

To: Environmental Protection Authority WA

Re: Instructions on how to prepare *Environmental Protection Act 1986 Part IV Environmental Management Plans*

21 July 2020

Introduction

AMEC appreciates the opportunity to be consulted on the proposed revision and update to the instructions on how to prepare Environmental Management Plans (EMPs). The mining and mineral exploration industry works closely with the Environmental Protection Authority (EPA) at all stages of the mining cycle, and welcomes involvement in drafting procedures to identify and discuss any real and potential problems that could have unintended consequences for our industry.

About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry body representing over 275 mining and mineral exploration companies across Australia, the majority of which have major project interests in WA.

The mining and exploration industry make a critical contribution to the Australian economy, employing over 255,000 people. In 2017/18, these companies collectively paid over \$31 billion in royalties and taxation, invested \$36.1 billion in new capital and generated more than \$250 billion in mineral exports.

Instructions

General Feedback

AMEC is broadly supportive of the proposed changes to the EMP instructions. However, we have made a few recommendations to reduce ambiguity, promote the provision of high-quality documents, support transparency, and to ensure new entrants and smaller companies are not significantly disadvantaged by unclear assessor requirements. Good, clear guidance from Government will encourage the submission of high-quality plans from Industry, for ease of assessment by Government.

Contact details

The instructions advise proponents to contact the Department of Water and Environmental Regulation (DWER) if assistance is required when preparing an EMP. As the website can be difficult to navigate, Industry recommends providing direct contact details for the best Department staff or team to discuss EMPs with in the Instructions.

Use of examples

AMEC continues to support the recommendations in the draft Productivity Commission's Resources Regulation Report¹ highlighting the WA EPA as best practice for the provision of easy to follow templates for assessment by proponents. The provision of templates and examples reduces ambiguity and gives proponents a practical idea of what information is required by the EPA. The example of seagrass health in "Essentials Box 3 – Indicators" is welcomed, however AMEC recommends continuing this example throughout the document to provide proponents with more guidance of what is required in each section. In particular, an example of EMP outcomes or objectives (in Essentials Box 1) would be a useful basis for clearly defining the overall purpose of the EMP.

AMEC also recommends the EPA provides examples of best practice EMP's and Part IV assessments on their website. This will provide a point of reference which can be followed and tailored to suit each project's specifics by applicants, allowing them to have an understanding of exactly what is required by the Department, and should encourage the submission of accurate, high-quality EMPs. This measure will in turn improve transparency and reduce uncertainty for applicants and the Department.

Timeframes

The absence of timeframes in the draft instructions is of concern to Industry, as ambiguous timeframes have the potential to delay activity and deter good practice behaviours. Certainty is required by Industry and Government alike, as to when plans will be assessed and in the event of subsequent requests for information, when the information is required and when it will be assessed, to ensure it remains current.

AMEC recommends more certainty is provided to proponents and the EPA provides a statutory 60 business day timeframe to assess EMPs, in line with the works approval process under Part IV of the *Environmental Protection Act 1986*. In order to meet this target, sufficient resourcing is required.

In the event an EMP is not approved by the Department, we recommend implementing a statutory notification timeframe of 28 days from receipt of an EMP, similar to the Environmental Impact Assessment (Part IV Divisions 1 and 2) process.

C1. Adaptive management

Industry recommends the EPA tightens the sentence "where adaptive management results in improved understanding of environmental factor/s, any changes to the EMP may require approval from DWER". From that sentence alone, it is not understood what changes would require subsequent DWER approval, and how this decision will be reached. Requiring DWER approval, based on current and previous experience, can create delays and undue additional costs for our industry. AMEC and our members support good governance and environmental management, and are concerned the statement could be viewed as a deterrent to companies who wish to avoid further likely costs and delays, and discourage them from reporting changes. The sentence should be amended to a statement to the effect of "where adaptive management results in improved understanding of

¹ <https://www.pc.gov.au/inquiries/current/resources/draft>

environmental factor/s, any fundamental changes to the EMP that result in greater impact on the environment may require approval from DWER”.

Final comments

AMEC is broadly supportive of the proposed changes to the EMP process. We support clear and effective guidance documents to support industry to submit plans and applications in line with the Government’s expectations, and would welcome more guidance documents like this.

For further information contact:

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