



Further Information for Consultation: June 2021

Streamlining (Mining Amendment) Bill 2021

- Transitional Period
- Mining Development and Closure Proposals
- Applicability of Aboriginal Heritage legislation

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

DMIRS is undertaking extensive stakeholder consultation on the proposed amendments and exposure draft. As part of that process early feedback has identified the need to review the requirement for existing approved activities to transition to the new framework; and provide further information on the potential structure of Mining Development and Closure Proposals (MDCP).

This information is provided as additional information to support the [consultation draft](#) of the Streamlining (Mining Amendment) Bill 2021 and [Overview Information Sheet](#). Further information on briefing dates and consultation is available on the [DMIRS website](#).

TRANSITIONS FOR MINING OPERATIONS APPROVED PRIOR TO COMMENCEMENT

The Bill currently proposes that previously approved mining operations will be required to transition into the new framework within 6 years of the amendments commencing. It provides the opportunity for extensions to that period on a case by case basis. Transitional periods are usually drafted in such a manner to provide a clear and consistent transition between regulatory frameworks for all mining operations. There is no transition period for Programmes of Work approvals, tenement conditions and securities, and these would all continue as currently stand.

1. What feedback has been received?

DMIRS has heard strong feedback that the sunseting of approvals pose strong commercial risks and administrative burden that does not warrant the future benefits of regulating against one framework.

2. What changes will be made to the Streamlining (Mining Amendment) Bill 2021?

DMIRS is currently exploring options to remove the transitional period and ensure all existing approvals of mining operations continue following the commencement of the Bill, for the remaining life of the mining tenement on which they were granted. DMIRS will provide an updated Consultation Draft as soon as it is available.

STRUCTURE OF MINING DEVELOPMENT AND CLOSURE PROPOSALS

The proposed Mining Development and Closure Proposal (MDCP) will replace the existing requirement for the submission of two documents (Mining Proposal including a Mine Closure Plan) with one consolidated document at the application stage under the *Mining Act 1978*.

1. Why is it changing?

The MDCP will be a single streamlined and targeted application document that will:

- remove the need to prepare two separate documents upfront (currently a Mining Proposal and a Mine Closure Plan)
- streamline the information requirements by removing the duplicate information requirements across the Mining Proposal and Mine Closure Plan
- removing any confusion caused by having two separate risk assessment and outcome sections in each document, and instead having a holistic risk assessment and outcomes for operations and closure in one document.
- target the information required for assessment.

The MDCP will consolidate similar information prepared across a Mining Proposal and Mine Closure Plan such as the proposal description; baseline data; risk assessments; and environmental outcomes tables.

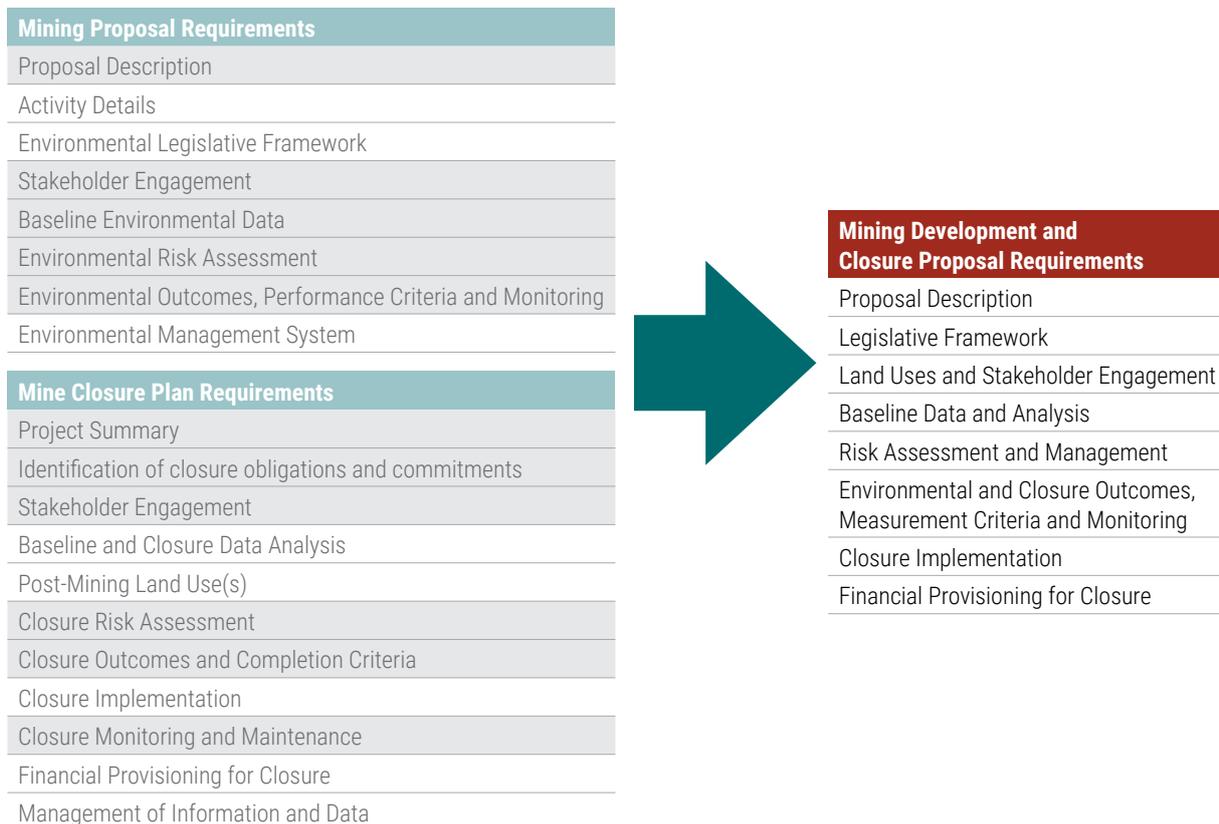
2. Is there any change to the existing reviewed Mine Closure Plan process?

Mine Closure Plans are designed to be an ongoing planning tool, and these will continue to be required at regular intervals to demonstrate progress towards closure. This approach of a targeted application document and a targeted planning document for closure will ensure the appropriate information is being provided at each stage and is fit for purpose. Should the Bill pass, DMIRS would review the content requirements of an MCP to ensure it still meets the primary intent and purpose.

3. What could be an indicative structure for an MDCP?

Below is a preliminary, indicative structure for a MDCP that would consolidate the current information requirements across a Mining Proposal and Mine Closure Plan. This is provided for additional context as to what a MDCP may look like. As demonstrated by Figure 1 below, an MDCP could be streamlined from the current 19 sections of a Mining Proposal and Mine Closure Plan to 8 sections. **Please note:** A more detailed and thorough review of the content requirements of an MDCP would be undertaken following passage of the Bill. This would be subject to further detailed consultation as part of developing the subsequent regulations and guidance.

Figure 1 – Streamlining of mining environmental approvals



Implications for Aboriginal Heritage legislation

1. How do the changes relate to the Aboriginal Heritage legislation?

The proposed amendments only seek to amend the mining environmental approvals framework within the *Mining Act 1978*. The proposed changes will not impact or alter any obligations under the Aboriginal Heritage legislation. Current or future obligations under Aboriginal Heritage legislation will continue to apply to tenement holders in Western Australia.

2. Further information regarding low impact notifications under the *Mining Act 1978*

The criteria that define a low-impact activity for the purposes of the *Mining Act 1978*, 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 activities that pose low risk to the environment and do not occur in an environmentally or culturally sensitive area. The Bill signals that spatial locality will be a factor in determining what constitutes a low-impact activity. Section 103AC of the Bill provides for the Minister to exclude areas from low-impact activities, for example environmentally or culturally significant areas. Activities authorised through a low impact notification would also be subject to standard conditions relating to management of the activities and would be subject to other legal obligations, for example the requirements under the Aboriginal Heritage legislation.

Government of Western Australia

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8.30am – 4.30pm

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