



MINUTES: ENVIRONMENT LIAISON COMMITTEE

Date:	Wednesday 4 October 2017	Time:	9:00am – 10:25am
Venue:	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 Les Lowe	Amalgamated Prospectors and Leaseholders Association (APLA)
Mr Neil van Drunen	Association of Mining and Exploration Companies (AMEC) <i>proxy</i>
Mr Harry Backes	Cement Concrete & Aggregates Australia (CCAA)
Ms Bronwyn Bell	Chamber of Minerals and Energy WA (CMEWA)
Mr Nic Woolfrey	Department of Biodiversity Conservation and Attractions (DBCA)
Mr Richard Riordan	Department of Jobs, Tourism, Science and Innovation (DJTSI)
Ms Danielle Eyre	Department of Water and Environmental Regulation (DWER)
Ms Germaine Healy	DWER <i>proxy</i>
Mr Peter Tapsell	DWER <i>proxy</i>
Mr Tim Mitchell	Environmental Consultants Association (ECA)
Mr Doug Hall	Pastoralists and Graziers Association of WA (PGA)

In Attendance:

Mr Dan Machin	DMIRS (presenting)
Ms Marise Palmer	APLA (observer)

Secretariat:

Ms Louise Thomas	DMIRS
Mr Will Siu	DMIRS

1. INTRODUCTION

- 1.1 The Chair of the Environment Liaison Committee (ELC) opened the meeting at 9.00 am and welcomed members.

1.2 Apologies

ELC:

- (a) **Noted** the following apologies:

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|-------|------------------|-------|
| (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 Declan Doherty Environmental Defender's Office of WA
- (vii) Mr Gary Peacock PGA

1.3 Confirmation of Agenda

ELC confirmed the Agenda and noted the deferral of agenda item 3.3 to the December 2017 meeting.

2. PREVIOUS MEETING

2.1 Acceptance of Minutes

ELC accepted the minutes of Meeting No. 2/2017 held on 1 June 2017 without change.

2.2 Review of Action List

ELC noted the Action List updated from the 1 June 2017 meeting.

3. AGENDA ITEMS

3.1 Relinquishment Project Update

ELC:

- (a) **Noted** the introduction from the Chair and that DMIRS has parked a number of projects due to competing priorities in the context of Machinery of Government changes. However, the Relinquishment and Mining Proposal Reform projects are still considered high priorities.
- (b) **Noted** the Agenda Paper and the presentation by Mr Dan Machin, DMIRS, on the Relinquishment project.
- (c) **Noted** that DMIRS has held four inter-agency workshops since the initial stakeholder workshop in August 2016. The discussions in these workshops have centred around delineating the differences between closure and relinquishment and ensuring common terminology.
- (d) **Noted** that relinquishment is about transferring liability back to the State, rather than the rehabilitation and closure of a mine; and that a forthcoming relinquishment discussion paper will call out the need for further guidance in the mine closure space.
- (e) **Noted** that the discussion paper is intended to be released for public consultation in January 2018.
- (f) **Noted** the suggestion that DMIRS should consider reviewing the standard 8 week consultation period to 12 weeks due to Western Australian Local Government Association processes.

- (g) **Noted** the suggestion to review the paper titled 'Recommendations on new mining laws for South Australia'¹, as it introduces the concept of a "residual risk payment" that may be worth investigating.
- (h) **Noted** the feedback from APLA that the South Australian model for "residual risk payment" holds great concerns for them. It is difficult for proponents to have rehabilitation signed off over large amounts of time; bearing in mind that good tree regrowth can take decades. The question is "at what point does government sign off on rehabilitation, thereby removing the ongoing cost of "residual risk payment?"
- (i) **Noted** discussion as to whether the discussion paper will address partial relinquishment for progressive rehabilitation in the quarry industry; and if it will distinguish the differences between the terms decommissioning and relinquishment.

3.2 Mining Proposal Reform Update

ELC:

- (j) **Noted** the Agenda Paper and the presentation by Mr Dan Machin, DMIRS, on the Mining Proposal Reform Project.
- (k) **Noted** that to date; 48 mining proposals in the 2016 format have been received; with 25 approved, 8 withdrawn/rejected and 15 currently under assessment.
- (l) **Noted** that DMIRS hosted a number of workshops with industry during 2017, and as a result, guidance material has been developed and is currently out for external consultation until 9 November 2017.
- (m) **Noted** that DMIRS is developing additional guidance on the process for transitioning existing approvals into the 2016 Guideline format, based on industry demand.
- (n) **Noted** the Mining Proposal Spatial Lodgement Project is on hold.
- (o) **Noted** the question regarding consultation requirements for land access and the opportunity for DMIRS to liaise with PGA on the related assessment processes.
- (p) **Noted** the question raised about whether the Low Impact Mining Operations Form is applicable under the 2016 Guideline for Mining Proposals - noting that the Guideline does not currently refer to Low Impact Mining Operations.

3.3 Environmental Defender's Office and Gondwana Link Project

ELC:

- (q) **Noted** that this item has been deferred to the December 2017 ELC meeting.

¹ [Fast Facts: Recommendations on new mining laws for South Australia](#) (Department of Premier and Cabinet, South Australia, September 2017).

3.4 Future Direction of the Department of Water and Environmental Regulation

ELC:

- (r) **Noted** the Agenda Paper and the presentation by Ms Danielle Eyre, DWER, on the future direction of the department.
- (s) **Noted** that DWER brings together the former Department of Environmental Regulation, Department of Water and Office of the Environmental Protection Authority under the State Government's objective for a 'one stop shop' for environmental regulation
- (t) **Noted** that Mike Rowe has been formally appointed as the Director General of DWER and that the purpose of the department will be the provision of information, advice and regulatory service delivery, with a hybrid of regional and centralised service delivery.
- (u) **Noted** the channels for stakeholder engagement, including stakeholder reference groups, visits to stakeholders and direct feedback.
- (v) **Noted** ongoing work to implement a strategic policy framework; develop an internal case manager approach to major projects; and implementation of best practice regulatory principles.
- (w) **Noted** that reform of the Part V processes of the *Environmental Protection Act 1986* is on hold to review the reform work done so far.
- (x) **Noted** that there is an existing Memorandum of Understanding between DWER (formerly Department of Water) and DMIRS (formerly Department of Mines and Petroleum).
- (y) **Noted** discussion regarding delegating specific approval powers from the *Rights in Water and Irrigation Act 1914* approvals to DMIRS, have not progressed.
- (z) **Noted** that legislative reform in relation to water resource management has not yet recommenced since March 2017.
- (aa) **Noted** that DWER's presentation will be shared 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 upcoming Awards for Excellence Ceremony on 26 October 2017 and the ongoing Programme of Work Spatial training sessions available.

4.2 Papers for Noting

ELC:

- b) **Noted** the papers that are currently out for consultation including the former Department of Mines and Petroleum's annual report, the draft Guidance Note for Environmental Outcomes for Mining Proposals; the draft Guidance Note for Environmental Risk Assessments for Mining Proposals and Mine Closure Plans; and the draft form Mining Proposal and Closure Plan for Low Impact Mining Operations.

5. OTHER BUSINESS

5.1 Departmental Updates

ELC:

- (a) **Noted** the departmental update from the Chair, including the interim structure of DMIRS that is comprised of three groups, Resources, Titles and Compliance; Industry Regulation and Consumer Protection; and Safety and that David Smith has been formally appointed as Director General.
- (b) **Noted** that an internal "Proposal for Change" will be released next week to staff for internal consultation, which will outline the proposed final DMIRS organisational structure.
- (c) **Noted** that all external committees, including ELC are subject to review as part of the transition to the new structure of DMIRS.
- (d) **Noted** members' feedback that quality service delivery should continue and that the success of structural changes will be dependent upon the quality of service delivery going forward.
- (e) **Noted** APLA's feedback that it has noticed delays over the last nine months in relation to day-to-day decision making and delays in matters relating to the provision of State Solicitor's Office advice, which could be primarily attributed to Machinery of Government changes. Note that APLA will be keeping watch on this.
- (f) **Noted** that the final Service Priority Review report is due to be released by the end of October.
- (g) **Noted** that the Mining Legislation Amendment Bill has been re-energised and consultation has commenced with DWER to progress a joint cabinet submission. The Bill will be similar to the 2015 version with small enhancements.

5.2 Member Updates and Notices

ELC:

- (a) **Noted** the update from AMEC confirming that Simon Bennison has retired and the new CEO Warren Pearce will commence in November.
- (b) **Noted** the update from CCAA, who are awaiting DMIRS feedback on their Basic Raw Material guidance produced for the 2016 Guideline for Mining Proposals.
- (c) **Noted** the update from DJTSL, who are re-establishing their relevant business contacts in the context of Machinery of Government changes.



- (d) **Noted** the update from ECA, who are keeping members briefed on guidelines and other information relevant to practitioners.
- (e) **Noted** the update from DBCA, who are working towards the priorities of their departmental amalgamation including the integration of specific business areas and undertaking a review of services.
- (f) **Noted** the update from CME, who have been busy with a large volume of consultation across government in the context of Machinery of Government changes.
- (g) **Noted** the update from PGA, who have noted the dissolution of the Land Access Working Group; the moratorium on hydraulic fracturing along with the Scientific Enquiry into hydraulic fracturing announced by the State Government; and the progression of Worker Safety and Industrial Relations Legislation. Noted PGA’s enquiry for a presentation on the Scientific Enquiry.

6. CLOSE AND NEXT MEETING

There being no further business, the Chair closed the meeting at 10.25 am, noting the next meeting is scheduled for Friday 1 December 2017 from 9.30 – to 11.30 am.

**MINUTES OF MEETING NO. 3/2017 OF THE ENVIRONMENT LIAISON COMMITTEE HELD ON
4 OCTOBER 2017**

ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING

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Chair

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Date