROCEDURE 3. Preliminary Review Process (Screening) <i>"Once an environmental application is lodged, DMIRS will screen the application in a timely manner to ensure the document meets the relevant requirements to commence assessment."</i>	CME submits that 'timely manner' means nothing without a target time frame. As a formal part of the process, Screening should be assigned a target/maximum time frame.	This timeframe is within the target timeframe that is externally reported. DMIRS is not planning to set an additional externally reported timeframe for screening at this stage. However, the Department will continue to commit to running end to end timeframe data and releasing it to industry.
15	Association of Mining and Exploration Companies (AMEC)	PROCEDURE 3. Preliminary Review Process (Screening)	<u>Screening (triage) process</u> We understand that this includes the proposed implementation of a screening process (triage system) which will be undertaken in a timely manner to ensure that the application and supporting material meets the Department's initial requirements. We consider that this initiative will assist in reducing the number of applications involving requests for further information which create delays in the assessment process. This is fully supported.	Support noted with thanks.
16	APPEA Limited	PROCEDURE 3. Preliminary Review Process (Screening)	The procedure defines screening - is there a reason why this heading isn't just 'screening'	This has been revised.
17	Rio Tinto Iron Ore	PROCEDURE 3. Assessment Procedures	Table 1 within Section 4 of the procedure states: <i>"Relevant tenure for the area must be in place for DMIRS to accept the application (except where the MP is submitted accompanying a Mining Lease application as provided for s.74 of the Mining Act 1978)".</i> Rio Tinto submits that the procedures should provide some flexibility so that Mining Proposals can be accepted for assessment prior to grant of tenure in some circumstances. As an example, where tenure for a mining operation is already granted, but tenure for ancillary infrastructure to support that operation is pending, multiple Mining Proposal assessments would need to be undertaken in order to achieve construction schedules (in some instances). A single Mining Proposal assessment should be undertaken which takes into account the environmental risks of the project as a whole, with activities assessed under the Mining Proposal approved as the pending tenure is granted. This approach would reduce the administrative and resourcing burden on both the regulator and industry, and in our view is not outside the bounds of existing legislative requirements. It is noted that the standard procedure would be for all tenure to be in place for a project prior to the Mining Proposal being accepted for assessment.	The procedure has been updated to reflect that DMIRS will provide flexibility so that applications can be accepted for assessment prior to grant of tenure in circumstances where tenure for a mining operation is already granted, but tenure for ancillary infrastructure to support that operation is pending.

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18	APPEA Limited	<p>PROCEDURE 4. Assessment Procedures</p> <p><i>"All environmental applications are processed in the order in which they are received, and DMIRS endeavours to have all applications determined within the target timeframe."</i></p>	Need a stronger word.	Comment noted. DMIRS considers "endeavours" appropriate for this Procedure.
19	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.1 Request for further information from applicants</p> <p><i>"A reasonable time will be provided for applicants to respond to requests for additional information."</i></p>	The Procedure should specify that requests for additional information must be required to be in writing (in addition to any phone contact). Provision must be made by the Department for circumstances where a bounce-back or RTS is received.	This section has been updated to reflect that requests for additional information are made in writing.
20	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 3.1 Request for further information from applicants</p> <p><i>"If an applicant has failed to provide the requested information within the requested timeframe, the department will follow up once with the applicant."</i></p>	The follow up request for information should be required to be in writing, and provide for a process when an out-of-office or bounce back has been received. This is particularly relevant for cases where the tenement contact is out of date, or has not been updated.	This section has been updated to reflect that requests for additional information and follow-up requests are made in writing. DMIRS will contact the contact designated on the application.
21	APPEA Limited	<p>PROCEDURE 4.1. Request for further information from applicants</p>	Need commentary on stop the clock in this section / or page.	This section has been revised to clarify that requests for further information and requests for other agency advice are stop the clock events.

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22	APPEA Limited	<p>PROCEDURE 4.1. Request for further information from applicants</p> <p><i>"If the applicant still fails to provide the requested information or does not respond to clarify the expected timeline, the department will terminate the assessment and refuse to approve the environmental application".</i></p>	<p>Explain the logic why the application is terminated - because determination may not be able to be made.</p> <p>Applicants may then resubmit.</p>	Applications will be terminated where requested information is not provided within the specified timeframe. Applicants can resubmit at a later date however this will be treated as a new application.
23	APPEA Limited	<p>PROCEDURE 4.1. Request for further information from applicants</p>	If generally speaking about memoranda or admin agreements there's no need to capitalize.	The procedure has been reviewed for consistency with DMIRS' Style Guide.
24	APPEA Limited	<p>PROCEDURE 4.3. Target timeframe</p>	Again sentence casing (style guide) - and reference to department / DMIRS.	The procedure has been reviewed for consistency with DMIRS' Style Guide.
25	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.3. Target timeframe</p> <p><i>"All timelines are subject to 'stop-the-clock' events."</i></p>	CME submits that the Procedure must provide for proponents to be notified when their applications are referred to another Department under 'stop the clock'. This will increase transparency regarding the status of the application, and minimise both Departmental and proponent time on following up the status of an application which has been referred.	DMIRS has committed to increasing transparency in relation to status updates and is progressing this through updates to the EARS Online system.
26	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.3. Target Timeframe</p> <p><i>Table 2: Target Timeframes for Decision Making</i></p>	<p>Following on from our comments on the Environmental Applications procedure, we have one additional comment to add that has been flagged with us.</p> <p>This relates to the need for a clear escalation process for the environmental applications which are not assessed within the published 'target time frames' in Table 2 of 4.3 Target Timeframe (the outlying 20%).</p> <p>Once an application passes the published target timeframe, the incentive to progress that application as quickly as possible logically decreases significantly, transferring to the next application to maximise the % of applications which meet the set timeframe. It is then important that the proponent has a clear mechanism by which to escalate their application to an appropriate decision maker. Without this, there creates a risk that these applications are continuously moved to the bottom of the pile, as new applications are necessarily prioritised to meet set targets.</p>	DMIRS endeavours to determine all applications within the target timeframes as set out in Table 2 of the Assessment Procedure. DMIRS does not de-prioritise once the application passes the target timeframe.

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27	The Chamber of Minerals and Energy (CME)	PROCEDURE 4.4. Urgent assessments <i>"DMIRS will only consider fast tracking applications in exceptional circumstances, and specifically where the applicant has demonstrated that the approval is needed."</i>	Prioritise may be a better term instead of fast-track. May also be worth including 'To address a compliance or enforcement action requirement'.	"Fast-track" has been revised to "prioritise". DMIRS will progress applications to address a compliance or enforcement action requirement within the target timeframes.
28	Association of Mining and Exploration Companies (AMEC)	PROCEDURE 4.4. Urgent assessments	<u>Exceptional circumstances</u> We welcome the proposal that DMIRS will consider fast tracking applications in exceptional circumstances. This should also include instances where operational requirements (such as jobs and royalties) might be affected by an unnecessary delayed approval. CME submits that this logically should extend to when an application requires multiple approvals from DMIRS. This should be treated the same way, with the same parallel processing facilitation assigned.	DMIRS will prioritise applications where in exceptional circumstances to address immediate safety or environmental risks, where a prospecting or exploration licence with an approved Programme of Work is converted to a mining lease and the activities are the same as those previously authorised, or to address an error made by DMIRS in issuing a previous approval. DMIRS does parallel process internally where possible.
29	The Chamber of Minerals and Energy (CME)	PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies <i>"DMIRS is committed to facilitating parallel processing of environmental applications where such applications require multiple approvals from other regulatory agencies."</i>	CME submits that this logically should extend to when an application requires multiple approvals from DMIRS. This should be treated the same way, with the same parallel processing facilitation assigned.	DMIRS does parallel process internally where possible.

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30	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p> <p><i>"That is, DMIRS will only facilitate parallel processing where: there is no disadvantage to third parties;"</i></p>	<p>CME considers that this is an interesting benchmark to include in the Procedure, as this is almost never entirely true. There is almost always a third-party that may be able to claim disadvantage from an approval.</p> <p>CME recommend revision of the wording of this point to reduce the ambiguity, or removal.</p>	This has been removed.
31	Association of Mining and Exploration Companies (AMEC)	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p>	<p>Parallel processing.</p> <p>We note and appreciate that DMIRS is committed to facilitating parallel processing where such applications require multiple approvals from other regulatory agencies.</p> <p>To ensure that this process is fully effective, relevant Administrative Agreements / Memorandums of Understanding should be explicit in determining what specific circumstances trigger a referral to another agency, and what the reportable timeframes are for a response / decision to be made.</p>	<p>This has been removed.</p> <p>The Administrative Agreements are being reviewed and this comment has been provided for consideration.</p>
32	APPEA Limited	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p> <p><i>"DMIRS is committed to facilitating parallel processing of environmental applications where such applications require multiple approvals from other regulatory agencies."</i></p>	<p>Facilitation sounds like DMIRS staff will case manage or liaise on an applicants behalf...</p> <p>As lead agency - DMIRS should consider this interface from a customer service point of view.</p>	This section has been revised to confirm that DMIRS will parallel process environmental applications where such applications require multiple approvals from other regulatory agencies.

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33	APPEA Limited	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p> <ul style="list-style-type: none"> • <i>it does not compromise environmental outcomes;</i> • <i>there is no disadvantage to third parties; there are no statutory constraints;</i> • <i>it does not significantly increase workload for the agencies; and</i> • <i>applicants can provide the required information."</i> 	<p>These bullets really don't make sense to me - parallel processing is to meet MoU and admin agreements or government policy.</p> <p>Messaging here infers regulatory duplication across government.</p>	<p>Comments noted.</p> <p>This section has been reviewed and revised.</p>
34	APPEA Limited	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p> <p><i>"In some circumstances DMIRS may undertake parallel processing but reserve its final decision until certain specific matters in relation to other regulatory agencies are resolved."</i></p>	<p>These bullets really don't make sense to me - parallel processing is to meet MoU and admin agreements or government policy.</p> <p>Messaging here infers regulatory duplication across government...</p> <p>Language here could be tightened up - not broadly reserving your decision making in petroleum - e.g EPA constrains DMIRS from approval - as DMA....</p>	<p>Comments noted. This section has been reviewed and revised.</p> <p>Comments noted. This section has been reviewed.</p>

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35	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5 Parallel processing of environmental assessments across government agencies</p> <p><i>Table 3: Circumstances in which DMIRS' decision on environmental applications subject to parallel processing will be reserved until resolution of matters from other regulatory authorities or agencies</i></p> <p>Programme of Work <i>"iii the area overlaps an Aboriginal heritage site and the applicant has not commenced consultation with the Department of Planning, Lands and Heritage (DPLH)."</i></p>	<p>CME questions what is 'consultation' in this context, and how would DMIRS measure it? PoW approval is focused on environmental outcomes, the Heritage process is governed by a separate Act with separate outcomes and its own prescribed offences.</p> <p>CME submits that this should be removed as a relevant consideration for PoW approvals.</p>	<p>Given that heritage falls within the definition of the environment under the Environmental Protection Act 1986, DMIRS needs to ensure there are not going to be any significant impacts (as defined under the EP Act) to the environment (including heritage) before making a decision on a proposal. This section has been amended to state that aboriginal heritage will be considered unless the proposal has already been referred to the EPA and the EPA have either determined not to assess or DMIRS has received notification from the Minister for Environment that the Department is permitted to exercise their decision making powers.</p>
36	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5. Parallel processing of environmental assessments across government agencies</p> <p>Table 3: Circumstances in which DMIRS' decision on environmental applications subject to parallel processing will be reserved until resolution of matters from other regulatory authorities or agencies</p>	<p>CME questions why is this included as a relevant consideration for PoW's?</p> <p>The Aboriginal Heritage Act 1972 requires proponents to gain approvals and sets out prescribed offences relating to the disturbance of heritage sites. PoW's have an environmental focus, and are regulated by a separate Act. Proponents are required to obtain the necessary approvals for ground disturbance and any impact to Heritage to avoid penalties under each Act, though these processes may be undertaken at different times. This is a sensible approach and should not be complicated by linking Heritage approvals to assessment of PoW's.</p> <p>CME submits that this should be removed.</p>	<p>Comments noted. For Programme of Work (PoW) applications, applicants need to confirm that they have undertaken a review of the Department of Planning, Lands and Heritage (DPLH) online dataset to identify whether their proposal overlaps a registered Aboriginal heritage site. Because of the relatively low impact associated with exploration, the decisions on these applications do not require the granting of section 18 approvals prior to a decision whether or not to approve the PoW. However, the applicant is required to have commenced consultation with DPLH before PoW applications can be determined. On occasion this consultation may require the approval of a section 18.</p>

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		<p><i>"Advice from DLPH that the activity will not adversely impact on the site, or that an application has been received by DLPH to disturb the site."</i></p>		
37	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5. Parallel processing of environmental assessments across government agencies</p> <p>Table 3: Circumstances in which DMIRS' decision on environmental applications subject to parallel processing will be reserved until resolution of matters from other regulatory authorities or agencies</p> <p><i>Mining Proposal</i> <i>"A copy of written consent or clearance (s18approval) is from DPLH"</i></p>	<p>CME query why DMIRS cannot approve an MP whilst awaiting s18 approval under the Aboriginal Heritage Act 1972 (AHA), when it is stated within the Mining Proposal that the site won't be impacted upon until the requirements of the Section 18 process have been complied with. Further, as outlined in comments above, impacts on heritage in WA are governed by a separate Act, with the responsibility falling on the proponent to comply with the requirements under each relevant Act or risk penalties. The AHA sufficiently manages this risk and doesn't require duplication under DMIRS processes, further frustrating a complicated MP assessment process.</p>	<p>Given that heritage falls within the definition of the environment under the Environmental Protection Act 1986, DMIRS needs to ensure there are not going to be any significant impacts (as defined under the EP Act) to the environment (including heritage) before making a decision on a proposal. This section has been amended to state that aboriginal heritage will be considered unless the proposal has already been referred to the EPA and the EPA have either determined not to assess or DMIRS has received notification from the Minister for Environment that the Department is permitted to exercise their decision making powers.</p>

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38	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5. Parallel processing of environmental assessments across government agencies</p> <p>Table 3: Circumstances in which DMIRS' decision on environmental applications subject to parallel processing will be reserved until resolution of matters from other regulatory authorities or agencies <i>Mining Proposal "iv. A Radiation Management Plan is required."</i></p>	<p>Please remove. Each Act should be the responsibility of one authority and not artificially drawn on to prevent/limit parallel processing. It is the proponent's responsibility to comply with all relevant Acts.</p>	This has been removed.
39	The Chamber of Minerals and Energy (CME)	<p>PROCEDURE 4.5. Parallel processing of environmental assessments across government agencies</p> <p>Table 3: Circumstances in which DMIRS' decision on environmental applications subject to parallel processing will be reserved until resolution of matters from other regulatory authorities or agencies</p> <p><i>Mining Proposal "Letter of approval from DMIRS of Radiation Management Plan".</i></p>	<p>CME query why this is included as a requirement? Is this currently required prior to an assessment decision being released?</p> <p>If not prescribed as a requirement prior to approval of a MP in the relevant Act, this should not be included in this Table.</p> <p>Unnecessary linking of different Act's frustrates the approval process.</p>	<p>Given that heritage falls within the definition of the environment under the Environmental Protection Act 1986, DMIRS needs to ensure there are not going to be any significant impacts (as defined under the EP Act) to the environment (including heritage) before making a decision on a proposal. This section has been amended to state that aboriginal heritage will be considered unless the proposal has already been referred to the EPA and the EPA have either determined not to assess or DMIRS has received notification from the Minister for Environment that the Department is permitted to exercise their decision making powers.</p>

Ref #	Stakeholder	Section	Comment	DMIRS Response/Action
40	APPEA Limited	5. Decision-making on environmental applications	petroleum use approve or refuse	Comments noted.
41	APPEA Limited	5. Decision-making on environmental applications <i>"The application is not acceptable on environmental grounds."</i>	'Environmental grounds' is ambiguous Does this mean - ALARP; nature and scale; acceptable etc.?	The different environmental approvals that DMIRS administers have different legislative standards and principles around decision making and therefore ALARP can't be used across the board. More specific information is included in relevant application guidelines.
42	APPEA Limited	Glossary "Accept An environmental application is accepted for assessment when it passes the requirements of the preliminary review at the lodgement phase which is undertaken to evaluate whether the application is complete and complies with legislation and/ or statutory guideline requirements."	Should this just be 'screening'	This has been revised.

Government of Western Australia

**Department of Mines, Industry Regulation
and Safety**

8.30am – 4.30pm

Mineral House, 100 Plain Street
East Perth, Western Australia 6004
Tel: +61 8 9222 3333
Fax: +61 8 9222 3862

Online

Website: www.dmirs.wa.gov.au
Email: REC.Consultation@dmirs.wa.gov.au

Mailing address

Locked Bag 100
East Perth WA 6892

National Relay Service: 13 36 77
Translating and Interpreting Service (TIS) 13 14 50
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