FEEDBACK FORM

**STREAMLINING (MINING AMENDMENT) BILL 2021 FOR MINING IN WESTERN AUSTRALIA**

May 2021

|  |
| --- |
| SECTION 1. Stakeholder details |
|  |
| Public or Confidential |
| Do you wish to lodge your submission ‘IN CONFIDENCE’ | [ ]  Yes | [ ]  No |
| The Department of Mines, Industry Regulation and Safety (DMIRS) is intending to publish a summary of the submissions received. Feedback received from an ‘IN CONFIDENCE’ submission will be presented, but the respondents name will not be published on the DMIRS website.  |

|  |
| --- |
| **Submission Details**Note: The following information **will** be placed on DMIRS’ website. |
| **This submission is written on behalf of:** (please select **one** of the following categories) | [ ]  Individual [ ]  Organisation  |
| **Are you making this submission as:** (please select **one** of the following categories) | [ ]  Business[ ]  Industry representative[ ]  Academic[ ]  Government  representative | [ ]  Professional[ ]  Prospector[ ]  Small Miner[ ]  Other |  |

|  |
| --- |
| **Submission Details**Note: The following information will **not** be published on DMIRS’ website **if** you are lodging your submission ‘IN CONFIDENCE’. |
| **Individual OR Organisation’s name:** |

|  |
| --- |
| **Individual / Organisation Details**Note: The following information will **not** be placed on DMP’s website |
| **Principal contact name:** |  | **Contact phone number:** |  |
| **Email address:** |  |

**PLEASE NOTE: Typed electronic submissions are the preferred submission format.**

If you wish to submit a hand written submission or for other submission related queries, please contact DMIRS on **9222 3446** or via email REC.Consultation@dmirs.wa.gov.au

**Confidential material –** Where a submission includes confidential and non-confidential material, the confidential material should be provided separately and clearly marked ‘IN CONFIDENCE’ and will not be placed on the website.

Please note: Legal requirements such as those imposed by the *Freedom of Information Act 1982* may affect the confidentiality of public submissions.

|  |
| --- |
| **SECTION 2. STAKEHOLDER RESPONSE FORM** |

|  |
| --- |
| **STREAMLINING (MINING AMENDMENT) BILL OVERVIEW** |
| **Note:** This bill forms part of a package of Streamlining Bills being progressed across Government for several Acts. The purpose of these bills is to streamline decision-making and improve efficiency for the application and assessment of environmental approvals to support economic recovery following COVID-19.The Bill amends the Mining Act to introduce a stream of authorisation for low impact activities and single Approvals Statement for mining operations, with a supporting Part, consisting of 6 divisions, within the Bill consolidating all activity approvals requirements. Upon successful passage through parliament, transition to the new legislation will occur in-line with the transitional provisions outlined in the Second Schedule, and where applicable pending the development of supporting regulations. |
| **General comment(s) on Bill** |
|  |

|  |
| --- |
| **Administrative updates** |
| **Note:** Section 8 is updated to provide definitions for additional terms. Section 12 is updated to enable the efficient functioning of delegations. Section 20, 40D, 46, 63 and 70H are updated to modernise the wording to ensure the focus is on preventing damage or injury. Section 55B, 69E and 70IA are updated to identify conditions take effect on notice.  |
| **General comment(s)**  |
|  |

|  |
| --- |
| **Consequential amendments**  |
| **Note:** The introduction of a new part in the Bill will result in minor consequential amendments to the *Mining Act 1978,* where existing requirements have been relocated into the new Part and section references to these provisions have been updated. The following sections have been deleted:*46(aa) 46A 52(1a) 55A(4) 60(1a)* *63(aa) 63AA 70F(2) 70H(aa) 70I**70O 70P 82(ca) 82(ga) 82(1b)**82A 82(1b) 82A 84AA 84**84A(2) 90(1)(b)*For the above sections, see the divisions below for those which have been incorporated into the new part of the Bill. |

**Part IVAA – Conditions and approvals**

|  |
| --- |
| **DIVISION 1 – PRELIMINARY**  |
| **Note:** Defines the terms specific to Part IVAA. Note also the inclusion of additional terms in section 8 where the new terms are used throughout the Act eg. Mine closure and development plan.  |
| **General comment(s)**  |
|  |

|  |
| --- |
| **DIVISION 2 - LOW IMPACT ACTIVITIES** |
| **Note:** This Division sets up the framework for a low impact notification (LIN) authorisation process. It provides for regulations that will prescribe activity types to be low-impact activities and the conditions to which they will be subject. Those activities must not be undertaken otherwise in accordance with those prescribed requirements. Areas can be excluded from the use of the LIN authorisation pathway and in those areas activities must be assessed via a PoW or MDCP. Notification must be provided on completion of a LIN. *Please note what constitutes a low-impact activity and the standard conditions of their authorisation will be prescribed in regulations and subject to subsequent consultation following passage of this Bill.*  |
| ***Question: How supportive are you of the proposed Low Impact Notification System?*** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Not at all supportive** |  |  |  | **Supportive** |  |  |  |  | **Extremely supportive** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** |
| ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  |

 |
| ***Question: Do you have any major concerns with the Low Impact Notification system? If so, please explain.***  |
|  |
| **General comment(s)** |
|  |

|  |
| --- |
| **DIVISION 3 – PROGRAMMES OF WORK** |
| **Note:** Outlines the provisions for Programmes of Work including the conditions, lodgement, assessment and approvals. *Consequential amendments: Deletion of s.46(aa), s.55A(4), s.63(aa) and s.70H(aa); updated references in 63A, 70K, 70L* *for compliance with those conditions*  |
| **General comment(s)**  |
|  |

|  |
| --- |
| **DIVISION 4 – MINING DEVELOPMENT AND CLOSURE PLANS** |
| **Note:** Outlines the provisions for Mining Development and Closure Proposals, including the operation of the Approvals Statement.*Consequential amendments: Deletion of s.82(ca), s.82A and s.81(1b); updated reference in section 82, 90 and 96 for compliance with those conditions* |
| **General comment(s)**  |
|  |

|  |
| --- |
| ***Specific feedback questions: Mining and Closure Development Proposal***  |
| **Note:** The Bill will introduce a Mining Development and Closure Proposal (MDCP) which will see the current Mining Proposal (MP) and Closure Plan (CP) combined into a single document. This streamlined application document will remove the need to prepare two documents when applying for mining operation therefore removing the duplication that currently occurs between MP’s and MCP’s. In addition, the MDCP document itself is not approved – activities proposed in a MDCP are approved via an Approvals Statement.  |
| ***Question: How supportive are you of the proposed Mining Development and Closure Proposal document?*** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Not at all supportive** |  |  |  | **Supportive** |  |  |  |  | **Extremely supportive** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** |
| ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  |

 |
| ***Question: Do you have any major concerns about the proposed Mining Development and Closure Proposal document?*** |
|  |
| **General comment(s)** |
|  |

|  |
| --- |
| ***Specific feedback questions: Approvals Statement*** |
| **Note:** The Bill will introduce an Approvals Statement which will operate as a single source to identify all approved mining operations, their relevant conditions for a mining site and the agreed upon closure outcomes along with the required review date for a mine closure plan. The conditions imposed through an Approval Statement will attach to the relevant tenements. An Approvals Statement will be updated overtime to account for changes in mining operations and/or conditions, and can be cancelled by the Minister.  |
| ***Question: How supportive are you of the proposed Approvals Statement?*** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Not at all supportive** |  |  |  | **Supportive** |  |  |  |  | **Extremely supportive** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** |
| ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  | ***[ ]***  |

 |
| ***Question: Do you have any major concerns about the proposed Approvals Statement? If so, please detail.*** |
|  |
| **General comment(s)** |
|  |

|  |
| --- |
| **DIVISION 5 – MINE CLOSURE PLANS**  |
| **Note:** Outlines provisions for Mine Closure Plans, including contents, conditions, and lodgement. Note Division 4 section 103AO identifies that the date of lodgement of a Mine Closure Plan is recorded on the Approvals Statement. *Consequential amendments: Deletion of s.82(ga) and s.84AA and updated references in section 82, 90, 96 for compliance with those conditions.*  |
| **General comment(s)**  |
|  |

|  |
| --- |
| **DIVISION 6 – OTHER CONDITIONS** |
| **Note:** Relocates existing provisions for conditions on tenements to prevent, reduce, or remediate injury to the land. Enables conditions to be impsoed to prevent, reduce or remediate the impact of mining on the purposes of reserved lands. *Consequential amendments: deletion of s.46A, s.63AA, s.70I and s.84; updated references in s63A, 70K, 70L* |
| **General comment(s)**  |
|  |

|  |
| --- |
| **DIVISION 7 - SECURITIES** |
| **Note:** Relocates existing provisions to impose securities for compliance with conditions on the tenement, and updated to include the conditions on the Approvals Statement. *Consequential amendments: deletion of s.52(1a), s.60(1a), s.70F(2) and s.84A(2); updated reference in s126.*  |
| **General comment(s)**  |
|  |

|  |
| --- |
| **SECOND SCHEDULE – DIVISION 3 - TRANSITIONAL PROVISIONS**  |
| **Note:** The transitional provisions are identified here. At commencement all existing conditions and securities continue, as do any previously approved programmes of work. Activities approved via a mining proposal continue for a transition period of six years. It provides options for extension of that six years.  |
| **General comment(s)**  |
|  |