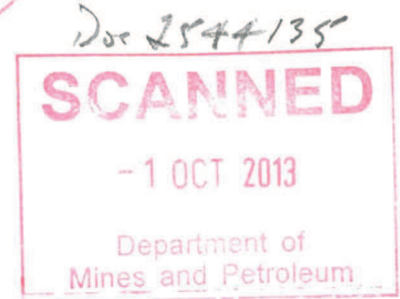


27 September 2013

Dr Phil Gorey
Executive Director Environment
Department of Mines and Petroleum
Mineral House 100 Plain Street
EAST PERTH WA 6004

reform@dmp.wa.gov.au

Dear Dr Gorey



RE: Consultation Paper – Proposed Amendments to the Mining Legislation

Thank you for your email dated 27 August 2013, advising of the Department of Mines and Petroleum's (DMP) Consultation Paper outlining proposed amendments to the *Mining Act 1978* (Mining Act), *Mining Regulations 1981* (Mining Regulations), *Mining Rehabilitation Fund Act 2012* (MRF Act) and the *Mining Rehabilitation Fund Regulations 2013* (MRF Regulations).

The Chamber of Minerals and Energy of Western Australia (CME) appreciate the opportunity to review the proposed amendments and provide comment prior to their introduction to Parliament later this year.

CME supports the intention of these amendments and considers they will assist in facilitating greater transparency, more efficient approvals and effective compliance arrangements. The amendments included within the Consultation Paper are reflective of outcomes developed through the Reforming Environmental Regulations reform process.

CME has the following comments specific to each amendment:

3.1 Recovery of Mining Rehabilitation Fund expenditure

CME supports the proposed amendments to the MRF Act to strengthen the State Government's compliance provisions to recover reasonable costs incurred by the MRF in undertaking rehabilitation work and minimise the potential for mine site operators avoiding rehabilitation obligations. CME agrees the MRF should be a source of last resort for funding rehabilitation of mine sites declared abandoned under the MRF Act, and where possible, part or all of the money responsible for carrying out the rehabilitation work should be recovered from the liable person (as defined in the DMP consultation paper).

3.2 Mining Rehabilitation Fund Infringement Notices

CME supports in-principle this proposed amendment, however, guidance material on the circumstances where a penalty should be imposed upon failure to submit timely assessment information would be required. CME would not support infringement notices being issued for minor breaches of assessment information. Enforcement of penalties should be a tool of last resort after repeated failure to submit timely assessment information.

Further, DMP should allow some flexibility if companies do not meet the reporting deadline in the initial years of the MRF if the company has endeavoured to meet the requirements but has experienced issues with the lodgement process.

3.3 Mining Rehabilitation Fund Assessment Notices

CME supports an amendment to the MRF Act so that, where there is more than one registered tenement holder for a Mining Act tenement, a single notice can be issued to a liable person, or to all tenement holders, at a contact address nominated at the same time as assessment information is submitted.

3.4 Streamlining authorisation processes

CME supports an amendment to the Mining Act to allow for the Director General to delegate the powers to approve a Programme of Work, Mining Proposal and Mine Closure Plans to an appropriate officer within the agency.

3.5 Improving transparency

CME supports in-principle amendments to improve transparency. However, it is important DMP finds a balance between access to relevant information and protection of commercially sensitive material.

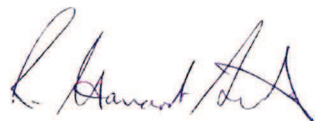
Environmental reporting requirements, particularly Annual Environmental Reviews (AERs), are likely to contain information about exploration areas which is commercially sensitive. Non-compliance reporting against tenement conditions can often have legitimate reasoning behind the breach of condition and the immediate public reporting may result in wrong assumptions being arrived at.

Full public access to all approval information and compliance reports has the potential for unwieldy and inefficient processes. If approval and compliance information is not presented in clear and simple formats which allow for the public's interpretation it may create further administrative delays.

The public release of any information submitted under the Mining Act and MRF Act will need to be carefully guided by DMP policy. CME recommends Industry is adequately consulted on the agency guidelines on what constitutes commercially sensitive material.

CME looks forward to seeing an exposure draft of these proposed amendments before their introduction to Parliament later this year. Should you require any further information on this issue please contact Mr Kane Moyle, Manager – Environment, on (08) 9220 8511 or k.moyle@cmewa.com.

Yours sincerely



Reg Howard-Smith
Chief Executive