



CONSULTATION SUMMARY

STREAMLINING (MINING AMENDMENT) BILL 2021

The Department of Mines, Industry Regulation and Safety (DMIRS) is proposing amendments to the *Mining Act 1978* through the Streamlining (Mining Amendment) Bill 2021, with the purpose of simplifying the activity approval processes for the resources sector.

The key components for this Bill will allow for a quicker approval process and easier administration of compliance with conditions of approval, through the:

1. **Introduction of a Low Impact Notification** for the automated authorisation of low impact activities subject to standard conditions; and
2. **Introduction of a single Approvals Statement** for mining operations.

Streamlining (Mining Amendment) Bill 2021



Low Impact Notification

- New form of authorisation for mechanised ground disturbance.



Approvals Statement

- New source to identify approved mining operations.
- Greater clarity of approvals and corresponding conditions.



Supporting administrative amendments

- Consolidation of all conditions and approvals into a single Part of the *Mining Act 1978*.
- Replace Mining Proposals with a Mining Development and Closure Proposal.

The new mechanisms and subsequent amendments to the *Mining Act 1978* are largely contained within a new part: Part IVAA – Conditions and Approvals. Part IVAA consists of seven (7) divisions with the key outcomes being:

- Consolidation of all activity approvals being in one Part of the Act;
- Clear statements of the conditions that activities require approval and must be undertaken in accordance with approvals; and
- Clear and transparent assessment processes.

CONSULTATION

The department is undertaking extensive stakeholder consultation on the proposed amendments and exposure draft. Further information on briefing dates and consultation is available on the DMIRS [website](#), or register your interest via the email below.

Contact: REC.Consultation@dmirs.wa.gov.au

Streamlining (Mining Amendment) Bill 2021

This Bill forms part of a package of Streamlining Bills being progressed across Government for several Acts, some of which are unrelated to the resources industry and subject to their own consultation. For the resources industry, the department is currently progressing two Streamlining Bills:

- The Streamlining (Mining Amendment) Bill 2021.
- The Streamlining (Mining and Petroleum Legislation Amendments) Bill 2021.

The below questions are focused on those amendments being progressed through the Streamlining (Mining Amendment) Bill 2021.

Why is the *Mining Act 1978* being changed?

The department is proposing legislative amendments to the *Mining Act 1978* (Mining Act) to streamline decision-making and improve efficiency for the application and assessment of environmental approvals to support economic recovery following COVID-19.

What are the key changes?

The Bill amends the Mining Act to introduce a stream of authorisation for low impact activities and a single Approvals Statement for mining operations, with a supporting Part within the Bill consolidating all activity approvals requirements.

Low Impact Notifications

The Bill introduces an alternative pathway of authorisation for mechanised ground disturbance, a Low Impact Notification (LIN). Activities that would otherwise require assessment via a Programmes of Work or Mining Development and Closure Proposal (previously Mining Proposal and Mine Closure Plan) may be submitted for automated authorisation via a LIN where those activities meet the criteria for low impact.

Approvals Statements

The Bill will introduce the concept of an Approvals Statement, which will function as a single source to identify all approved mining operations and their corresponding conditions for a mine site. It will also identify the closure outcomes for the mine and the review date for mine closure plans. An Approvals Statement is intended to be updated over time as mining operations and/or conditions change.

Mining Development and Closure Proposal

The Bill will replace the existing requirement for submission of a Mining Proposal (inclusive of a Mine Closure Plan) with a Mining Development and Closure Proposal. This streamlined application document will remove the duplicate information requirements of a Mining Proposal and Mine Closure Plan, and mean that only a single Mining Development and Closure Proposal will be required, removing the need for the preparation of two documents for an application.

How will the changes improve regulation of the mining industry?

The Bill modernises the regulatory framework and further reinforces a risk and outcomes based approach to regulation that was initially introduced in 2016 with the revised Guidelines for Mining Proposals, noting these Guidelines were further simplified and re-released in 2020. The approach allows the department to redirect the focus of its available resources to the higher risk issues.

How will the changes benefit the mining industry?

1. Streamlining Assessment of Low Impact Activities

Currently, tenement holders are required to lodge a Programme of Work application for assessment and approval to undertake exploration or prospecting activities that involve ground disturbance, or a Mining Proposal to seek approval to undertake mining operations.

The new 'Low Impact Notification' stream of authorisation will remove the time-period it takes for an application to await and undergo assessment, while ensuring full information capture and appropriate regulation of those activities, without jeopardising environmental outcomes.

2. Streamlining of application documents for mining operations

The existing Mining Proposal (inclusive of a Mine Closure Plan) requirements have been **combined into a single Mining Development and Closure Proposal (MDCP)**. This will remove the current duplication in requirements that exist for a Mining Proposal and Mine Closure Plan (for example proposal description, baseline data and separate risk assessments and environmental outcomes tables). Only a single MDCP is required to seek approval to commence mining operations on a tenement. This change removes the need for the preparation of the two documents at assessment stage.

3. Streamlining Assessment of Mining Operations Supported by a Consolidated Approvals Statement

Currently, tenement holders seeking to undertake mining operations must lodge a Mining Proposal to DMIRS before undertaking any activities. 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 tenement conditions. This creates additional administrative effort for both DMIRS and industry and does not result in an efficient process.

In contrast, the Approvals Statement would specify the approved activities and relevant environmental conditions across multiple tenements. Under this proposed approach, tenement holders would be provided with a **single Approvals Statement setting out clear relevant parameters of the approval**. This would result in clarity of the approved activities and conditions, and efficiencies for both industry and DMIRS in terms of managing compliance with approvals.

In the assessment of revised or additional activities proposed in a MDCP any necessary changes to the Approvals Statement to approve additional activities or changes to conditions would be identified and the Approvals Statement amended accordingly.

How will the changes impact existing mining operations?

Activities that require machinery to disturb the surface of the land on a tenement will continue to require authorisation as they do currently. The proposed amendments will require that authorisation occurs either by a Low Impact Notification, programme of work, or mining development and closure proposal. Activities that do not use machinery to disturb the surface of the land on a tenement (e.g. rock chip sampling, metal detecting etc.) can continue on the tenement with no environmental approvals required.

1. Exploration or Prospecting

Exploration or prospecting currently authorised under a Programme of Work will not be affected.

2. Mining Operations

For mining operations currently authorised under a mining proposal, these approvals will continue for six years following the commencement of the Bill. After the six year transition, mining operations will be required to be assessed through a MDCP and approved on an Approvals Statement. Applications for extension can be made to the Minister prior to the end of the six years.

Further information for prospectors and small miners

What do these changes mean for prospectors?

The requirement to seek approval to conduct prospecting activities is not changing. Activities that require machinery to disturb the surface of the land on a tenement will continue to require authorisation as they do currently. The proposed amendments will require that authorisation occurs either by a Low Impact Notification, programme of work, or mining development and closure proposal. Activities that do not use machinery to disturb the surface of the land on a tenement (e.g. rock chip sampling, metal detecting etc.) can continue on the tenement with no environmental approvals required.

What do these changes mean for small miners?

The Bill will replace the existing requirement for submission of a Mining Proposal (inclusive of a Mine Closure Plan) with a Mining Development and Closure Proposal. This streamlined application document will remove the duplicate information requirements of a Mining Proposal and Mine Closure Plan, and mean that only a single Mining Development and Closure Proposal will be required, removing the need for the preparation of two documents for an application. A dedicated form for a Mining Development and Closure Proposal, similar to the current Mining Proposal and Mine Closure Plan Small Mining Operations forms, will be retained for small miners.

How will the changes impact prospecting activities?

Prospecting activities can continue as per existing arrangements (a Programme of Work). Alternatively, prospecting activities which meet the requirements of a "low impact activity" will also be able to be authorised via the new *Low Impact Notification* framework being introduced. This will remove the need for an environmental officer to assess the low impact activities prior to authorisation being granted, reducing the timeframe spent waiting for approval and allowing prospecting activities to commence faster.

How can I find out if my activity is a low impact activity?

These activities will be prescribed in the Mining Regulations 1981, and will be subject to a separate consultation process post the passage of the proposed Mining Act amendments. The intent is for low impact activities to cover a variety of exploration, prospecting and mining activities that pose low risk to the environment and do not occur in a sensitive environment.

Can I continue to lodge a hard copy Programme of Work – Prospecting form?

Yes, this will continue to be an option for Programmes of Work applications.

Can I continue to do tribute arrangements on mining leases?

Yes. There are no changes to the tribute arrangements. Prospecting activities on mining leases can be approved via a Programme of Work.

Will I have to pay an assessment fee?

The Bill relocates existing provisions regarding the ability to prescribe a lodgement fee. There are currently no fees prescribed and there is no intention to prescribe a fee as part of drafting supporting regulations to the Streamlining Mining Amendment Bill 2021.

Will my current approvals be affected?

If you are authorised under a Programme of Work, your current approvals will not be affected. If you are currently authorised under a Mining Proposal, these approvals will continue for six years following the commencement of the Bill. Applications for extension can be made to the Minister prior to the end of the six years.

Are the proposed changes similar to the Mining Legislation Amendment Bill 2015?

No. Whilst some provisions (e.g. Low Impact Notification) are similar, almost all of the proposed changes differ to those previously proposed in the Mining Legislation Amendment Bill 2015. The proposed changes do not include a definition of "environment" to be included in the *Mining Act 1978*, and no changes to environmental inspector powers are proposed.

Government of Western Australia

**Department of Mines, Industry Regulation
and Safety**

8.30am – 4.30pm

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