

To: **REGIONAL NSW, RESOURCES REGULATOR**

Re: **DRAFT MINE REHABILITATION REFORM**

6 November 2020

Introduction

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide a submission to the Department of Regional NSW, Resources Regulator on the draft operational rehabilitation reforms (Draft Reforms) provided for review.

About AMEC

AMEC is a leading national minerals industry body representing over 345 member companies across Australia. Our members are explorers, emerging miners, producers, and a wide range of businesses and services working in and for the minerals industry. AMEC represents a growing number of companies exploring, mining and investing in NSW.

Rehabilitation is critical for the minerals industry and support improvements

Rehabilitation is one of the most important factors for the minerals industry in NSW and a key parameter of social licence to operate.

AMEC supports practical improvements to operational requirements for rehabilitation to improve the outcomes of rehabilitation through improved planning, management and transparency of this important stage of the mine cycle. We endorse the objective of achieving improved rehabilitation through outcomes focussed risk based approached regulation with a reduction in red tape.

Requirements for 'small mines' and 'large mines' needs to be reconsidered

These Draft Reforms introduce a distinction between 'small mines' and 'large mines' with different requirements for each category. This adds complexity to an already highly complex regulatory environment. Although we understand that the delineation of 4 ha is based on the environment protection licences, this can include highly detailed requirements for relatively small operations. This will mean that, for example, a small-scale limestone operation will have the same requirements as a significant coal mine.

Reconsideration of the necessity of the division between 'small mines' and 'large mines' should be undertaken by Government to reduce unnecessary administrative complexity for both Government and industry. An alternative could be to formalise rehabilitation requirements for all minerals operations and clarify expected detail and complexity for rehabilitation risk assessments, management plans and reporting.

Clarification on regulatory obligations, especially for different operations

The revised regulatory requirements in this proposed reform will be a significant change for industry and we appreciate the transition periods to allow companies to prepare for the new requirements.

Further clarity on the detail in the regulatory obligations is needed to assist the industry understand the requirement and level of detail required by Government. Publication of example reports as well as the planned guideline documents and webinars on the reforms by Government for industry would assist us all to understand and work through the requirements and maximise compliance.

The variation in requirements must also be fully understood and documented for the regulatory inspectors so that site assessments are undertaken with expectations based on the site and scalable requirements dependent on the operation.

Simplify and streamline guidance documentation

Industry needs regulation to be streamlined as well as outcomes focussed, and risk based. Documentation should be clearly industry facing and developed holistically. The Draft Reform documentation is already spread over nine different documents that are not clearly linked, with as we understand, multiple additional guideline documents to be added.

AMEC recommends that a clear roadmap is provided on the website as well as ensuring that all inter-related documents are up to date and do not duplicate nor conflict. Optimally documents should be combined where appropriate and all should be written in Plain English directly for the user.

Clarity the assessment processes and expectations

The documentation on the proposed reform is silent on the process for assessment of the reports, expectations for inspections and the mechanism for feedback to industry and potential appeal of an outcome by industry. This is important information that should be provided, at least in the guidance documentation that we understand is in draft to provide surety to industry and support industry to maximise compliance.

Review of requirements should be scheduled by Government

These Draft Reforms for operational rehabilitation will be a significant change for industry and include a range of significant new regulatory obligations. AMEC strongly recommends that NSW Government commit to review the reform and processes 12 or 24 months following implementation to ensure that the outcomes are in line with the objectives of the rehabilitation reform and review for potential additional improvements to the process for both industry and Government.

AMEC would welcome further consultation on this important matter and if you have any queries regarding this submission, please do not hesitate to contact:

Lucy McClean
Manager – New South Wales, Victoria & Tasmania

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