



CHANGES TO OPERATIONS



CHANGES TO OPERATIONS UNDER THE CURRENT MINING ACT

Operators often need the flexibility to make changes to their mining operations during the mine life to adapt their operations to respond to uncontrollable external factors, such as movements in global commodity prices.

Under the *Mining Act 1971* the process around mid-project changes to operations via variation to lease conditions or Program for Environmental Protection and Rehabilitation (PEPR) is not clear, and changes may be made to their approved PEPR and/or to the terms and conditions of their lease, without a need to contact (engage with or inform) relevant landowners (depending on the potential impact of the changes).

WHAT YOU SAID

Your submissions outlined that you agreed that there needs to be a clear, comprehensive and flexible scheme for the assessment of changes to operations and engagement with the community. If changes to operations would have substantially different or increased impacts, you indicated that the community should have a right to be consulted.

FUTURE DIRECTIONS BEING CONSIDERED

We outlined in the *Discussion Paper* that we are committed to appropriate transparency and engagement on any changes to operations during mine life, and so any change of operations regime would need to be balanced with appropriate consultation and engagement, commensurate with the level of change being sought.

We are considering recommending amendments that will ensure that any mid-project changes will be subject to our stringent environmental impact assessment (EIA) process under the current Act, and align further with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Where there will be significant new environmental impacts for mining operations, comprehensive information in relation to those impacts will have to be provided, including further information in relation to any changes to closure planning, community consultation, or measurement criteria.

Depending on the impact of the proposed changes, consultation requirements will vary below that threshold. Irrespective of the impact of any proposed change, all change processes would be appropriately transparent.

Leading Practice Mining Acts Review — June 2017