



Government of **Western Australia**  
Department of **Mines and Petroleum**



# Stakeholder Feedback on Partnership Guidelines

ABANDONED MINES PROGRAM

March 2017

# Background

Since 2010, the Department of Mines and Petroleum (DMP) has been implementing a number of environmental reforms including:

- improving the planning arrangements for mine closure (all mine sites under the *Mining Act 1978* now require a mine closure plan)
- establishing adequate financial assurance for when mine sites are abandoned through the introduction of the *Mining Rehabilitation Fund Act 2012*
- developing appropriate policy and guidance materials for managing and rehabilitating mine sites once they are abandoned.

The Mining Rehabilitation Fund (MRF) became compulsory on 30 June 2014. When all other avenues have been exhausted levies paid into the fund can be used to rehabilitate abandoned mine sites. Interest earned on the MRF can be used to rehabilitate legacy abandoned mine sites.

The Abandoned Mines Policy was published in January 2016. A key policy principle is the importance of forming partnerships that would increase the likelihood of achieving successful rehabilitation and/or management of abandoned mine sites. Accordingly, following an eight week public consultation period, the Department of Mines and Petroleum has now finalised its Partnership Guideline.

## Stakeholder feedback on the Guideline

The introduction of the Abandoned Mines Policy in January 2016 identified partnerships as a key policy principle that would assist the department to successfully manage and/or rehabilitate abandoned mine sites. As part of the formation and implementation of its Abandoned Mines Policy, DMP has developed a Partnership Guideline to outline how the department would identify, develop, administer and evaluate partnerships for the Abandoned Mines Program.

Stakeholders were recently invited to comment on the draft Partnership Guideline. The consultation period for the guideline attracted feedback from a broad cross-section of stakeholders. Overall the guideline was well received and supported. This document is a collation of all the feedback received and was used as the basis for finalising the guideline. The guideline was published on the DMP website in March 2017.

For additional information about the Partnership Guideline, or the Abandoned Mines Program, please email [abandonedmines@dmp.wa.gov.au](mailto:abandonedmines@dmp.wa.gov.au)

# Stakeholder Feedback on Partnership Guideline

## Abandoned Mine Program

COMMENT NUMBER	SUBMISSION	COMMENT	RESPONSE
<b>PURPOSE</b>			
1	Andrea Williams, Jims Seeds Weeds and Trees Pty Ltd.	How is the DMP going to do this?	<p>The purpose of the Partnership Guideline is to outline the principles that support the selection and management of partnerships involved in the management and/or rehabilitation of abandoned mine sites in WA.</p> <p>The principles are consistent with DMP's role to ensure the State's resource sector is developed and managed responsibly for the long-term benefit of the WA public.</p> <p>The Partnership Guideline supports the Abandoned Mines Policy, which sets out the framework for the prioritisation, management and/or rehabilitation of abandoned mine sites within Western Australia (WA).</p>
<b>DEFINITIONS</b>			
2	Bronwyn Bell, The Chamber of Minerals and Energy (WA)	<ol style="list-style-type: none"> <li><i>Abandoned Mine Site</i>: Consider including a definition for a declared abandoned mine to distinguish between generically the concept of an abandoned mine and specifically, those abandoned mines that are gazetted / declared and then prioritised</li> <li><i>Contracting</i>: Consider re-titling the document to be "Partnerships and Contracting Guideline" as contracting (fees for services) are not generally considered to be a "partnership" in the common use of the word.</li> <li><i>In-kind Support</i>: Consider expanding in-kind to specifically capture advertising and promotion. This has a value and if DMP will in future seek to "brand" Abandoned Mines Projects, this type of in-kind support may become substantial</li> </ol>	<ol style="list-style-type: none"> <li>The use of the definition in the guideline is consistent with the Abandoned Mines Policy. The DMP believes the existing definition is acceptable and that there is no ambiguity.</li> <li>The guideline seeks to cover a broad range of partnerships that could possibly exist, including contracting. If the document title was amended to be called Partnerships and Contracting Guideline, as recommended, it would be concluded that contractors are not partners. It is considered that the title of the guideline is suitable to reflect the broad and varied range of partnerships that DMP will seek to form when undertaking to manage or rehabilitate an abandoned mine site.</li> <li>The definition of in-kind support suitably covers this area as well as a variety of other circumstances that may occur within its broad meaning. It should also be noted that the fourth principle in the guideline highlights that, where appropriate, legal agreements should be established to cover a range of matters including communication and branding.</li> </ol>

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3	Amanda Rukuwai Donnelly, St Barbara Ltd	Shared Investment: Is there opportunity to include Treasury and their support?	Treasury has been a key stakeholder in ensuring the success of the Mining Rehabilitation Fund and the Abandoned Mines Program.  Furthermore, DMP will seek to build partnerships with Industry, other government bodies, research organisations and community groups who are best positioned to contribute and benefit from a successful rehabilitation outcome and/or assume long term management responsibilities of a site. These groups will have the opportunity to partner with the department.
<b>GUIDELINE STATEMENT</b>			
4	Amanda Rukuwai Donnelly, St Barbara Ltd	Could you see this being applicable to very remote sites where there is little to no impact on a neighbouring community but potential harm for visiting/tourists passing by? How would partnerships be identified and initiated?	Yes – the guideline defines “Partnership” as an arrangement between DMP and one or more external entities to achieve a shared, mutually beneficial outcome. Therefore, the partnership could incorporate any number of parties such as the local shire, tourist association etc. and is not dependant on whether there are neighbouring communities.  In regards to the identification and initiation of partnerships please refer to the documentation in Guideline Principles under Aim, Identification and Selection. Partnership opportunities are expected to be identified during a stakeholder identification process, which involves regional department representatives.
5	Bronwyn Bell, The Chamber of Minerals and Energy (WA)	Recommend avoid using the term “end land use” and land uses can evolve and this term may imply an end point rather than a post-mining productive (social, ecological and / or economic) land use. Consider use of “next land use” or “post-mining land use” instead. Eg: “Partnerships will ultimately contribute to the successful establishment of the agreed next land uses that the community values.”	Agreed. The term “end land use” will be replaced with “post-mining land use”.
<b>GUIDELINE PRINCIPLES</b>			
6	Amanda Rukuwai Donnelly, St Barbara Ltd	Would there be benefit in this process being tendered out?	It is expected that DMP will maintain overall management of each Abandoned Mines Program project, with each project requiring partnerships to be established to achieve the community’s, government’s and industry’s objectives relating to closure and the post-mining land use.

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7	Andrea Williams, Jims Seeds Weeds and Trees Pty Ltd.	How will the DMP seek to provide opportunities to local business?	<p>State Government procurement policy requires government agencies to not only ensure value for money but that local businesses are provided with an advantage through the buy local policy.</p> <p>The buy local policy aims to maximise the use of local industries in Government buying. Put simply, agencies must provide price preferences to local Western Australian businesses when they are in competition for regionally based Government contracts. The policy covers all State Government purchasing of goods, services and works, including construction, housing and public buildings, and applies to all State Government public authorities, including government departments and agencies</p> <p>Stakeholder identification and consultation will identify local businesses with an interest in the respective projects.</p>

## AIM, IDENTIFICATION AND SELECTION

8	Travis Drysdale, South West Catchments Council.	How do prospective partners register to be involved in the selection process?	Potential partners will be identified within the early stages of an Abandoned Mine Project. DMP will seek to provide opportunities for local businesses and stakeholders to participate in partnerships for an Abandoned Mine Project.
9	Morrie Goodz, Goodz & Associates GMC Pty Ltd.	In setting partnerships, contracting or sub-contracting relationships, it should be important that “Local” partners and contractors are given priority in the selection process. Often not-local or metropolitan contractors are awarded contracts on the basis that local sub-contractors will be consulted/used whenever possible; however this rarely translates to real local input and contracted works for local providers and community groups.	See Comment 7
10	Amanda Rukuwai Donnelly, St Barbara Ltd	What is the fall back if not enough support is raised from any partnerships?	The DMP takes into consideration a number of factors where it seeks to undertake the management or rehabilitation of an abandoned mine site. Although potential partnerships may make a project more attractive to deliver, there are a variety of criteria that are considered when evaluating if a project should be undertaken. Although desirable, the decision to undertake an Abandoned Mine Project does not solely depend on the variety or number of partnerships that can be or are formed.
11	Bronwyn Bell, The Chamber of Minerals and Energy (WA)	Suggest using “reproducible” instead of “replicable”	Noted. To simplify and to avoid duplication with other parts of the guideline Point 3 has been removed.

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12	Andrea Williams, Jims Seeds Weeds and Trees Pty Ltd.	What is the standard WA State Government procurement process? Where is this available to look at?	<p>The Department of Finance has set out policies and procedures for Government Procurement. It provides resources for Government and Businesses.</p> <p>Guidelines for Suppliers and Government Agencies are available on the Department of Finances website under Government Procurement.</p>
<b>ADMINISTRATION</b>			
13	Morrie Goodz, Goodz & Associates GMC Pty Ltd.	Following on from the previous section feedback, the ongoing nature of the department's administration should include setting of minimum levels of "local" participation and where this does not meet timely hurdles, consideration to review and change partnerships should be part of the outcome of not delivering on KPI's.	<p>See Comment 7.</p> <p>All partnerships will be developed to achieve the objectives of the Abandoned Mine Policy, which includes working with local communities and businesses.</p>
14	Bronwyn Bell, The Chamber of Minerals and Energy (WA)	<p>Point 5. The communication and branding aspect of the Abandoned Mines Program will be critical to the programs overall success. Capturing communication and branding in the Guideline is important but this could be strengthened.</p> <p>Point 6. Although DMP involvement is important, ideally a partnership that is self-sufficient without DMP is preferable as DMP is not a land owner / manager. Point 6 reads as DMP being reluctant to relinquish control whereas a success factor for the program would be for DMP to be able to relinquish control as soon as reasonably practical and responsible.</p> <p>Point 7. Consider specifically noting that where possible, consideration will be given during the selection process to local content and Traditional Owner corporations.</p>	<p>Noted Point 5. The overall communication and branding will be managed under the DMP's Communication Policy. DMP will seek to ensure clear engagement of key stakeholders and prospective partners in the abandoned mine project as per the department's Communications Policy.</p> <p>Noted Point 6. As part of the project process to manage or rehabilitate an abandoned mine site, DMP seeks to establish partnerships that can carry on the management of the land once the site has met the DMP's objectives for the site.</p> <p>DMP will remain committed to ensure the above mentioned obligations are met and that the managed or rehabilitated mine site is able to be appropriately managed going forward. DMP will remain involved until it is no longer an Abandoned Mine Project. This may take 2 months or it may take 10 years. The term of the project will be established as part of the legal agreement described in Guideline Principle 5.</p> <p>Noted Point 7 Government procurement does have policies and procedures to advantage local and aboriginal organisations. DMP will adhere to these policies.</p>

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<b>REVIEW AND EVALUATION</b>			
15	Travis Drysdale, South West Catchments Council.	How will the review and evaluation results be used? Is the intention to guide continual improvement of the Partnership process, or will the review be used to assess the performance of Partners and thereby influence the selection process for future projects?	<p>DMP will follow standard Project Management processes. These processes generally include benchmarking, milestone reviews and reviewing whether the project will meet its desired goals and outcomes.</p> <p>It is anticipated that small, low risk projects will not have mid-project reviews, however larger, more complicated projects may have several reviews undertaken at specific milestones. Part of any review will be assessing the value of all partnerships.</p> <p>Partnership evaluation outcomes may be shared with partners and will be taken into consideration when planning future projects.</p> <p>DMP's objective is to achieve the best rehabilitation solution, while encouraging partnerships with local businesses and communities.</p>
16	Morrie Goodz, Goodz & Associates GMC Pty Ltd.	The review process should have mid-term performance hurdles, which should include inclusiveness of local participants and contractors/ sub-contractors.	See Comment 15.
17	Bronwyn Bell, The Chamber of Minerals and Energy (WA)	Suggest re-wording to "Partnerships will be reviewed and evaluated by DMP at key project milestones and during the project closure stage." Particularly for longer projects, interim milestone reviews would be critical to ensure the project is on track rather than suggesting review and evaluation will be a post-mortem at closure.	See Comment 15
<b>GENERAL COMMENTS</b>			
18	Morrie Goodz, Goodz & Associates GMC Pty Ltd.	The guideline is a good addition to the management of the process – thank you.	Noted.
19	Amanda Rukuwai Donnelly, St Barbara Ltd	I understand the policy is a great step towards addressing abandoned mines. My only lack of understanding is how evaluation will work, so this can be applied to really large abandoned sites?	<p>Please refer to the Abandoned Mines Policy which sets out how DMP will seek to evaluate Abandoned Mine Sites.</p> <p>In regards to scale of the abandoned mine, the guideline has been developed to apply broadly to all abandoned mines.</p>

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20	Andrea Williams, Jims Seeds Weeds and Trees Pty Ltd.	<p>Will the DMP manage projects from their regional offices for regional projects?</p> <p>How will the DMP advertise projects?</p> <p>Will the DMP favour local businesses?</p> <p>Will the DMP invite a list of companies or will all companies get a chance?</p> <p>What is the state procurement process this is not clear nor transparent.</p>	<p>DMP will seek to utilise its network of regional offices specific to the requirements of the particular project. The scale of this involvement will be determined during the planning stages for the project, depending on resource availability.</p> <p>The advertisement or communication strategy for the particular project will be determined during the planning stages of the project. The strategy will be compliant with the department's Communication Policy and seek to engage key stakeholders to ensure maximum coverage and information distribution.</p> <p>See Comment 7.</p> <p>Potential partners will be identified within the early stages of an Abandoned Mine Project, during the stakeholder identification process. Websites and local media services have also been used to communicate partnership opportunities.</p> <p>The Department of Finance has policies and procedures for Government Procurement. It provides resources for Government and Businesses. Guidelines for Suppliers and Government Agencies are available on the Department of Finances website under Government Procurement.</p>

Please refer to the below links for information in regards to State Government Procurement processes and location of State Government Tenders.

**Department of Finance** <https://www.finance.wa.gov.au/>

**TendersWA** <https://www.tenders.wa.gov.au/>



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