



Environmental Protection Authority

Hon Robyn McSweeney MLC
Chairman
Standing Committee on Legislation
GPO Box A11
PERTH WA 6837

Our Ref: LS01-2015-0004
Enquiries: Naomi Arrowsmith 61450955
Email: naomi.arrowsmith@epa.wa.gov.au

Attention: David Driscoll, Parliamentary Officer (Committees)

Dear Mrs McSweeney

INQUIRY INTO MINING LEGISLATION AMENDMENT BILL 2015 – SUBMISSION

Thank you for your invitation to make a submission to your inquiry into the *Mining Legislation Amendment Bill 2015*.

The Environmental Protection Authority (EPA) is established under the *Environmental Protection Act 1986* (EP Act) and undertakes environmental impact assessment of significant proposals under Part IV of the Act. In determining whether to formally assess proposals involving the clearing of native vegetation, the EPA takes into account the provisions of Part V, Division 2 of the EP Act related to the clearing of native vegetation. Where the EPA has confidence that a clearing proposal can be adequately regulated and managed under Part V of the EP Act, the EPA may not undertake a formal environmental impact assessment. The EPA considers this to be an effective way to consider some clearing proposals and in doing so, avoids unnecessary regulatory duplication.

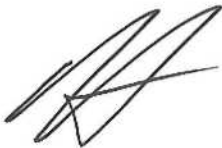
The *Mining Legislation Amendment Bill 2015* proposes to exempt mining proposals from the provisions of Part V of the EP Act where they are in accordance with an approved programme of works, or are defined as a low impact activity. This new regime will, if adopted, remove the option for the EPA to defer the consideration of clearing proposals associated with mining to Part V of the EP Act.

The EPA's preference is that the new regime established through the Amendment Bill meets the same standards for environmental protection as those under Part V of the EP Act. This would provide the opportunity for the EPA to consider the provisions of the Mining Act 1978, as amended, in deciding whether to formally assess clearing proposals associated with mining.

I am therefore pleased that the Bill requires the consideration of the clearing principles described in Schedule 5 of the EP Act; provides for conditions to be imposed related to mitigation of environmental impacts, including environmental offsets where appropriate; and requires lessees to maintain an environmental management system. These are important provisions which will provide confidence to the EPA that environmental standards are being maintained and that its environmental objectives can be met.

If the amendments are passed, the EPA will work actively with the Department of Mines and Petroleum in developing the associated regulations and guidelines to ensure environmental outcomes can be met.

Yours sincerely

A handwritten signature in black ink, appearing to be 'TH', written in a cursive style.

Dr Tom Hatton
CHAIRMAN

23 March 2016