

MINING AMENDMENT BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, read a first time.

Second Reading

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [9.37 pm]: I move —

That the bill be now read a second time.

The purpose of the Mining Amendment Bill 2021 is to amend the Mining Act 1978 to increase the efficiency of applications and assessments for mining activities. The amendments will modernise activity approvals under the Mining Act and embed a risk-based, outcomes-focused regulatory framework. In addition to reducing the administrative burden on industry for applications and ongoing approvals, these amendments will assist to target government's efforts to effectively regulate the sector and minimise risk to the environment.

I will now summarise the key features of the bill, which will establish a new part in the Mining Act with clear conditions and procedures for the application, assessment and approval of mining activities. This part includes a new automated authorisation pathway for eligible mining activities, and introduces an approvals statement for mining operations as the ongoing instrument for managing and updating activity approvals and conditions over time.

Currently, the provisions that require tenement holders to submit applications and receive approval for activities are scattered throughout the act. The bill will introduce a new part 4AA called "Conditions and approvals" that will consolidate all activity approvals into one part. Bringing all these provisions into one dedicated part clearly separates processes for granting tenements from the subsequent approvals process for prospecting, exploration or undertaking mining operations. This part will impose clear obligations regarding the types of activities that require approval, the information requirements of applications and the conditions to which those activities will be subject, if approved. The part also sets out clear and transparent assessment and approval procedures that are not provided for in the current act.

A key feature of the new part is the introduction of a new eligible mining activity, or EMA, framework—a new form of automated authorisation to enable a faster approvals process for certain eligible activities. This will remove the current time period for an application to await and undergo assessment while ensuring full information capture and appropriate regulation of those activities without compromising environmental outcomes. Prior to commencing an eligible mining activity, an EMA notice will be able to be lodged through an online system, automated screening will occur, and the activity will be authorised immediately, subject to standard conditions. The specific detail of the activities to be considered an "eligible mining activity" and standard conditions will be prescribed in supporting regulations and will be subject to a separate consultation period following passage of these amendments.

The other key aspect of the EMA framework is acknowledging that there are areas of the state where it is not appropriate or feasible for activities to be authorised via an automated assessment. The Department of Mines, Industry Regulation and Safety acknowledges the need to incorporate the consideration of reserved lands, particularly lands reserved for conservation purposes, in the design of the framework. Following extensive consultation with the Department of Biodiversity, Conservation and Attractions, the notice provisions uphold the procedural requirements of section 23 of the Mining Act, which requires consent of relevant ministers to carry out mining on public reserves or commonwealth land. This consent to access reserved lands is given based on specific activities and may be subject to particular conditions. Therefore, applications in these areas need to be subject to a manual assessment and not via the EMA framework. All reserves, including the conservation estate in its entirety, will be excluded from an EMA notice being lodged to ensure environmental officers will continue to assess all applications in these areas.

In addition, other areas of potential value to the state that are not otherwise formally protected can be gazetted on a case-by-case basis to be excluded from the submission of an EMA notice, and will have to be assessed by an officer via a program of work or mining development and closure proposal. DMIRS will continue to collaborate with stakeholders, including DBCA, in the process of determining the eligibility criteria for an EMA notice to inform the drafting of the supporting regulations for the bill. It is intended that the framework will commence for those activities that are currently assessed and approved via a program of work spatial application, and may be extended to mining operations when the lodgement system is available.

For mining operations, the single approvals statements will streamline the application and approval process. This is a new instrument that will clearly record the approved mining operations and corresponding conditions of approval. Currently, when DMIRS approves a mining proposal, compliance with the commitments and activities proposed is enforced by the imposition of tenement conditions. For sites with multiple tenements, this results in the need to manage compliance with multiple documents and conditions. This creates additional administrative effort for both industry and DMIRS and does not result in an efficient process. Most sites are covered by a number of different mining proposals, all with conditions that need to be met and reported against. Sometimes conditions relating to

different approved documents may contradict each other. Also, as the document is approved, tenement holders are obliged to continue to operate in the way that has been approved rather than adopting improved practices.

The introduction of an approvals statement will consolidate all approved activities and relevant environmental conditions across multiple tenements and set clear relevant parameters of the approval. The bill will change the focus of approvals to the specific activities, conditions of those activities and closure outcomes to be achieved through rehabilitation of the operation. This focus is also reflected in the amalgamation of the mining proposal and the mine closure plan into a single mining development and closure proposal that removes duplication up-front and targets the information requirements needed at the approval stage. This will result in clarity of the approved activities and conditions, and efficiencies for both industry and DMIRS in terms of managing compliance with approvals. It will also mean that the focus of the approval is on the specific activities and how they will be managed so that there are no unacceptable impacts on the environment, rather than the approval of multiple documents. This will significantly reduce regulatory burden on tenement holders as they will no longer have to report against myriad conditions set over time. They will report on outcomes-focused conditions set specifically on each activity, which will provide flexibility for proponents to change their environmental management over time to meet best practice standards. This will provide much better outcomes for the environment.

In conclusion, this bill will significantly reduce regulatory burden for industry and government, while at the same time strengthen and improve environmental management of mining activities. This is consistent with the principles of best practice environmental regulation—accountable, transparent, predictable, proportional and targeted. The reforms proposed in this bill will greatly streamline activity approvals and improve regulation under the Mining Act.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper [1467](#).]

Debate adjourned, pursuant to standing orders.