

1 August 2023

Department of Mines, Industry Regulation and Safety
REC.Consultation@dmirs.wa.gov.au



Environment Institute
of Australia and
New Zealand Inc.

Dear Sir / Madam

RE: Mining Development and Closure Proposals and Approvals Statements Discussion Paper

The Environment Institute of Australia and New Zealand (EIANZ) (the Institute), Western Australia (WA) Division (the Division) is pleased to have this opportunity to provide comments on the Discussion Paper - Mining Development and Closure Proposals (MDCP) and Approvals Statements Under the *Mining Amendment Act 2022*.

The Institute is the leading professional body in Australia and New Zealand for environmental practitioners and promotes independent and interdisciplinary discourse on environmental issues. On all issues and all projects, the Institute advocates good practice environmental management delivered by competent and ethical environmental practitioners.

We forward this submission on behalf of the WA EIANZ members. The WA Division currently has approximately 200 members, while the Institute has more than 2,100 members across Australia in a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates, and environmental impact specialists working in government, industry, consultancies and the community.

Again, we thank the Department of Mines, Industry Regulation and Safety (DMIRS) for the opportunity to be consulted on this Discussion Paper.

Yours sincerely

A handwritten signature in black ink that reads "Bastow".

Belinda Bastow
President
EIANZ – WA Division

1 Introduction

1.1. Background

The Environment Institute of Australia and New Zealand (EIANZ) WA Division is pleased to make comments on the Discussion Paper - Mining Development and Closure Proposals (MDCP) and Approvals Statements Under the *Mining Amendment Act 2022*. EIANZ acknowledges the Discussion Paper presents an early-stage concept of providing a streamlined approvals document, and a simplified statement for assessing ongoing compliance of mining operations. Based on feedback from our members, EIANZ is generally supportive of this streamlined approach if it means a greater focus on the identification, management and mitigation of key environmental risks and impacts. Further comments on the discussion paper are provided in Section 2 below.

EIANZ has engaged environmental practitioners from consultancies and mining companies who routinely engage with mining approvals and closure plans under the *Mining Act 1978* (Mining Act). These technical experts have provided valuable feedback on the Discussion Paper, and this submission draws on their expertise and input.

1.2. Role of the EIANZ

The EIANZ, as the leading membership-based professional organisation for environmental practitioners in Australia and New Zealand, is an advocate for good practice environmental management. The Institute supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. The Institute also advocates environmental knowledge and awareness, advancing ethical and competent good practice environmental management.

A Certified Environmental Practitioner Scheme (CEnVP) (www.cenvp.org) is in place to assess and certify competent experienced environmental practitioners working in government, industry, consultancies, and the community. This includes specialist competencies such as Impact Assessment, Ecology and Site Contamination.

The EIANZ is an advocate for environmental assessment, management and monitoring investigations and reports being certified by suitably qualified and experienced persons for the completeness and scientific rigour of the documents. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.

The EIANZ is a not-for-profit, charitable organisation incorporated in Victoria, and a registerable Australian body under the *Corporation Act 2001* (Cwlth), allowing it to operate in all Australian jurisdictions.

2 General Observations

Observations from EIANZ members on the Discussion Paper, in no order of priority, include:

- There is support for refined information required for MDCPs relative to current separate Mining Proposals (MPs) and Mine Closure Plans (MCPs). This should allow for a focus on higher risk environmental impacts, by reducing effort spent on less important information.
- Be providing more target information to the assessing officers should lead to reduced timeframes for assessment, improved support through the process, and improved trust

and communication between proponents and regulators. EIANZ does not think that this should not compromise the trust the community has for the process.

- Acknowledging the Discussion Paper describes processes for alterations and amendments to MDCPs, there are some concerns around the transition process for existing operations, and whether there will be a transition period for minor amendments to existing Mining Proposals.
- Having an Approvals Statement will provide a more direct line between the approval and compliance. Which should lead to greater transparency for all parties including the community.
- Members have expressed some concerns about having standardised environmental outcomes, as there are outcomes that will apply to some projects but they may not be a "one size fits all". While EIANZ supports outcomes that are linked with reducing overall environmental degradation (e.g., "no loss of abundance" and "no adverse impacts"), the example-based outcomes in the Discussion Paper might not be demonstrable.
- Having a standardised risk assessment criteria across all MDCPs is expected to provide greater consistency of DMIRS consideration of environmental risk for projects across the state. However, the risk assessment framework and criteria require further consideration, including:
 - The risk assessment framework could be improved by including fields for the inclusion of contextual environmental information.
 - The consequence descriptors need to be reconsidered as they may not be practical. For example, they do not allow for consideration of the significance of environmental values, such as clearing of common vegetation, as opposed to clearing of a Threatened Ecological Community (TEC).
- There is a lack of clarity around how MCPs will be managed. EIANZ appreciate the separation of the MDCP to be an impact assessment and approval document, while the MCP will be a planning and review document. However, it is not currently clear how the submission of an MCP will be timed compared to the MDCP submission.
- EIANZ advocates greater visibility of the approvals process for stakeholders. A fundamental principle of environmental impact assessment is the transparency of information. As part of the development of the MDCP concept, DMIRS should consider whether an advertising period is appropriate, and potentially for the MDCP document that supports an Approvals Statement to be publicly available. Providing publicly available MDCPs should drive better practice. For example, by allowing proponents to view different examples of performance and completion criteria to demonstrate environmental outcomes, underpinned by appropriate science and evidence.
- The implementation of the MDCP and Approvals Statement will require clear guidelines that can be consistently interpreted and applied. EIANZ would welcome the opportunity to provide feedback on future guidelines.
- Of key importance to the transition to MDCPs, including the Approvals Statement and standardised risk assessment, will be training of staff within DMIRS and ongoing collaboration between DMIRS, environmental practitioners, and industry.

3 Conclusion

The EIANZ WA Division is pleased to make comments on Discussion Paper and the concept of MDCPs. EIANZ is focused on ensuring the transition to the development of MDCPs and issuing of Approvals Statements provides a streamlined assessment pathway, with clear and consistent outcomes. Please consider our feedback regarding the Discussion Paper as you further refine the MDCP and Approvals Statement model and guidance material.

If you have any further queries regarding the above matters, please contact Belinda Bastow, President EIANZ WA Division on wa@eianz.org.