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Mr Andrew Chaplyn
Deputy Director General, Resource and Environmental Regulation
Department of Mines, Industry Regulation and Safety
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Via email: REC.Consultation@dmirs.wa.gov.au

Dear Mr Chaplyn

MDCP and Approvals Statement framework Discussion Paper

The Chamber of Commerce and Industry of Western Australia (CCIWA) is the peak body advancing trade and commerce in Western Australia. We are fundamentally committed to using our insights to develop and advocate for public policies that will help realise our vision to make WA the best place to live and do business.

We thank the Department for engaging with industry with respect to the MDCP and Approvals Statement framework Discussion Paper. This consultation process is in response to legislative amendments made to the *Mining Act 1978* in 2022, which sought to streamline mining-related approval processes. A central aspect of this legislation was the replacement of the separate Mining Proposal (MP) and Mine Closure Plans (MCPs) process with a single *Mining Development and Closure Proposal* (MDCP). A related Approvals Statement framework was also approved through legislation.

WA's resources sector achieved record sales of over \$246 billion in 2022, confirming how critical it is to our State's and Nation's prosperity. With the global shift to renewables, the resources sector could play an even more critical role, underpinning our State's future economic growth, and a successful transition to a more sustainable energy future. To enable this vision however, State and Federal regulatory approvals frameworks need to underpin, not undermine, this critical area of investment.

To this end, while we welcome the Department's efforts to address duplication and inefficiencies in the process with respect to the MDCP and Approvals Statement framework, we also suggest a more ambitious streamlining agenda is needed.

Overarching purpose and scope

The purpose of the Mining Development and Closure Proposal and Approvals Statement Framework is to reduce regulatory and administrative duplication with respect to assessment processes and approval document preparation, as well as monitoring compliance. This new and improved model is suggested to be beneficial for both the Department and proponents.

While we support the intent, it is still unclear at this stage the extent to which the amalgamation of these plans and processes into one document will substantially reduce regulatory duplication for proponents, and contribute to the goal of streamlining the administration process of the *Mining Act 1978*.

To this end, the following key concerns have been identified:

- While Figure 2.1 of the consultation document shows a reduction in the information/details required, the development of the MDCP is still expected to be a bigger and more onerous exercise, especially as a standalone Mining Closure Plan (MCP) within the *Mining Act 1978* is still required.
- Given the task of merging these two processes together is a significant exercise, due consideration needs to be given to the administrative complexity involved in analysing large MDCP documents, and the necessary resourcing requirements to efficiently manage this.
- The ongoing requirement for a stand-alone Mine Closure Plan (MCP) in the *Mining Act 1978* and the inclusion of Closure information into the MDCP document is regulatory duplication.
- The discussion paper does not outline any statutory timeframes for assessment of the new MDCP and Approval Statement Process to demonstrate regulatory efficiency.

If the regulatory intent is to increase efficiency and reduce duplication, the Department must ensure that further duplication is not created unintentionally, particularly, with respect to mine closure. If the necessary closure details were included within the new MDCP for example, then this should remove the requirement for a stand-alone MCP. The Approvals Statement could still specify MDCP review dates set on a case-by-case basis as it would with the current proposed MCP process.

We also support further consultation on the contents of Attachment 3, as there may be further opportunities to progress streamlining objectives. By working closely with industry to identify key concerns, a more ambitious agenda that meets the Department's goals of being more efficient and eliminating duplication could be achieved.

Further streamlining will help unlock sector potential

For WA to remain a worldclass and competitive resource province, the State Government needs to be continually focused on improving the way it regulates. We support ongoing efforts to identify roadblocks, reduce regulatory and administrative duplication, and its focus on streamlining approvals. That said, more can be achieved,

as proliferating regulation, more complexity and increasing costs of compliance remain an ongoing frustration for our members. We suggest there are opportunities to support these overarching aims, for example, by developing clear and consistent operating procedures. This would deliver value to both proponents and assessing officers, and address the delays associated with multiple requests for further information. We also recommend that the government explore opportunities to better communicate and coordinate within departments, across approval agencies, and with the Commonwealth, particularly with respect to any upcoming environmental reform.

As Australia is not able to compete effectively with other large investment jurisdictions, such as the US with its *Inflation Reduction Act 2022*, Australia's regulatory and legislative frameworks need to be attractive to support new and ongoing investment.

Should you wish to discuss the content of this submission further, please do not hesitate to contact Aaron Morey, Director of Policy via email at aaron.morey@cciwa.com.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'CR' with a horizontal line extending from the end.

Chris Rodwell
Chief Executive Officer