

# MINUTES: ENVIRONMENT LIAISON COMMITTEE

<b>Date:</b>	<b>Friday 1 December 2017</b>	<b>Time:</b>	<b>9:30am – 10:55am</b>
<b>Venue:</b>	Director General's Conference Room – Level 8, Mineral House, 100 Plain Street, East Perth		

## Attendees:

Ms Karen Caple (CHAIR)	Department of Mines, Industry Regulation and Safety (DMIRS)
Mr Harry Backes	Cement Concrete & Aggregates Australia (CCAA)
Ms Bronwyn Bell	Chamber of Minerals and Energy WA (CMEWA)
Mr Declan Doherty	Environment Defender's Office (EDO)
Ms Danielle Eyre	Department of Water and Environment Regulation (DWER)
Mr Doug Hall	Pastoralists and Graziers Association of WA (PGA)
Ms Germaine Healy	DWER
Mr Les Lowe	Amalgamated Prospectors and Leaseholders Association (APLA)
Mr Tim Mitchell	Environmental Consultants Association (ECA)
Mr Richard Riordan	Department of Jobs, Tourism, Science and Innovation (DJTSI)
Mr Nic Woolfrey	Department of Biodiversity Conservation and Attractions (DBCA)

## Secretariat:

Ms Emily Safe	DMIRS
Mr William Siu	DMIRS

## 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 Graham Short	AMEC
(ii)	Mr Andrew Taylor	APPEA
(iii)	Ms Mia Pepper	CCWA
(iv)	Ms Kelly Faulkner	DWER
(v)	Mr Anthony Sutton	DWER
(vi)	Mr Gary Peacock	PGA
(vii)	Ms Marise Palmer	APLA Observer
(viii)	Mr Dan Machin	DMIRS
(ix)	Mr Tyler Sujdovic	DMIRS

### 1.3 Confirmation of Agenda

ELC confirmed the Agenda without any changes.

## 2. PREVIOUS MEETING

### 2.1 Acceptance of Minutes

ELC accepted the minutes of Meeting No. 3/2017 held on 4 October 2017 without change.

### 2.2 Review of Action List

ELC noted the Action List updated from the 4 October 2017 meeting, in particular:

- (i) Item 3.1 of 3/2017 – Relinquishment Project Update – Consultation Timeframes:  
An agreement between the State Government and Local Government has been signed relating to consultation timeframes; future consultation activities undertaken by DMIRS will mirror this agreement.
- (ii) Item 3.1 of 4/2016 Public Health Act 2016 – Implementation Update:  
Mr Jim Dodds of the Department of Health advises he is unable to attend the December meeting, however, expresses interest in providing an update to ELC members in 2018.
- (iii) Item 5.2 of 1/2017 – Interaction of Planning and Regulatory Frameworks:  
Discussed that this item has a broad range of implications across government, however only the environmental considerations of the frameworks fall within the scope of the ELC. Agreed that this will remain on the agenda and will be addressed in a 2018 ELC meeting.

## 3. AGENDA ITEMS

### 3.1 Progression of the Mining Legislation Amendment Bill:

ELC:

- (a) **Noted** that the Minister for Mines and Petroleum has indicated that the Amendment Bill is a priority and it is currently being progressed within Government. The Bill is intended to be progressed as a joint Cabinet Submission between the Minister for Mines and Petroleum and the Minister for Environment and DMIRS is currently liaising with the Minister for Environment to gain joint endorsement.
- (b) **Noted** that the Amendment Bill will be a revision of the 2015 Bill. DMIRS intends to incorporate some of the recommendations from the Standing Committee on Legislation's report into the 2015 Bill as enhancements and is working to resolve concerns raised by prospectors circa 2015.
- (c) **Noted** APLA's views that the lack of public consultation in relation to the 2015 Bill was a major reason for APLA's opposition to the Amendment Bill.
- (d) **Noted** after joint endorsement from the Minister for Mines and Minister for Environment, DMIRS will consult with stakeholders and seek feedback on the draft Amendment Bill. The timing of a draft Bill will be dependent upon the Minister for Environment's endorsement,

other priorities of Government and disruptions encountered during the Christmas break period.

### **3.2 Environment Defender's Office (EDO) and Gondwana Link Project:**

ELC:

- (e) **Noted** EDO is in partnership with Gondwana Link to identify opportunities to utilise and reform the law, to underpin large scale conservation outcomes in the south-west region to protect biodiversity.
- (f) **Noted** that the project seeks to utilise and reform the law to support conservation outcomes through community knowledge building, legal audit to identify existing constraints, identify opportunities and provide recommendations for change, and providing tools for change such as community fact sheets.
- (g) **Noted** that the primary focus areas of the project include matters relating to land clearing, invasive species, land tenure fire management and other considerations. The project will also investigate how incentives may be introduced to encourage greater conservation.
- (h) **Noted** that the project seeks to produce a report as the end output tentatively scheduled for early-to-mid 2018. It is intended that the report will contain recommendations to utilise or reform the law for the benefit of conservation and other land uses.
- (i) **Noted** the discussion regarding offsets within the *Environmental Protection Act 1986* and advice from DWER work is being undertaken to consider possibilities to reform the offsets framework – DWER to present a future ELC agenda item on offsets. Noted that DWER and interested ELC members may interact directly to discuss this matter.
- (j) **Noted** the EDO's presentation will be circulated with members as an attachment to the draft minutes.

## **4. STANDING ITEM: STAKEHOLDER CONSULTATION**

### **4.1 Stakeholder Consultation Schedule for 2017**

ELC:

- a) **Noted** the updated Stakeholder Consultation Calendar including the ongoing Programme of Work Spatial training sessions and a proposed interagency Workshop on Relinquishment of Mining Activities. DMIRS will confirm invitations and scheduling of the Relinquishment Workshop to participants.

### **4.2 Papers for Noting**

ELC:

- a) **Noted** that the revised draft Mining Proposal and Mine Closure Plan for Low Impact Mining Operations Form has been released for a further four weeks of public consultation; and a draft guidance note regarding environmental non-compliance and incident report has been released for public consultation for a period of 12 weeks. Other papers noted include the

## Mining Rehabilitation Fund Yearly Report 2017 and the Mining Rehabilitation Fund 2016-2017 Summary Data.

- b) **Noted** DWER's advice that it has developed two Category Fact Sheets, which explain two categories of prescribed premises; Category 9: coal mining and Category 8: mineral sand mining. The Fact Sheets consider what does and does not fall within each Category, but do not discuss the effects or impacts of the relevant activity. These Fact Sheets will be released as live documents while DWER concurrently undertakes a period of public consultation. DWER will circulate a copy of the two Fact Sheets to ELC members following the distribution of the minutes to ELC meeting 4/2017.
- c) **Noted** that DWER is implementing an Application Coordination framework which seeks to attain stronger integrated services and coordination of approvals for proponents. The output of this framework is tentatively scheduled for release in the first or second quarter of 2018.
- d) **Noted** that CMEWA has queries in relation to the Mining Rehabilitation Fund Yearly Report that it will take offline and direct to Ms Karen Caple and Mr Tyler Sujdovic of DMIRS.

## 5. OTHER BUSINESS

### 5.1 Departmental Updates

ELC:

- (a) **Noted** the departmental update from the Chair, including that an internal "Proposal for Change" has been presented to DMIRS staff and an internal consultation process has been undertaken. On 4 December 2017, a Determination Document will be released advising of the final organisational structure for DMIRS for implementation in mid-January 2018.
- (b) **Noted** the new organisation structure will address the Government's mandate to reduce the number of Senior Executive Staff (SES) and incorporate approved Voluntary Redundancy Scheme applications.
- (c) **Noted** APLA's query whether the number of employed public servants are publicly released and clarification that such numbers are contained in the Public Sector Commission's Annual Report which is tabled in Parliament in approximately September/ October each year, prior to publication.
- (d) **Noted** members' comments that the quality of service delivery should not be compromised as a result of the structural changes and this will be the relevant measurement of success of the Government's initiative.
- (e) **Noted** DMIRS's commitment that the Environment Division (and its future incarnation post-organisational restructure) is committed to continuing to deliver quality and efficient approvals within the expected timeframes.
- (f) **Noted** that two papers were recently presented to the Council of Australian Governments' (COAG) Energy Council concerning the risk of liabilities from mining activities reverting to the State. These papers advocated for changes to the *Corporations Act 2001* (Cth) and to the Accounting Standards to proactively counteract this risk.
- (g) **Noted** that a LEAD Project facilitated by DWER has commenced focusing on the collection of environmental data, including data from DMIRS.

- (h) **Noted** that DMIRS will remain open for business across the Christmas and New Year period.

## 5.2 Member Updates and Notices

ELC:

- (a) **Noted** the update from DJTISI, that integration amongst its business areas (particularly Science and Tourism) as a result of Machinery of Government changes is continuing. A number of State Agreements have been revised in Parliament recently, and more will be coming through with companies revising their agreements in light of changing economic conditions. There is also a shift in departmental focus towards defence matters and local content in line with the Federal Jobs Act.
- (b) **Noted** the update from ECA, who have recently facilitated an environmental practitioner's course and affirm their commitment to continue to create relevant forums where environmental best practice can be shared. ECA also advise that they are interested in remaining involved in consultation regarding the 2016 Mining Proposal Draft Guidance Note.
- (c) **Noted** the update from CCAA, who advised that they did not lodge a submission in relation to the draft Mining Proposal and Mine Closure Plan for Low Impact Mining Operations as it was not wholly relevant to them. Noted CCA's interest in the definition of 'waste' and implications relating to waste recycling on mining tenements in the context of the Government's Waste Management Strategy. Noted CCAA will discuss this topic directly with DWER. DWER to present a future ELC agenda item on waste recycling on mining tenements.
- (d) **Noted** the update from DBCA who advise the internal agency review and integration is progressing with significant announcements forthcoming. DBCA is looking to develop advice to industry regarding exploration/ mining on DBCA managed reserves.
- (e) **Noted** the further update from DWER, who advise that DWER offices will be closed during the Christmas and New Year period with the exception of the Emergency Response Unit.
- (f) **Noted** the update from CMEWA, who advise they are awaiting the release of the Relinquishment Paper in January 2018 and looking forward to the revised Mine Closure Plan guideline review. Noted DMIRS's clarification that the latter is dependent upon the progression and timing of the Mining Legislation Amendment Bill and other Government priorities.
- (g) **Noted** the update from PGA, who advise of their continuing liaison with DMIRS in relation to cross boundary (land access and good neighbour) and heritage matters concerning pastoralists and hobbyists and their request to keep industry involved in these discussions.
- (h) **Noted** PGA's query on the future of the ELC and DMIRS's response that it is currently unknown, and is subject to the finalised internal DMIRS restructure and Committees Review. Noted the general discussion that members believe the ELC an effective cross-agency and industry engagement forum and are in favour of the ELC continuing.

## 6. CLOSE AND NEXT MEETING



There being no further business, the Chair closed the meeting at 10.55 am, and thanked members for their robust and productive participation throughout 2017.

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**MINUTES OF MEETING NO. 4/2017 OF THE ENVIRONMENT LIAISON COMMITTEE HELD ON  
1 DECEMBER 2017**

**ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING**

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**Chair**

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**Date**