

Doherty, Kris

From: Doherty, Kris
Sent: Thursday, 1 September 2022 4:41 PM
To: Doherty, Kris
Subject: FW: Mining Act changes

From: Smith, Hope
Sent: Thursday, 1 September 2022 10:37 AM
To:
Subject: RE: Mining Act changes

Hi [REDACTED]

1. Yes, the general public can still object to any mining exploration tenement applications.
2. There are no proposed changes in the current bill (Mining Amendment Bill 2021) regarding provisions/scope for objections.
3. Sensitive areas will be defined in regulation if and when the Bill is passed. Regulations will be subject to further consultation, in which you will have an opportunity to put in a submission.
4. An approvals statement is issued after an environmental assessment of mining operations. This is a separate process which occurs after the grant of a tenement, so it is not something you could use to object to the grant of an exploration licence. The Approvals Statement serves as an important document for the Department to monitor the project as the Approvals Statement will contain all approved activities and relevant environmental conditions. As this Statement will be public, if anyone feels there is non-compliance with the statement there will be an avenue to alert the Department of non-compliance.

Trust this assists.

Kind Regards,
Hope



Hope Smith | Senior Policy Adviser

Office of the **Hon Bill Johnston MLA**
Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations
Level 9 Dumas House, 2 Havelock St WEST PERTH WA 6005 Australia

From: [REDACTED]
Sent: Wednesday, 31 August 2022 2:46 PM
To: Smith, Hope <[REDACTED]>
Subject: Re: Mining Act changes

Hi Hope
Thanks for your email. There are still a few things that are not clear which perhaps you can answer for us? Under the proposed changes:

- 1 Can the general public still object to any mining exploration tenement?
- 2 Is there any provision for social impacts to be considered?
- 3 You mention sensitive areas, how are they defined?
- 4 What process is there for objecting to an Approvals Statement? (I assume this may be the first time people actually are aware of mining tenements)

Thanks for assistance with this matter,
Regards

----- Original Message -----

From:

"Smith Hope" <[REDACTED]>

To:

"[REDACTED]"

Cc:

Sent:

Wed, 31 Aug 2022 01:39:37 +0000

Subject:

Mining Act changes

Hi [REDACTED]

Thank you for your call this morning regarding the Mining Act changes currently before the upper house.

The Mining Amendment Bill 2021 (the Bill) will strengthen the regulatory framework for environmental applications under the Mining Act. It does this through two key changes – the establishment of an Eligible Mining Activity framework and the creation of an Approvals Statement.

It is important to note that this Bill does not change any of the existing arrangements for private landholder consent for tenement applications, objectives, or expectations for stakeholder engagement on all mining environmental applications. It is a process which takes place after a licence is already issued and the objection period is over.

The Eligible Mining Activity framework, which is a new form of automated authorisation for certain minimal disturbance activities. The scale and nature of activities that would be deemed suitable to be assessed through this approvals pathway will undergo extensive public consultation as part of developing the associated Regulations to support this Bill, should the Bill pass. This framework is being introduced while still ensuring full information capture and appropriate regulation of the activities without compromising environmental outcomes.

Eligible Mining Activity Notices will be applied for through the Department's online spatial system. The activities will be limited in scale and location to ensure activities don't occur in sensitive areas and if authorised, will need to be undertaken in accordance with standard environmental conditions. Should applicants not meet these conditions, the tenements would be liable to forfeiture as per normal enforcement actions.

The McGowan Government acknowledges that there are areas of the State where it is not appropriate for an automated authorisation to be given. Acknowledging this, the Bill also allows for the Minister to exclude areas which may be identified as not being appropriate for a Eligible Mining Activity notice to be lodged. The Bill also specifically excludes certain reserves (such as national parks and nature reserves) from being eligible.

The specific detail of what constitutes an 'Eligible Mining Activity' and the conditions to which will be applied to the Eligible Mining Activity Notice, will be considered during a separate public consultation period, should this Bill pass. This consultation period will encourage any submissions from stakeholders, including the general public, communities and freehold landholders.

The introduction of an Approvals Statement, post the assessment and approval of a Mining Proposal, will form a transparent document detailing the activities and conditions for a mine site that must be adhered to. Approvals Statements will be made publically available for all mine sites, regulated under the Mining Act. The amendments within the Bill also mandate that the Approvals Statement must include the agreed closure outcomes for the mine site, which need to be agreed with relevant stakeholders. This will further improve the process through which mine closure is managed in Western Australia.

These amendments in the Mining Amendment Bill 2021 will strengthen environmental regulation under the Mining Act and help to modernise and implement a risk-based, outcomes-focused approach to mining in Western Australia.

Let me know if you need any further clarification or would like me to put you in touch with someone from the Mines Department who can run you through in more specific detail.

Hope Smith | Senior Policy Adviser

Office of the Hon Bill Johnston MLA

Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations

Level 9 Dumas House, 2 Havelock St WEST PERTH WA 6005 Australia

The Department of the Premier and Cabinet Legal Notice.

The contents of this email or its attachments are intended only for the use of the addressee(s). It may contain information that is private and confidential and may be privileged or otherwise protected from disclosure in the public interest. If you are not the intended recipient of this email any use, interference with, disclosure, distribution or copying of this material is unauthorised and prohibited. If you receive this in error, please notify the sender by return e-mail, delete the email and attachments from your system and destroy any copies you have taken of the email and attachments. Before taking any action based upon advice and/or information contained in this email you should carefully consider the advice and information and consider obtaining relevant independent advice.

While every care is taken, it is recommended that you scan any attachments for viruses.

Please consider the environment before printing out this email.