

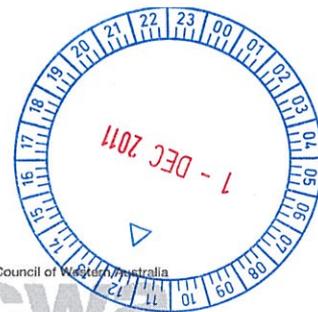
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Conservation Council of Western Australia

CCWA

Look forward



Hon. Brian Ellis MLC
Chair
Standing Committee on Environment & Public Affairs
Parliament House Perth, Western Australia 6000

27 November 2011

Dear Sir

RE: NEED FOR A PARLIAMENTARY INQUIRY INTO THE ENVIRONMENTAL LEGACY OF MINING IN WESTERN AUSTRALIA.

About two years ago, with the looming environmental threat of another resources boom, the Conservation Council began an investigation into the environmental condition of mined lands in Western Australia, with particular emphasis on the outcomes and projected outcomes of mine closure. We did this because we were of the view that there was a significant public interest in the environmental consequences of a rapidly escalating mining sector operating largely on public lands and in the potential exposure of taxpayers to the growing legacy of inadequately remediated and un-remediated mining areas. Complaints that CCWA had received from the public, and then pursued on their behalf, indicated that un-remediated exploration programs and recently abandoned mines were an area of genuine concern and that the regulatory system was not dealing with the problem effectively.

Our attempt to develop a synthesis on the mining legacy issue was frustrated by an almost complete lack of transparency in the responsible agency, the Department of Mines & Petroleum. In fact, the standards of transparency with respect to extractive activities occurring mostly on public land using common-property resources would appear to be below expectations for a modern democracy. Key documents and records including program of works (exploration), mining plans (pre-2006), annual environmental and monitoring reports and inspection reports were all deemed commercial in confidence and access was refused. It was also clear that the record keeping processes in the Department were unable to service requests for information on specific projects, particularly for abandoned mine-sites (where no commercial interest remained). We experimented with the FOI process and found it to be too protracted, and potentially expensive, to provide for any external examination of closure outcomes using a case-study approach. Clearly, the entity best positioned to develop a synthesis on the mine legacy issue in WA is the DMP but it clearly has no capacity to do this.

CCWA has engaged the Chamber of Minerals & Energy through the NIEF (NGO Industry Environment Forum) in an attempt to develop an industry and CCWA partnership to provide a synthesis on mining legacy issues based on monitored mine closure outcomes. CME have so far declined this overture on the basis that some of its members might be averse to disclosure of

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their results to the public or competitors. The proprietary conduct of mining -corporations, and the environmental consulting firms, appears to be a significant barrier to learning and 'adaptive environmental management' in the minerals industry. In our view it is a problem that requires greater leadership to be shown by the mining industry peak bodies, including CME.

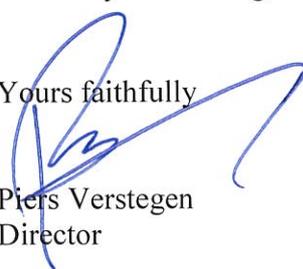
Had it not been for the facility provided by parliamentary questions CCWA would not have been able to press the issue of transparency around the mining legacy at all. However, information provided by the Minister on issues such as the numbers of un-remediated (pre environmental regulation) mine sites, high risk (e.g. care & maintenance) mines, known (post regulation) defaulted mine sites and the effectiveness of the bond system indicated a failing regulatory system and the potential for high environmental and taxpayer exposure. However the level of understanding, especially about the actual bio-physical outcomes of mining and mine closure remains superficial.

The information gleaned primarily from parliamentary questions was however sufficient to interest the Office of the Auditor General to investigate the effectiveness of mining regulation, including compliance with environmental conditions. The Auditor General's report tabled in September 2011 was narrow in its focus but nevertheless confirmed our impression of regulatory effectiveness, exposing extensive non-compliance in environmental reporting and little intra-agency analysis of environmental management performance. It appears that part of the problem with transparency is that the monitoring and records systems are inadequate and crucial knowledge concerning the environmental outcomes of mining does not exist within the Department.

The questions CCWA has been asking about the mining legacy go well beyond public administration and decision making. The lack of transparency has been a barrier (a matter we might take up with the Information Commissioner) but the question relates to the environmental and economic legacy of the mining industry in Western Australia. As such it is not a matter that sits within the purview of the Ombudsman.

Thus far the parliament has been the only available window into the mining legacy in WA. We hope that the Standing Committee decides to take the examination of this issue a large step further by conducting an enquiry along the lines requested in our submission.

Yours faithfully


Piers Verstegen
Director

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