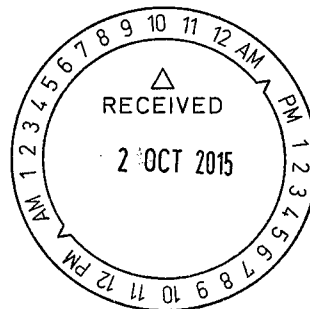




Hon Albert Jacob MLA
Minister for Environment; Heritage

Your Ref: Petition No. 92
Our Ref: 5010137



Hon Simon O'Brien
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr O'Brien

Thank you for your letter dated 9 September 2015 regarding Petition No. 92 - Bauxite Mining about proposed bauxite mining and a refinery in the Avon and hills area. Your letter requests comments on the terms of the petition and the submission from the principal petitioner, Mr Brian Dale, that bauxite mining should not be allowed and exploration licences being converted to mining leases under the *Mining Act 1978* (Mining Act), should be opposed.

I am advised that Bauxite Alumina Joint Venture (BAJV) and the related company Bauxite Resources Limited (BRL) are currently undertaking feasibility studies for the Felicitas and Fortuna bauxite projects respectively, in the Avon area. The feasibility study being undertaken by the company includes preliminary investigations on the potential environmental and social impacts, economics, engineering, logistics and infrastructure options as well as consultation with the community.

In relation to the environmental matters raised in the petition, the *Environmental Protection Act 1986* (EP Act) requires that any proposal that is likely to have a significant effect on the environment must be referred to the Environmental Protection Authority (EPA) for it to decide whether a formal environmental impact assessment is required. In this regard, I am also advised that the EPA has had preliminary discussions with BAJV and BRL about their mining projects and the EPA has informed the companies that a formal environmental impact assessment would be required if the companies decided to proceed with either or both of the projects.

The proponents (BAJV and BRL) have advised the EPA that both projects are in the early phase of design and so the scope of the development with respect to timing, scale and methods of operations are not sufficiently well defined to enable BAJV or BRL to refer projects to the EPA at this stage. The form, content and timing of an EPA assessment, including the extent of public review, would therefore be determined by the EPA when the proposal is further defined and referred to the EPA, by the proponents.

It should be noted that where the EPA is assessing a proposal, Government would not make a decision that the proposal may be implemented until the EPA has given its report on the outcome of its assessment to me as the Minister for Environment.

Other statutory approvals may also be required before the bauxite mines could proceed. This would likely include environmental regulation of emissions and discharges under Part V of the EP Act, regulation of surface and groundwater under the *Rights in Water and Irrigation Act 1914* and Mining Act approvals. However, as with the referral to the EPA, the requirement for other approvals would be dependent on the proposals that are defined by the proponents.

On the matter of a refinery, I am advised that this project is even less advanced than the bauxite mines, however, such a development, if proposed, would also warrant referral to the EPA.

In regards to mining tenements under the Mining Act and conversion of the current exploration licences to mining leases, this is primarily a matter for the Minister for Mines except in areas where reserved land is affected. However, I can also advise that the current exploration licences would not preclude a proposal being referred or assessed by the EPA if the companies subsequently make a decision to proceed with either or both mining projects.

I trust this information is of assistance.

Yours sincerely



Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

01 OCT 2015