

24th May 2010

Dr Paul Vogel
Chairman
Environmental Protection Authority
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WA 6850

By email submissions.eia@dec.wa.gov.au and murray.hogarth@epa.wa.gov.au

Dear Paul,

**Environment Assessment Guideline – No.6 Timelines for Environmental Impact Assessment
of Proposals**

The Association of Mining and Exploration Companies (AMEC) is the peak industry body for mineral exploration and mining companies within Australia.

AMEC's strategic objective is to secure an environment that fosters mineral exploration and mining in Australia in a commercially, politically, socially and environmentally responsible manner.

AMEC therefore provides the following comments relating to Environment Assessment Guideline (EAG) – No.6 Timelines for Environmental Impact Assessment of Proposals.

AMEC notes the intent, and welcomes the EAG as a positive attempt to establish agreed timelines, particularly as AMEC members has consistently provided negative feedback to us about the complex and lengthy EIA process and the resultant delays which affect business and project viability.

Industry requires clarity and certainty at all stages of the approvals and project development phases, and therefore the proposed EAG is supported in principle, with the following comments:

- The EAG does not refer to projects that are already the subject to the EIA process. What transitional arrangements will apply to those projects?
- Recent public statements made by the EPA indicate that the overall EIA timeline has recently been reduced from 24 months to an average of 15 months. There does not appear to be any reference to this 'average' timeline in the draft EAG. A summary table containing a breakdown of the EIA process, and the respective timelines would be most helpful to industry and proponents in the decision making process, and allow benchmarking techniques to be used,
- It is noted that each proposal will have an agreed proposal assessment timeline determined by the EPA and the proponent (Section 4.2). It is essential that the EPA workload management schedule is factored into the development of the assessment timeline, and that the maximum timeline be adhered to by the EPA. This is particularly important noting that there are no "commercial" consequences to be incurred by the EPA if unavoidable delays are experienced in the assessment and approval processes,
- The agreed assessment timeline should therefore not only be a Key Performance Indicator (KPI) for the EPA, but for the individual Assessment Officer and subsequently used in the Staff Performance Appraisal process. AMEC further considers that the EPA timeline KPI's should be publicly available for review and monitoring purposes,

- AMEC has regularly received feedback from members on the overly onerous approvals process, and the apparent unhelpful culture that has developed within government agencies involved with the development approvals process. Although improvements have become evident in some agencies, as a result of the Lead Agency Framework, there does not appear to have been a complete desire to facilitate or provide genuine assistance during the approvals process. This has resulted in inefficiencies and delays in the process, and require attention and change management methodologies introduced,
- AMEC however acknowledges the increased willingness of the EPA to consult throughout the EIA process, including the API and PER stages,
- The EAG makes no reference to the Lead Agency Framework (Section 4.4) when referring to advice from government agencies and DMA's, nor is there any reference to the effect of such referral on the overall timeline,
- AMEC has concern relating to the suggestion (Section 4.2) that the EPA will prepare the environmental scoping document (ESD) where the environmental factors are more easily understood. It would be more resource efficient and resource effective for the EPA to provide an ESD template document for completion by the proponent,
- Section 4.4 states that *"the EPA has a strong preference for proponents to refer an entire proposal to the EPA, rather than referring components of a proposal in separate stages."* Although AMEC appreciates the overall objective of this statement it does not recognise the many variables included in the funding, costing, business and investment decision making processes that are required for a project, or expansion of that project to occur. It is therefore not always possible for proponents to provide all information for an entire proposal, or developments around a foundation proposal, at the commencement of the EIA process. The proposed statement should therefore not be considered to be the 'norm',
- It is noted that the draft Administrative Procedures 2010 are to be read in conjunction with this EAG. In view of a recent decision (Bauxite Resources) there needs to be greater clarity around what is meant by 'cumulative impact', and the PER level of assessment should not be able to be applied just on one criteria. It is recommended that the EPA should only be able to take into account proposals that have been referred to it and are sufficiently through the process to enable their impacts to be properly assessed as a "cumulative "impact for the subject proposal before the EPA,
- The definition for "Agreed timelines' on page 16 should be amended to read *"Agreed timelines are proposal-specific timelines agreed between the Office of the EPA or EPA and the proponent at the beginning of the assessment, and are updated by agreement between the parties during the assessment as required"*.

Thank you for the opportunity of commenting on this EAG, and we look forward to the successful implementation of the timelines, and an open and transparent assessment process that leads to increased efficiency and effectiveness, and clarity and certainty for industry in the investment and decision making processes.

Yours faithfully,



Simon Bennison
Chief Executive Officer