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## Environment Liaison Committee

### MINUTES – 16 December 2016

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<b>Meeting No:</b>	<b>4/2016</b>	<b>Time:</b>	<b>9:30am – 11:30am</b>
<b>Venue:</b>	<b>DMP Level 8, Mineral House, 100 Plain St, East Perth</b>	<b>Secretariat</b>	<b>Department of Mines and Petroleum – Environment Division</b>

#### **Attendees:**

Dr Phil Gorey (Chair)	Department of Mines and Petroleum (DMP)
Mr Harry Backes	Cement Concrete & Aggregates Australia (CCAA)
Mr Kane Moyle	Chamber of Minerals and Energy WA (CME)
Mr Les Lowe	Amalgamated Prospectors and Leaseholders Association (APLA)
Mr Nic Woolfrey	Department of Parks and Wildlife (DPaW)
Mr Hamid Mohsenzadeh	Department of Water (DoW) <b>proxy</b>
Mr Doug Hall	Pastoralists and Graziers Association (PGA) <b>proxy</b>
Mr Mat Brook	Environmental Consultants Association <b>proxy</b>

#### **In Attendance:**

Ms Karen Caple	Department of Mines and Petroleum (DMP) (Observer)
Dr Danielle Risbey	Department of Mines and Petroleum (DMP) (Observer)
Mr Jim Dodds	Department of Health (DoH) (Item 3.1)
Mr Daniel Endacott	Department of Mines and Petroleum (DMP) (Item 3.2)
Mr Ian Mitchell	Department of Mines and Petroleum (DMP) (Item 3.3)

#### **Secretariat:**

Ms Kate Buckley	Department of Mines and Petroleum (DMP)
Ms Louise Thomas	Department of Mines and Petroleum (DMP)

### **1. INTRODUCTION**

1.1 The Chair of the Environment Liaison Committee (ELC) opened the meeting at 9.30 am and welcomed members, including new members the Environmental Consultants Association.

#### **1.2 Apologies**

ELC:

- (a) **Noted** the following apologies:
- (i) Mr Simon Bennison AMEC
  - (ii) Mr Andrew Taylor APPEA
  - (iii) Mr John Connolly DoW
  - (iv) Environmental Defenders' Office of WA
  - (v) Mr Richard Riordan DSD
  - (vi) Ms Mia Pepper CCWA
  - (vii) Ms Kelly Faulkner DER
  - (viii) Mr Gary Peacock PGA
  - (ix) Mr Anthony Sutton OEPA
  - (x) Mr Tim Mitchell ECA

### 1.3 Confirmation of Agenda

ELC confirmed the Agenda without change.

## 2. PREVIOUS MEETING

### 2.1 Acceptance of Minutes

ELC:

- (a) **Accepted** the minutes of Meeting No. 3/2016 held on 16 September 2016 without change.
- (b) **Agreed that DMP is to circulate the membership list of the recently reconvened Mining Proposal Reform Industry Reference Group.** APLA nominated to attend future Reference Group meetings.

### 2.2 Review of Action List

ELC **noted** the Action List updated from the 16 September 2016 meeting.

## 3. AGENDA ITEMS

### 3.1 Public Health Act 2016

ELC:

- (a) **Noted** the Agenda Paper and presentation by Mr Jim Dodds, Director of Public Health, Department of Health, on the *Public Health Act 2016*.
- (b) **Noted** that Part 7 of the Public Health Act includes provisions for regulations to be made regarding Public Health Assessments. The development of regulations will include cost/benefit analysis and stakeholder engagement, particularly on the triggers and types of matters for which public health assessments would be of value.
- (c) **Noted** that a public health assessment (rather than a health impact assessment) focuses on risks to public health, is not tied to international impact assessments, and can consider positive impacts (social determinants) on health.
- (d) **Noted** the scope of the Act does not include worker health and safety covered under the relevant workplace health and safety legislation. Noted that fibrous materials are usually regulated under workplace health and safety regulation, and public health matters are usually included in the relevant fibrous minerals management plans. As usual proponents are encouraged to consult with stakeholders and relevant parties prior to lodging applications, if there is a likely public health impact discuss with DoH, just like consultation with DPaW if proposals affect reserved land.
- (e) **Noted** there is existing ministerial 'call in' powers; however these are usually used in response to parliamentary inquiries rather than being initiated by the Minister for Health. It was questioned whether the head powers may attract political lobbying for particular matters to be 'called in'.
- (f) **Noted** that the Department of Health already liaises and provides advice to other regulatory agencies, for example the Department of Environmental Regulation on dust issues. It is perceived that DoH is only engaged when significant events/issues affecting public health occur. It was questioned whether there is an established process between DMP and the DoH for the provision of advice, advice is requested on a case by case basis. Large projects that are likely to have risks to public health are usually already regulated under Part IV of the *Environmental Protection Act 1986*.

- (g) **Noted** that public health priorities are likely to focus on supporting local councils, disease outbreaks, public health programs; most resource industry projects are already regulated under planning, environmental and safety legislation and their health considerations are generally already managed well.
- (h) **Agreed to DoH's suggestion for an update to the ELC mid next year from an appropriate DoH representative.**

### 3.2 Mining Proposal Reform Implementation

ELC:

- (i) **Noted** the Agenda Paper and the presentation by Daniel Endacott from DMP on the implementation of the 2016 Mining Proposal Guidelines implementation and commencement of scoping the Mining Proposal online spatial lodgement system.
- (j) **Noted** that Mining Legislation Amendment Bill 2015 has now lapsed. The 2016 Mining Proposal Guidelines are consistent with the existing *Mining Act 1978* provisions and are not dependent on the passage of that Bill.
- (k) **Noted** that DMP has received several applications under the new Guidelines of which one has now been approved. ELC were shown the form and templates of those approvals. These include a Proposal Summary which identifies the authorised activities (aligning to the Mining Rehabilitation Fund reporting categories), the clear constraints of approval, and the activity envelope and list of environmental outcomes against which compliance will be monitored. Decision Reports will provide internal guidance to ensure the guideline requirements have been met and relevant policies have been considered in decision making.
- (l) **Noted** the scoping and development of a Mining Proposal online spatial lodgement system has commenced. This financial year will involve consultation on the design and prototypes; and the build of the system would commence in the 2017-18 financial year. This project will utilise the foundation developed through the Programme of Work spatial lodgement system to be launched in 2017.
- (m) **Noted** that there is a bigger picture for spatial lodgement and reporting to improve the quality of DMP's data and streamline reporting for industry. The online spatial lodgement systems will improve alignment with the reporting requirements in Annual Environmental Reports and the Mining Rehabilitation Fund (not remove the requirement for reporting), however further budget submissions will be required to further improve AER and MRF reporting systems. There will also be further opportunities to streamline the submission of information to DMP for all reporting requirements under DMP legislation. It was noted there needs to be consideration of the reporting burden (particularly on low risk projects) and user friendly tools with low data inputs may assist proponents that have low connectivity to online systems.
- (n) **Noted** that industry representatives may wish to become test users and act as trainers to their colleagues – to facilitate this the MP Online project will consider a similar launch to the PoW online project that will be doing an optional soft launch prior to making the lodgement system mandatory.
- (o) **Noted** the confirmation that programmes of work will continue to be accepted on Mining leases as DMP will continue to administer the legislation as it is currently. There is no legislative distinction between PoW-Ps and PoW-Es or Small Mining operations and Mining Proposals, so the administrative solution is in the form of the lodgements themselves and the information requested.
- (p) **Noted** that the online lodgement systems will aim to streamline the lodgement of environmental data requirements and will not remove the requirement for early and meaningful consultation with relevant stakeholders.

### 3.3 Closure and Relinquishment Reforms

ELC:

- (a) **Noted** the Agenda Paper and presentation from Mr Ian Mitchell from DMP on Closure and Relinquishment Reforms.
- (b) **Noted** that in response to the August 2016 stakeholder workshop which identified government roles and responsibilities as a key matter to be resolved, an interagency meeting was held in November 2016 to identify areas for future collaboration. An outcome of the meeting was for an interagency discussion paper to be released for stakeholder consultation and feedback.
- (c) **Noted** that there are clear drivers for the regulators and future land managers for an appropriate and achievable post-mining land use to be determined early on in the project planning and design stages, rather than discussing at the closure stage.
- (d) **Agreed that CME will provide ELC with a presentation on their detailed discussion paper on Closure and Relinquishment prepared by their Environment Committee at a 2017 ELC meeting.**

## 4. STANDING ITEM: STAKEHOLDER CONSULTATION

### 4.1 Stakeholder Consultation Schedule

ELC:

- (a) **Noted** the 2016 list of consultation actions and future dates listed for 2017, as an indication to members of upcoming events and documents.

### 4.2 Papers for Noting

ELC:

- (a) **Noted** the Partnerships Guideline to support the Abandoned Mines Policy is currently published on DMP's website for public comment closing Friday 6 January 2016.
- (b) **Noted** that since the circulation of agenda papers the Mining Rehabilitation Fund Yearly Report and data release have also been published on DMP's website. A briefing on the MRF report and data was requested as an ELC Agenda item for 2017.

## 5 OTHER BUSINESS

### 5.1 Departmental Updates

ELC:

- (a) **Noted** that Dr Tim Griffin continues to be Acting Director General for DMP and the position has been advertised.
- (b) **Noted** that the Mining Legislation Amendment Bill has lapsed and the reform matters will be considered by the new Government.
- (c) **Noted** that DMP is continuing to work with other agencies regarding policy frameworks and governance, and that DMP's publicly released documents are likely to become standardised in classification, branding and content type.
- (d) **Noted** that the Environmental Protection Authority Board's Annual Report provides commentary around the absence of whole of government reporting on native vegetation clearing. The Mining Rehabilitation Fund reporting does provide data on native vegetation clearing by the mining industry.

- (e) **Discussed** feedback on the first year of the ELC, and noted further feedback is welcomed to ensure ELC is valuable forum for members' time and efforts. It was raised that there are several stakeholder reference groups across DMP and other environmental regulators and that some coordination of meeting dates and agendas would be useful to reduce any overlap of topics. It was noted the membership of the ELC has expanded since the Reforming Environmental Regulation Advisory Panel.

## 5.2 Member Updates

ELC:

- (a) **Noted** the Department of Water has a first draft of the Water Management Bill from Parliamentary Counsel's Office. Noted John Connolly will be retiring and Hamid will be the ELC contact going forward.
- (b) **Noted** the update from DPaW that the *Biodiversity Conservation Act 2016* has passed and will welcome a briefing from DPaW to the ELC.

## 5.3 2017 Meeting Dates

ELC Noted the proposed meeting dates for 2017.

## 6 CLOSE AND NEXT MEETING

There being no further business, the Chair closed the meeting at 11.30 am, noting the next meeting is scheduled for Friday 3<sup>rd</sup> March from 9.30 – to 11.30 am.

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**MINUTES OF MEETING NO. 4/2016 OF THE ENVIRONMENT LIAISON COMMITTEE HELD ON 16 DECEMBER 2016**

**ENDORSED AS A TRUE AND ACCURATE RECORD OF THE MEETING**



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**Phil Gorey** | Acting Deputy Director General  
Resources, Titles and Compliance  
08 November 2017

**Chair**