

**MINING AMENDMENT BILL 2021**

*Second Reading*

Resumed from an earlier stage of the sitting.

**MR R.S. LOVE (Moore — Deputy Leader of the Opposition)** [2.51 pm]: I would like to continue the contribution that I was making prior to question time to debate on the Mining Amendment Bill 2021. We have had this bill in the house for quite some time. As I was saying earlier, we know that there is a lot of pressure at the moment to ensure that mining approval rates are improved. We have seen demand from industry reaching unprecedented levels, along with pressure on government departments of all types to ensure that they have professional staff to deal with approvals. I note that in the estimates hearings, the Minister for Water talked about some of the issues that his department has in maintaining staff. That seems to be an issue especially in the environmental assessment area and other areas relevant to mining approvals. In the mining industry, other skills are also needed to ensure that programs of works et cetera are appropriate and are being assessed properly. That is why there is concern within the industry to ensure that this legislation goes ahead. I will talk about some of those issues in a little more depth as I go through my contribution.

I refer to the newspaper article that I quoted from just before question time. It is quite a recent article; I think it is from last Friday. The article refers to the approvals response plan being put in place by the government, which will redirect a number of regulatory functions and resources at the Department of Mines, Industry Regulation and Safety to support assessment processes. Of course, we have seen a number of announcements from this government about how it will ensure that assessments are done in a timelier fashion. I remember in the previous Parliament going through this in great depth with the Parliamentary Secretary to the Minister for Environment, I think he then was, who is now the Minister for Environment. We had a lot of discussion about trying to improve the time lines for approvals under the Environmental Protection Act. We know that even back then, under that legislation, there were issues in the timeliness of approvals for all sorts of industries, whether it be some of the larger mining proposals that needed an EPA assessment or other uses that might involve land disturbance or some other impact on the environment.

This is not new. Again, we are seeing more announcements by the government to try to correct the situation, but nothing seems to be actually making a difference. Approval times are still an issue for industry, as this article clearly states. The article quotes Warren Pearce, chief executive officer of the Association of Mining and Exploration Companies. It states that he —

... called on the government to add even more capacity to the assessments process through the use of external private consultants.

The article continues —

DMIRS has been inundated with PoW —

That is, program of work —

applications after the exploration sector raised a record \$3.75 billion in funds in the December quarter, up 47 per cent from the previous record of \$2.55b ... in the September quarter.

We can see that exploration is taking off. Of course, that is where a lot of these approvals initially need to be done, and they need to be done in a timely manner. I recently talked to a person at an event who told me that it can take up to five years longer in certain jurisdictions than it does in our own, one of those jurisdictions being the Northern Territory. We do not want to allow things to slip to the standard that is accepted in other places, because that is a real barrier to exploration. I am sure that the minister would share that concern. I do not think that there is a difference between parties on this view. I think there might be concern about the effectiveness of some of the measures. As I said, measures are being put in place, but we are still seeing the pressure and we are not seeing the results of those measures.

As I said before, I know that Streamline WA has been initiated, and that has a webpage; I will go into detail about that a little bit later. I attended an event held by the Urban Development Institute of Australia at which there was a presentation by senior members of government and departmental heads, including the head of the Department of Mines, Industry Regulation and Safety, Richard Sellers. He talked about the process that had been gone through and what Streamline WA was achieving in ensuring that agencies were working together, but members of the industry who were commenting from the floor did not seem to share that experience and felt that there were still silos and differences between departmental processes, time lines and the like, that were adding to their costs and leading to problems.

The article states —

... DMIRS assessments and approvals function is understood to be operating at just 60 per cent capacity because of staffing shortages amid WA's tight labour market.

... the substantial backlog of mining and exploration applications awaiting assessment and approval was delaying activities and related investment.

I think there is a bit of a perfect storm there. Obviously, there is a huge amount of extra work. There is a lot of demand on people who are qualified to do that work, and, of course, that leads to increased potential for there to be a blowout in the time line.

Mr Pearce also commented on Streamline WA; he said —

“We are also keen to see Streamline WA deliver on its promise to cut red tape and reduce administrative burden across a range of approvals.”

It will be a matter that the government will be judged on over the coming years to ensure that there is a dividend from the investment that is being made in Streamline to ensure that we see a better pathway for projects going forward in the future.

Mr Pearce also threw his weight behind the Mining Amendment Bill 2021, which is here in Parliament and being debated today.

As I said, the opposition will be supporting the legislation—there is no issue there—but we will be pointing out the need to act quickly to ensure that we do miss out on opportunities and that the Western Australian mining sector continues to grow and remain strong for some time to come.

We know how enormously significant the Western Australian mining industry is for not only Western Australia, but also Australia generally. It is certainly one of the major drivers of Australia’s economy and it is one of the major reasons that we have been able to keep going when there have been significant issues in other parts of the economy as a result of shutdowns et cetera in some industries. We know about the problems that have occurred for people in the hospitality industry and the like. They have needed support throughout this period, support that has been enabled to some extent by not only the federal government borrowing money, but also the strong performance of the mining sector and the amount of money coming into Western Australia.

I am looking at some figures, which are a bit old now, because I prepared my second reading contribution some time ago. It has been sitting around for a long time and I have only just picked it up again. These figures are from the Department of Jobs, Tourism, Science and Innovation website. As I said, they are probably a bit dated now having been released, I think, in January 2022; they are a few months out of date. I will refer to some of the figures because they are quite instructive. The website refers to minerals production in 2020 and states —

Western Australia is the main exporter of minerals and petroleum in Australia and accounts for a significant proportion of the world’s minerals and petroleum production.

In 2020–21, Western Australia had 125 high-value export-oriented mining projects and 13 major mineral processing operations transforming bauxite into alumina; gold ore or into gold bars; nickel ore into nickel concentrate, matte powder and briquettes; rutile into titanium dioxide pigment; zircon into fused zirconia; and silica sand into silicon metal.

In 2020–21, Western Australia also had 22 petroleum projects that produced gas, condensate and crude oil from 56 offshore and onshore fields. These projects had 13 processing plants, mainly for LNG exports and domestic gas supply.

Western Australia accounted for 65% of Australia’s mining industry gross value added in 2019–20.

I suspect that the contrast is even more stark now. Although all parts of the state contribute to the mining output, there is no doubt that the Pilbara is probably one of the premium, if not the premium, mining provinces in the world. The value of production from that area is huge, but let us not forget the importance to the state of the many different minerals that are becoming known as critical minerals. These minerals are required for the transition to a new type of economy. Lithium is one such industry and we know that it will be an important sector for the future of our planet if we want to progress to a greener future involving batteries and other critical minerals in Western Australia.

The area I represent is in the agriculture region and is known as a farming area. In fact, the upper house region is called the Agricultural Region, but, in reality, mining in my electorate would probably shade agriculture as the most significant industry. In the electorate that I represent, there is the iron ore mine at Karara, which is a magnetite product. I believe that earlier on it had some hematite, but it cut through that. We also know that there are other areas of mineralisation in that region, such as the garnet mine north of Northampton, with a fresh large mine starting there, the mineral sands mine at Cataby and the potential development of silica mining on a larger scale in the Gingin area. There are some mines already, but there are a couple of very large proposals in the wind.

There has been a talc mine at Three Springs for many years. It is unique and makes some beautiful souvenirs. If members are ever in Three Springs and they want to get a nice polished piece of talc, it makes a very nice ornament, especially when it is made into a functioning clock on the wall, which is what I had done. Someone was kind enough

to provide me with a piece of polished talc on one occasion. It is a very significant industry for that town. It is not a huge industry by any means, but it is significant for that town. Sometimes a smaller, long-lasting operation like that can provide great dividends for a community. It is not all about money coming in and flowing back out in wages and profits to other areas when the people who are working there have lived there for years and will continue to do so.

We also know that on the western edge of the Darling Scarp, some significant finds have been reported, such as the Chalice find, which is around the Julimar area at the lower end of my electorate. The very high grade deposit of a platinum group of minerals is a very exciting prospect for the state. Drilling is going on at the moment in the Julimar State Forest and herein lies an issue. It took some time to get the approvals, and we imagine that it would because it is a state forest. People in the area are deeply concerned about transitioning from a farming area to an active mining area. The area around the deposit is fairly closely settled, so transport in and out will be an issue. There are also environmental constraints with the Avon River not being too far away. Mining in those areas will be heavily scrutinised, and we imagine that there would be an expectation of a strong level of scrutiny of its operation and approvals, but it has to be fair, transparent and scientific. We must have processes in place. If it can be demonstrated that the operation will be carried out safely, it must be allowed to do so because there will be benefits for the entire state. We should never disregard the effect that that might have on the environment. We must ensure also that the citizens are satisfied that transport arrangements and the like in the future will be suitable. There are some very large prospects in the area.

Former federal Minister for Resources and Water Keith Pitt came to Western Australia in April and made some announcements of huge import to the area, one of those being a \$1.25 billion facility for Iluka Resources to develop a rare-earth processing facility at the old mine at Eneabba, which has been closed for a few years now. Iluka has been exporting monazite from deposits that had been kept from the mine's operations. Monazite is a slightly radioactive mineral. It was deposited in an area of the mine and is quite a significant resource. Over the last couple of stages of experimenting and making use of it at different levels, Iluka has decided to build a significant refinery there, which will eventually take product from other places, not just those available in Eneabba. Presumably, the facility will be able to process minerals from all over Western Australia and perhaps even those from interstate.

There was also an announcement a little bit before that, but re-announced, as these things happen, of \$41 million to Australian Vanadium, which is developing mines in the Murchison area and developing a processing plant at Tenindewa, which is in my electorate just west of Mullewa, between Mullewa and Geraldton. It will take product from its Meekatharra mine. That was funding under what was then known as the commonwealth's modern manufacturing initiative.

There are exciting new prospects for minerals in Western Australia, not just the traditional iron ore, which is still dominant in terms of output, but also a lot of these smaller, newer mines that are at different levels of development. Of course, they would like to have their approval situation streamlined as much as possible. I will go back to that term "streamlined". I do not mind the term and I do not mind the fact that the government has attempted to do something that has some merit in trying to make a more seamless approval process, but I go back to the fact that the news I am hearing on the ground is that it is not actually helping at this point, so perhaps we need to re-examine exactly how that process will be continued.

This bill was introduced, and it is mentioned on the Streamline WA webpage, although when I had the briefing, as I recall, some months ago, the department was at pains to say that it was not a Streamline bill. The earlier drafts mentioned "streamline" in the title, but that has now been dropped. But it certainly has not been dropped from the website. Under the initiatives to improve mining and environmental approvals on the website for Streamline WA, it says —

Introduce risk-based framework for some low impact activities.

This is in mining —

Establish a single approval instrument for mining proponents.

So this legislation certainly covers that. It was introduced under that Streamline arrangement.

In budget estimates and the like, we interrogated some of the issues. As I said to the Minister for Water, we had some discussion about just how the government had gone in developing its resources within its departments to carry out the promises of Streamline. Going back to July 2021, there was a \$120 million investment to streamline that process. I think there have been further investments since then, so we would expect to see some changes coming to the fore and then additional staff being employed, but I think in some of the departments at least that is not coming to fruition, which is why, going back to the Association of Mining and Exploration Companies' call, perhaps more private consultants need to be used in the interim to clear some of the backlog. I will be quite happy to hear the minister's responses to those issues. I am sure he will have some in his summing up as we head towards private members' business today.

The bill has been described to me by some industry figures as being welcome but not particularly innovative in that it does not go too far in setting up a lot of changes. It seems to be fairly limited in some of the other things that it will do. It is seen as being a fairly insipid bill, not one that is bold in significantly improving the approvals processes. That is the feedback from industry. I am not in a position to know enough of the experiences of people in the industry to speak for them beyond reporting what they have said to me. I have simply been told that some of the aspects of the bill are a little bit disappointing.

I go back to what might have made a big difference to the approvals situation. I was talking to someone in transport, not in mining, about a problem trying to be resolved at the moment under the approvals processes with the local and federal environmental departments. Changes to the Environmental Protection Act were put in place in the last Parliament, and an instrument was provided that would lead to not just dual assessments, but also dual approvals between commonwealth and state agencies so that we would not need to get separate approvals from the federal and state agencies. Unfortunately, due to opposition from the then opposition, the now federal Labor government, the matching legislation that would have enabled that to come into law on the commonwealth side was not able to progress, so we are left with it sitting there as an instrument that we are offering out of hand to the commonwealth to say there is a system to work with it, as was discussed and agreed would happen. I ask all the ministers involved in discussions with their federal colleagues in the environmental area and the approvals area—those involved with the Department of Mines, Industry Regulation and Safety, and the Department of Water and Environmental Regulation—to impress upon their federal counterparts the need to ensure that that legislation, in whatever form, is re-energised and brought back into the new Parliament so that there can be that position that would really streamline approvals and ensure that we do not have to go through a difficult process. As was explained to me about this particular proposal by a consultant who is very, very experienced in environmental matters, a lot of work has been done by the state agencies. Some work had been received from the federal agencies, but it was more a matter of lodging to be told no. There is not a dialogue going on, as I can see, from the federal authorities with this particular proponent, and that makes it very hard to get on top of the situation.

I have to say that for some of the offsets, there is an offset calculator that determines that if this much of a particular vegetation or threatened ecological community is going to be lost, hundreds of times as much has to be preserved, and it gets to be an extraordinary amount. In some circumstances that is not possible, because by its nature it is a pretty rare area, so there might need to be other ways to offset the immediate impact, whether that be innovative replanting at some time or making sure that the species is kept in sufficient number and population in places where its survival can be guaranteed. Perhaps it should not be done on some sort of mathematical equation that one hectare of disturbance equals whatever the multiplier effect is for an offset, because that does not seem to be achievable in some areas.

One of the difficulties that some of the operators and shires in my electorate face is what was put in place to try to deal with the Environment Protection and Biodiversity Conservation Act issues in the Perth and Peel area generally. It was first put forward in this place, as I understood it, in what I think was called the Perth and Peel growth plan. I think it is now called the strategic assessment of Perth and Peel regions. I think that is right; the minister will correct me if it is not. I have raised with the minister before the issue with the banksia and other woodlands areas in my electorate, which are similar to those in the Perth area along the Swan coastal plain. The potential for those areas to be developed is being sterilised in order to provide for the development of the Perth metropolitan area. That makes a lot of sense for those who live in Perth, but it does not make much sense for those who live in Gingin or Chittering or in Murray–Wellington and other areas in the south that have similar types of issues.

That particular instrument is seen by local communities as being a real threat to their development going forward. There was a discussion with members of the shire not long ago. I have heard all this before, but it just refreshed my memory. I think that 19 000 or 20 000 hectares of land has been taken out of the rateable base in the shire and that land will not be available for agriculture. The Shire of Gingin is particularly unique. Over the last 20 years, there has been huge development of the horticulture industry and that has led to a much more diverse base and a much more important economic base through sheer output. The scale of some of those farms is enormous and the output from them in olives, carrots, lettuce and all sorts of other vegetables is enormous. They are big employers in the local area, and in the outskirts of Perth. It is a very important industry.

I am not here to talk about that so much, but I will just say that the whole offset area has caused problems for not only miners that are struggling to get approvals under the dual assessment process, but also other industries and other people who are deemed to be the offset, whether or not they like it. That is affecting at least one significant proposal in terms of the area of the tenement that can be developed. I know that that was known to the proponents at the time; the minister has explained it to me, but it still does not enable the resource to be used, and it will not be used.

The bill will amend the Mining Act 1978 to simplify the activity approvals process for the resources sector. Apparently, it will allow for a quicker approvals process and easier administration of compliance with conditions

of approval through the introduction of an eligible mining activity notice for the automated authorisation of eligible mining activities subject to standard conditions—I will talk about that in a moment—and the introduction of a single approvals statement for mining operators. In discussions with the industry, some concern was expressed about the change to the single approvals statement for mining operators. That will be a transition process for existing mines whereby they will move all their approvals across to a single document. People were concerned that that might lead to them losing some of their approvals or the approvals getting lost in the mix. If they already had it, why would they want to change? There might be many different instruments that apply across a mining area, and this will streamline them and make it simpler in the long run. I think it is just a matter of ensuring that as the nuts and bolts are worked through, that happens.

The eligible mining activity notice is a pathway for the authorisation of mechanised ground disturbance. That would otherwise have required an assessment of a program of works or a mining development closure proposal, which was previously the mining proposal and closure plan. It may be submitted for automated authorisation via an eligible mining activity notice when the criteria are met. Those criteria basically provide that it is not on reserve lands areas that might be gazetted by the minister. They are excluded. It would be pretty safe to say that the areas I was talking about that are affected by the strategic assessment of the Perth and Peel area would also be areas that these EMA notices would not be applicable to. It refers to the approvals statement, which will introduce the concept of a single source document to identify all the approved mining operations and the corresponding conditions for a mine site, and a mining development and closure proposal. The existing requirement for submitting a mining proposal, inclusive of the mine closure plan, will be replaced with a single mining development and closure proposal.

Those things are the nuts and bolts of what is in the bill. We will be able to go through those matters at the consideration in detail stage, so I will not go through them in much detail at the moment.

One other matter that I would like to raise that has been of note recently—I think we might have discussed it with the minister during the estimates hearing—is the announcement of the \$14.6 million Aboriginal empowerment unit. In the discussion during the estimates hearing, I asked the minister whether there would be interaction with this group on, or it would have relevance to, the changes that are happening under the Aboriginal Cultural Heritage Act. The final result of that is still a work in progress. The answer I got from the minister was that this \$14.6 million investment is not really designed to perform any function in that regard. It is more of a way to include decision-makers in future economic development for Aboriginal people and to communicate with Aboriginal people. I think that is a worthwhile proposal. I am not sure whether that will cost \$14.6 million, but we need to ensure that Aboriginal groups not only are included in discussions about cultural heritage matters, but also can benefit from developments and the development of our state. Let us face it; a lot of mining takes place on land that either is acknowledged as or was once the traditional lands of Aboriginal people. Even in areas in the south west and midwest where there has been widespread agreement, there is a view that we would like to ensure that the original inhabitants benefit along with everybody else from development, not just financially, but also in terms of their ability to participate in industry and to be heard by government. I think that is part of what the minister was alluding to.

I am going to wrap up. We will certainly go into consideration in detail. It is an important bill. It is one that the industry recognises and welcomes. As I say, it would like to see some of the matters go further, but it is not opposed to the bill. We will certainly support it and I hope that the bill makes speedy progress through the house. It has been languishing here for quite some time. I might sound a bit rusty, because I did a fair bit of work on it once, but trying to find the notes again was an effort.

**DR J. KRISHNAN (Riverton)** [3.29 pm]: I rise today in support of the Mining Amendment Bill 2021. It was very pleasing to hear the Deputy Leader of the Opposition support the bill, as it makes the task of passage a bit easier when we have bipartisan support for a bill like this that is very important for Western Australia.

This bill is about making the activity approvals under the Mining Act more efficient, productive, modern and technologically advanced, and making it easier for companies to go through the approval process. The bill will also improve transparency in compliance requirements so that everyone is on the same page to achieve better things for Western Australia, which is a key driver of this reform with the economic recovery underway post COVID. We do not want any delay in the approval process, particularly in such an important industry as mining. The reform will simplify and streamline the approval process to make it more efficient.

This amendment is supported by the mining industry, as evidenced by the media statement released by the Association of Mining and Exploration Companies. It obviously supports this amendment because it is very well aware that the process will be better and more efficient when compared with current process.

A key feature of the bill is new part 4AA, which is very modern and provides ease of reference for miners and also adds in detail the process for lodgement. A lot of time is wasted trying to find the procedure for approvals; this will make the process much better for applicants. The new part also will add in detail when the proposal documents will need to be withdrawn or replaced or when further information is required. This process is currently not

available. This amendment will make the process better. By adding clearer conditions of compliance, proposals can be monitored to ensure that they adhere to the approval conditions of the process.

The bill also includes a new approval mechanism. A lot of small-scale and low-impact mining activities happen in Western Australia. The operators often do not have the resources to go through a lengthy application process or the time to put into the process. For the process to be undertaken electronically is an excellent initiative. People will be able to lodge an application electronically through the departmental spatial system. It will apply for the eligible mining activity—EMA—notification framework that is being deployed through the amendment. We can only imagine how efficient it will be to have a system that clearly explains the compliance requirements, and, also, being available online will make it possible to check the progress of the application and speed up the whole application process. The prescribed criteria for the EMA will be further expanded and described in detail after further consultation with the mining industry to make sure it is well balanced.

The Deputy Leader of the Opposition spoke about his concern about forests near a platinum mine and the community's concerns about transport access in and out of that area. Things will be considered further, in consultation with the mining industry, to determine the criteria for eligible mining activity. The amendment bill will allow the department to monitor compliance conditions because it will be very clearly determined what criteria need to be met. The eligible mining activity criteria may not apply in some locations due to the land being reserved or gazetted at the minister's discretion. When that happens, miners will have to lodge an application for a program of work or a mining development and closure proposal. Those who are submitting the hard copy will continue to do that, but those who are submitting an eligible mining activity criterion will be allowed to apply online only. The automation and use of the EMA framework will enable regulatory efforts to be undertaken by the department to make it easier to monitor compliance.

Another key feature of this amendment bill is the approval statement. When it comes to compliance, following the requirements is one thing, but being aware of the requirements is another. The approval statement in the amendment brings transparency and clear criteria to meet the compliance required so that everybody is on the same page. This makes it easier for a person to be compliant and for the person who is monitoring them to also be very clear about what they are looking for. It is a welcome amendment, as clearly stated by the mining industry as I mentioned earlier.

Activities previously approved within the 10-year transition period will also be given approval statements; it will include people who already have approvals. The approval statement will also list approved activities across multiple tenements when certain activities are conducted within the disturbance footprint of a mine site. The approval statement will reduce the administrative burden. The statutory guidelines will be removed from the act, thereby making approvals required for minor changes more efficient. Noncompliance can make tenement licences liable for forfeiture. The new, simpler lodgement document for mining proposals will bring together two current documents—one for the development plan and the second for the closure plan. When people are developing a mine, they are already aware of the closure plan requirements so there are no surprises down the line. The amendment bill also contains a provision for deferring at the minister's discretion.

All these amendments, in summary, make things clear, transparent and modern. They support the industry, remove red tape and allow people to do more business in a more efficient manner in the very important mining industry. For all the reasons mentioned, I commend the bill to the house, and I thank you for the opportunity, Mr Deputy Speaker.

**MS C.M. TONKIN (Churchlands)** [3.39 pm]: I rise in support of the Mining Amendment Bill 2021. The recent passing of Hon Arthur Tonkin caused me to reflect on his ancestral roots in Cornwall as well as my own. The Cornish were miners and the various branches of the Tonkin families were among them. I am, I believe, the fourth Tonkin to hold a seat in an Australian state Parliament. Hon John Tonkin and Hon David Tonkin were Premiers of Western Australia and South Australia respectively, and the great Arthur Tonkin was an outstanding member of this place. I follow very humbly in their footsteps. However, what we have in common is that we all come from very tough Cornish mining stock. Cornish immigration to Australia began in earnest in the 1840s, coinciding with the Cornish potato famine and with slumps in the Cornish mining industry. The gold rushes and the copper booms were major draws on Cornish people from not just Cornwall itself, but also other countries where they had previously settled. My Cornish Tonkin ancestors came to Australia in 1853. John Tonkin, my great-great-grandfather, was a mining engineer. He first went to work in the Caribbean. We can see evidence of the Cornish miners in the Caribbean because the Caribbean countries have a form of Cornish pastie, which is a legacy of the Cornish mining influence. John Tonkin came to Australia with a young family, including my great-grandfather Absalom who was two years old at the time. The family settled in the Little Cornwall region of South Australia, encompassing the mining towns of Burra, Moonta and Kadina. Absalom, my great-grandfather, worked as a blacksmith for BHP at Broken Hill for nearly 30 years until his retirement. A certain symmetry in our family story was achieved when my nephew, who was an electrical engineer and Absalom's great-great-grandson, went to work with for BHP in Western Australia. All this is to say that the mining industry is a very important part of my family's history and it is with some pride that I support this very important Mining Amendment Bill.

Many members will know that I am married to a Canadian. One of my husband's old neighbours in Ottawa—Keith Brewer—once commented to me that Australia has some of the very best mining regulatory frameworks

in the world. He knew all about our regulatory regime because he had a distinguished career in the field, including consulting on mining regulatory frameworks in developing countries. This Mining Amendment Bill further improves upon what is already regarded as a world-class regulatory regime.

This bill has a number of key features. First, it will consolidate all requirements around mining approvals into one new part 4AA. Second, it will include a new concept of eligible mining activity notifications that will allow for automated assessments for small-scale, low-impact mining activities. A new approvals statement process will not be site specific and will include whole mining project sites across multiple tenements that can be updated over time as the operations develop. It will provide a one-place summary of all the approvals for a particular mining project. A new element will combine the old mining proposal document with the new mining and closure plan document into a single, consolidated mining development and closure proposal.

The purpose of this bill is to make approvals under the Mining Act more efficient and the conditions and compliance obligations of mining operations more transparent and enforceable. Efficiency, transparency and enforceability of conditions and obligations are the hallmarks of effective regulation. Another hallmark of effective regulation is its impact on the people being regulated. These reforms will also simplify and streamline approvals processes for the mining industry. This represents a win for both the regulator and the mining industry and is supported by the industry. I am pleased to hear that it is also supported by the opposition.

Let me go through each of the key features of the amendments. New part 4AA that is introduced by the bill will modernise and consolidate all the provisions related to mining activity approvals under one part. It will also provide ease of reference for miners. A very important key feature of any good regulation is that it makes it easy for all concerned. The new part will add flexibility to the process for the lodgement and assessment of proposals. For example, if a proposal document needs to be withdrawn or replaced or further information is required during the process, this will be accommodated within the new regime. This cannot be accommodated under the current Mining Act. The bill will also add clearer conditions of compliance into the act. For example, all approved activities must be undertaken in accordance with their approvals. That is a nice and direct way to make sure that those who receive approval will actually comply with the terms and conditions of their approval.

The bill will provide for a new approval mechanism for small-scale, low-impact activities. This will be called the eligible mining activity notification framework. The efficiency measures embedded in this bill are exemplified by this new mechanism. This mechanism will deal with, as I said, small-scale, low-impact mining. Mining activities that meet the criteria will be lodged online and the departmental spatial system will automate the assessment and approval, subject to certain criteria and standard conditions. This will make it easier for small-scale mining activities to be approved. It is intended that the eligible mining activity notifications will be lodged by a system that the department has been operating effectively for several years. This will not be a new mechanism that requires a new online system, but an existing system that will simply be augmented and is something that we know will work. The prescribed criteria for the use of the eligible mining activity notifications will be developed through consultation and implemented through the supporting regulations. There will be further consultation once the bill passes. This will include things like specific activity types that come within the scope of this new mechanism, and the nature and scale of activities that are permitted to seek approval under the eligible mining activity notification system. The regulations to be developed will identify the standard conditions that will apply to undertaking approvals through this mechanism. The activities approved under an eligible mining activity mechanism will continue to be monitored by the department for compliance with conditions. It just takes out the administrative process associated with the approvals for these low-risk mining activities and places more emphasis on the department monitoring compliance with the approval conditions. That is a very important feature.

However, there are locations or areas in the state where the eligible mining activity notification mechanism may not be lodged, such as reserved lands, as per section 23 of the Mining Act, and any other areas gazetted at the minister's discretion. For these areas or locations, any proposed activities must be lodged via a program of work or mining development and closure proposal. Those proponents that wish to continue to submit hard copy applications can lodge a request for approval via a program of work prospecting form. Lodgement of the eligible mining activity notifications must be made online. Those old-time miners who have no desire to get into this online world can still submit their paper-based applications for approval. This mechanism is really a risk-management mechanism, and one that improves the efficiency of the approval process. It will enable regulatory efforts to be shifted within the department to more complex and higher risk assessments when undertaking compliance monitoring work. This is a very good modernising reform.

Another key feature of the amendment bill is that approvals of mining operations will be recorded on an approvals statement that identifies the approved activities, conditions, closure outcomes and other relevant conditions. The approvals statement provides increased flexibility for mining operations. It is envisaged that an approvals statement will include whole mining project sites across multiple tenements and be updated over time as those operations develop so there is a single statement or summary about any mining project. Previously approved activities related to a particular site involving approval conditions, closure outcomes and other relevant information may be issued.

The provision of the approvals statement mechanism creates considerable efficiencies for both the administration of the legislation and also for the miners, who must seek the relevant approvals. This reduces the administrative burden of the department, and it will provide guidance to support proponents in preparing their applications.

There are clearer conditions and a capacity for compliance under this mechanism. The approvals statement more clearly identifies the conditions for mining projects in one location rather than being distributed throughout multiple mining proposal documents. Approval statements will be made publicly available and provide greater transparency to the community about activities, conditions and the closure obligations of those operations. That is a very important consideration, particularly as our community is deeply concerned about the impact of mining, particularly on the environment. That kind of transparency is very important for the community. The clarity of approval conditions facilitates the achievement of compliance by industry, and undertaking compliance assessment and assurance by government.

I turn to the fourth feature of this amendment bill. Currently, two documents are required at the proposal stage: the first is a mining proposal; and the second is a mine closure plan. This bill combines these into a single document—a mining development and closure proposal. This approach ensures a holistic risk assessment of the whole-of-mine life, and clear consideration of closure outcomes, is undertaken up-front. That is very important because all over Australia—not necessarily in this state, but certainly in others of which I am aware—mines have closed. The conditions upon which they were to be closed has long since been lost in some filing system somewhere. This makes that process much more transparent.

[Member's time extended.]

**Ms C.M. TONKIN:** This mechanism targets and clarifies the information required on these matters and enables the ongoing planning and implementation information to be appropriately deferred to the ongoing mine closure plan requirement.

Although the current Mining Act allows for variations to the standard three-year planning cycle for the lodgement of closure plans, the revised drafting ensures that the mine closure plan requirement is targeted to the adequacy of the site's planning and the mine life of each site rather than defaulting to three years. Mine closure plans are more appropriately defined as closure planning documents, with closure outcomes more transparent and held to account by being recorded on the approvals statement. Approval is needed from the beginning to the end, and it is all planned throughout the cycle of the mine's life.

This amendment bill modernises and improves the efficiency of the regulation of mining activity in the state. I commend its passage to the house.

**MR C.J. TALLENTIRE (Thornlie)** [3.59 pm]: I am very pleased rise to make some remarks in support of the Mining Amendment Bill 2021, noting that time is not going to be my friend right now. I want to assure the house that the member for Thornlie has not flipped on any concerns he may at times express about elements of the mining industry; on the contrary, this legislation will make sure the credibility of our mining sector remains strong—its environmental record and recognition of the need to maintain a good social licence. Our state is so strongly connected to the resources sector and the mining industry in particular has embraced the need to ensure that its social licence is very strong.

Debate adjourned, pursuant to standing orders.