

23 December 2011

Ms Jeanette Radcliffe
Committee Secretary
Senate Standing Committee on Rural Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600



Via email: rat.sen@aph.gov.au

Re. Senate Committee Review – EPBC Amendment (*Protecting Australia's Water Resources*) Bill 2011

Dear Ms Radcliffe,

The Minerals Council of Australia welcomes the opportunity to provide a submission to the Senate Committee Review of the *EPBC Amendment (Protecting Australia's Water Resources) Bill 2011*.

As you are aware, the Minerals Council of Australia (MCA) represents over 85% of minerals production in Australia. The MCA's strategic objective is to advocate public policy and operational practice for a world class industry that is safe, profitable, innovative, environmentally responsible and attuned to community needs and expectations.

MCA members have a long-standing commitment to sustainable development and the effective management of Australia's water resources. Although the minerals industry is a comparatively small user of waters, currently utilising 3.6% of consumptive use of water¹ nationally, the economic return provided from that use is significant at the national, regional and local level.

In this submission, the MCA does not seek in any way to diminish the importance of effective protection of the environment, but rather promotes improvements to the efficiency and co-ordination of legislation and planning regimes within and between jurisdictions to achieve an overall better environmental outcome, including the sustainable use of Australia's water resources. The resources sector has seen a considerable increase in regulation over the past two years, much of which has been duplicative of other processes, reactive and poorly defined in terms of objectives and outcomes. Additional layers of regulatory process and assessment do not necessarily translate into improved outcomes, a fact confirmed in the Hawke Review of the EPBC Act.

The MCA considers the proposed EPBC amendment to be impractical. It is duplicative, disproportionate and unnecessary in light of current initiatives at both the Commonwealth and State/Territory levels and the significant national water reform process under the National Water Initiative. The MCA considers that greater certainty around the sustainable use of Australia's water resources can be provided through initiatives to deliver a more strategic approach to water resource and land use planning and a more appropriate role for the Commonwealth would be in facilitating and supporting these initiatives in a non reactive manner.

The attached provides specific feedback with respect to the proposed *EPBC Amendment Bill (Protecting Australia's Water Resources) Bill 2011*.

The MCA considers that further detailed consultation is required to fully understand the implications of the Amendment Bill and the MCA would welcome further opportunity to provide input into this process. Should you have any questions regarding this submission, please do not hesitate to contact Chris McCombe, Assistant Director – Environmental Policy on 02 6233 0627 who has carriage of this matter in the MCA Secretariat.

Yours sincerely

Melanie Stutsel
Director – Health, Safety, Environment and Community Policy

¹ Australian Bureau of Statistics National Water Account 2008-09



MINERALS COUNCIL OF AUSTRALIA

SUBMISSION TO THE SENATE COMMITTEE REVIEW OF THE *EPBC AMENDMENT (PROTECTING AUSTRALIA'S WATER RESOURCES) BILL*

22 DECEMBER 2011

SUPPORTED BY:

NSW MINERALS COUNCIL

CHAMBER OF MINERALS AND ENERGY WESTERN AUSTRALIA

QUEENSLAND RESOURCES COUNCIL

SOUTH AUSTRALIAN CHAMBER OF MINES AND ENERGY

VICTORIAN DIVISION OF THE MINERALS COUNCIL OF AUSTRALIA

NORTHERN TERRITORY DIVISION OF THE MINERALS COUNCIL OF AUSTRALIA

TASMANIAN MINERALS COUNCIL

General Comments

The MCA does not support the proposed EPBC Amendment (Protecting Australia's Water Resources) Bill. There are a large number of serious concerns regarding the focus, structure and implementation of the proposed changes to the EPBC Act, these include:

- encroachment of Commonwealth powers into State jurisdictions, raising concerns of sovereign risk;
- duplication of existing Commonwealth and National Initiatives, including those with a specific focus on mining and water;
- duplication of existing and emerging State and Territory environmental regulation and policy;
- inconsistencies with the objectives of the EPBC Act and Australia's international obligations;
- inconsistencies with the EPBC Act reform process;
- deviates from the EPBC approach of focussing on significant environmental matters with a new focus on specific activities; and
- lack of clear definition and focus within the proposed Amendment Bill which may render implementation unworkable.

The proposed amendments to the EPBC Act may potentially impact both the Government and Industry in tying up crucial resources in unnecessary referrals and duplicative processes that would lead to considerable delays in the development and implementation of major projects, with little substantiated environmental benefit.

The MCA is of the view that in the long term, the impacts of mining on water resources are not large enough to be considered under a separate category (as proposed in this Amendment).

Specific Comments

Duplicative and Unnecessary

There is a high risk that the proposed Amendment Bill will simply duplicate existing regulation and emerging initiatives at both the Commonwealth and Jurisdictional level. Compounding the risk of duplication, the proposed Amendment Bill requires Commonwealth level assessment and does not allow for accreditation of jurisdictional processes, which is a central process for improving the operational efficiency of the Act.

As the Senate Committee is aware, there is a clear commitment from Australian Governments, through the Council of Australian Governments (COAG) process, to streamline and reduce regulatory burdens on business², and to implement best-practice regulatory approaches³. The proposed Amendment Bill appears contrary to both these commitments.

The implementation of actions under the proposed Amendment Bill will consume already scarce government resources in undertaking unnecessary duplicative assessments and in managing the potential complications caused by the uncertainty over its interaction with water planning processes and environmental regulation within the relevant jurisdictions. Accordingly, the EPBC amendment is unlikely to add value to the existing water management and approval regimes which is commensurate with the additional significant resources required for its implementation.

All State and Territory environmental assessment processes have a focus on water use and impacts to water resources. These assessments require a scientific analysis of the impacts on both surface and groundwater resources at both a local and catchment scale. Additionally, through social and economic studies a proponent must consider the impacts that a project will have on affected communities and industries. Water usage is one of the factors that are considered in these social impact assessments.

² COAG Principles of Best Practice Regulation <http://www.finance.gov.au/obpr/proposal/coag-requirements.html>

³ <http://www.finance.gov.au/obpr/about/>

Intersection with the National Partnership Agreement

The Prime Minister has recently announced a National Partnership Agreement on the Assessment of Impacts of Extractive Industry Activities. This includes the formation of a well resourced Independent Scientific Advisory Committee to fund water resource and impact assessments, and develop guidance for industry practices.

Given this significant initiative being undertaken, the MCA considers the proposed amendment of the EPBC Act to include a mining industry specific referral and assessment process duplicates the National Partnership Agreement and is therefore unnecessary. The National Partnership Agreement appears focussed on improving the science and information on water resource impacts to better inform existing approval decisions, particularly on a regional scale, and in priority areas. How this approach will work with the simultaneous introduction of new provisions in the EPBC Act is not clear. Duplication and potentially conflicting process and outcomes may result.

Intersection with Water Reforms under the National Water Initiative

The MCA strongly supports the principles contained within the Intergovernmental Agreement on the National Water Initiative 2004 (NWI), which is the flagship water reform initiative for Australia. The NWI provides the national blueprint for water reform and maps out Australia's water use and management objectives. The development of water planning and entitlement regimes, including water markets, is integral to the NWI reforms.

A key objective of the water planning and entitlements process is to improve the sustainability of water resources, cognisant of environmental requirements, and encourage productive and efficient use of water resources and equitable access arrangements for water users.

The minerals industry is increasingly being incorporated into the water planning and entitlement regimes managed by the States and this trend is likely to continue. To further enhance this process, the National Water Commission has recently completed a review into the fuller incorporation of the minerals industry under the NWI.

Given the further inclusion of the minerals industry within the water sharing planning process, and the increasing requirements on existing and proposed operations to secure water within a planning regime, including purchasing water from within a water market, it is unclear how the proposed EPBC Amendment Bill will intersect with these arrangements. If water has been purchased through a water market or an entitlement granted through an existing water planning process, it would seem inconsistent that mining, by nature of the activity undertaken, would also require further assessment and approval through a Commonwealth EPBC process to confirm an enduring and secure access to that water.

In addition to the integration of mining into the NWI reform process, the National Water Commission has developed a risk based cumulative impact assessment framework and supporting tools which are specifically focussed on mining activities⁴. It is intended that the framework and supporting tools will be provided to State and Territory Regulators to better inform jurisdictional assessment and approvals processes. Accordingly, it is unclear where an EPBC assessment process could add any significant value to this process.

Intersection with State Responsibilities

The minerals industry already works within a comprehensive regulatory framework for both environmental and water issues (provided in Attachment 1). In addition there are a number of emerging policies and regulations which have been developed specifically in response to extractive industries. Examples of these initiatives include: the NSW Aquifer Interference Policy⁵ which

⁴ <http://www.nwc.gov.au/publications/waterlines/framework-for-assessing-potential-local-and-cumulative-effects-of-mining-on-groundwater-resources>

⁵ www.water.nsw.gov.au

is currently under development; the Queensland CSG Water Management Policy, Water Resource Plans, Resource Operational Plans and Regional Water Supply Strategies and the Western Australian Pilbara Water in Mining Guidelines⁶.

Outside of the Murray-Darling Basin, the States have primary responsibility for the management of water. Impacts on water and its connection with the environment and/or other users are central to any jurisdictional environmental approval process. Accordingly, any EPBC 'mining impacts on water' new Commonwealth assessment and approval process must be cognisant of the State's responsibilities in environmental regulation, water planning and activity specific policies (such as the NSW Aquifer Interference Policy), and seek only to supplement, not duplicate or override any such regulation. Supplementary assessments should therefore seek to advance knowledge and understanding that improves water management outcomes.

Given the above coverage of State and Territory responsibilities, the MCA considers the case for introducing an EPBC 'mining impacts on water' referral trigger is weak and an additional regulatory approvals 'layer' is not needed.

The MCA considers that regulatory mechanisms are not currently the limiting factor to improved water resource impact management. Optimum regulatory outcomes can be achieved by enhancing our understanding of water resources conditions which determine water resource impacts. The addition of a further high-level process will tend to dilute, rather than focus regulatory input.

Intersection with the Broader EPBC Act Reform Process

As the Senate Committee is aware, the Government is currently undertaking major reforms of the EPBC Act. Key to these reforms was the completion of the Independent Review of the EPBC Act by Dr Allan Hawke⁷. The review provided a comprehensive analysis of the operation of the Act as informed by an extensive consultation process in which 220 written submissions and 119 comments were received.

The inclusion of water extraction and use as a new matter of National Environmental Significance was raised and discussed within the EPBC Independent Review Report. However, it was concluded that the Act is "not the best mechanism for effectively managing water resources"⁸, due to uncertainty surrounding the nature, scale and variability of water resources and the difficulty in predicting future pressures. In addition, it was considered that even if a nationally significant threshold could be determined "it would be almost impossible to accurately predict whether a particular water extraction pursuant to a water access entitlement would have a significant impact on the water resource over the longer-term"⁹. It is likely that these same difficulties would arise in the application of the 'mining and water impacts' trigger contained within the proposed amendment bill.

The Report adds that water extraction is accounted for in the EPBC Act where water use has, will have or is likely to have an impact on an existing matter of National Environmental Significance. The MCA considers that this remains the most appropriate focus for the EPBC Act as this directly links to the objectives of the Act and the Australian Government's international obligations.

Additionally, Recommendation 9 of the Hawke Review, stated that " *The Review recommends that water plans that authorise actions that, as a whole, have, will have or are likely to have a significant impact on a protected matter undergo strategic assessments and approvals.*"

The Australian Government's response to the Review⁹ did not agree with this recommendation and concluded that: " *The Australian Government supports the move to a more strategic approach to environmental assessment and approval, and notes that strategic assessments in relation to water resource plans can be done already under the EPBC Act. The Government also notes that strategic assessment of water resource plans should be designed to complement the implementation of State and Territory Government obligations under the National Water Initiative, and, within the Murray Darling Basin, the Murray Darling Basin Plan.....*"

⁶ <http://www.water.wa.gov.au/PublicationStore/first/88526.pdf>

⁷ www.environment.gov.au/epbc/review

⁸ Paragraph 4.71 – Report of the Independent Review of the EPBC Act, 1999

⁹ Paragraph 4.73 – Report of the Independent Review of the EPBC Act, 1999

The proposed Bill would appear to be at odds with this Government position and also fails to recognise that the EPBC Act already provides sufficient scope for strategic and regional assessments of all matters, including mining and water resource use, on matters of national environmental significance should this be deemed necessary.

At a higher level, the Amendment Bill is inconsistent with the reform themes for the EPBC Act which include “a shift from individual projects approvals to strategic approaches” and “streamlined environmental assessment and “streamlined assessment and approval processes”¹⁰.

Inconsistency with the Objectives of the EPBC Act

It is unclear what the proposed Amendment Bill is trying to achieve or the specific matter the Bill is intending to protect. To justify the inclusion of a new matter of National Environmental Significance (mNES), there must be an identified policy ‘gap’ or failure in the current protected matters and this has not been demonstrated in the proposed Amendment Bill or accompanying explanatory memorandum.

Minerals industry activities are already referable under the EPBC Act where they may impact on existing mNES. This includes assessing the impacts on water resources upon which the mNES may depend.

The inclusion of an **activity specific EPBC ‘trigger’** for assessment and approval of the impacts of mining on water resources appears contrary to the objectives of the EPBC Act. These objectives are provided below:

(1) The objects of this Act are:

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and*
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and*
- (c) to promote the conservation of biodiversity; and*
- (ca) to provide for the protection and conservation of heritage; and*
- (d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and*
- (e) to assist in the co-operative implementation of Australia’s international environmental responsibilities; and*
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia’s biodiversity; and*
- (g) to promote the use of indigenous peoples’ knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.*

There is no clear connection between an activity (mining) specific trigger and the above stated objectives of the Act. With the exception of ‘Nuclear Actions’, which is specifically linked to Australia’s international obligations under the Nuclear Non-Proliferation Treaty, none of the Matters of Environmental Significance refer to an ‘activity’ or industry but rather focus on protected matters and any activity which may impact on those protected matters.

Matters of National Environmental Significance currently include:

- World Heritage properties;
- National Heritage places;
- wetlands of international importance (protected under the Ramsar Convention);
- listed threatened species and ecological communities;
- listed migratory species protected under international agreements;
- the Commonwealth marine environment;
- nuclear actions; and

¹⁰ Australian Government Response to the Report of the Independent Review of the EPBC Act 1999

- the Great Barrier Reef Marine Park.

The focus for a matter of National Environmental Significance must be on the protected environmental matter and not an industry or activity. It would seem inconsistent to suggest that a specific activity requires assessment, rather than focussing on the impacts on the protected matter which would be more aligned with the objectives of the EPBC Act. It should be noted that many of the infrastructure activities associated with mining including piping, dams, power lines, roads, housing etc are all non mining-specific activities that are also undertaken by other sectors.

It could also be reasonably argued that a mining industry specific EPBC referral trigger is more about arbitrarily halting or delaying exploration and mining rather than protecting the environment. If a water resource is intended to be the protected environmental matter, then **it should seek to regulate the environmental impact and not apply to a specific activity** which may have a 'significant' impact. This of course would result in the inundation of the regulating agency with referrals with little obvious benefit in terms of improved environmental outcomes. State regulatory agencies will attest to the enormity of this task.

Accordingly, regional assessments of "high priority areas" are a more appropriate response and align with the approach of the National Partnership Agreement.

Lack of Connection between the proposed matter of National Environmental Significance and Australia's International Obligations

At the core of the EPBC Act is the fulfilment of Australia's international obligations. Indeed all the current matters of National Environmental Significance have linkages with International Treaties or Conventions. Those of most relevance include:

- *Antarctic Treaty*;
- *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention);
- *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES);
- *Convention on Biological Diversity* (Biodiversity Convention);
- *Convention on Wetlands of International Importance especially as Waterfowl Habitat* (Ramsar Convention);
- *International Convention for the Regulation of Whaling* (International Whaling Convention);
- Migratory Bird Agreements
- *Rio Declaration on Environment and Development*; and
- *Convention Concerning the Protection of the World Cultural and Natural Heritage* (World Heritage Convention).

The proposed inclusion of a new matter of National Environmental Significance for mining impacts on water resources has no obvious connection with any of Australia's Commitments under these international conventions and as such, the application of the Commonwealth's External Affairs powers in this circumstance appears unjustified.

Furthermore, should the Commonwealth seek to regulate specifically the activities of coal mining and coal seam gas companies under the Corporations Power of the Constitution, specifically through the *Corporations Act 2001*. In doing so, however, the Government would need to give regard to the provisions of section 5(G)4 of that Act which states that:

A provision of the Corporations legislation does not:

(a) prohibit the doing of the Act; or

(b) impose a liability (whether civil or criminal) for doing an act;

If a provision of the law of a State or Territory specifically authorises or requires the doing of that Act.

Definitions within the Amendment Bill

The MCA considers that there is considerable uncertainty surrounding the definitions provided in the proposed Amendment Bill. The high level definitions provided could be broadly interpreted and, taken literally, could apply to any mining related activity (mining, construction of water impoundments, processing, piping or other infrastructure related) which has any impact on any water resource.

Key definitions of concern include:

Significance

No definition of significance has been provided with the proposed Amendment Bill. In addition there is no definition available in existing guidance¹¹ to assess or understand how 'significant' is defined in terms of mining impacts on water resources.

Within the proposed Amendment Bill it is stated under proposed Subdivision FB, subsection 24D *Requirement for Approval of mining operations with a significant impact on water resources (1), (2) and (3) where... mining operations that has, will or is likely to have a **significant** impact on the quality, structural integrity or hydraulic balance of a water resource.*

Without a clear definition of significance, the requirement for assessment would be subjectively determined and as such, potentially include any 'impact' on a 'water resource' with the only prerequisite being that it be related to mining activity.

Significance cannot be defined without an understanding of what is being protected, for example, the 'end user' of the water resource, which may include specific environmental values.

The definition of significance could vary depending on the proposed assessment timeframe. What may be 'significant' over the short term (i.e. 6 months), may not be 'significant' over a longer timeframe (i.e. 1-10 years). Without a definition providing context, a reasonable assessment cannot be undertaken within a reasonable time. It is unclear how seasonal variability in water resources would be accounted for as this would affect the perceived 'significance' of impacts.

Mineral

The definition of a 'mineral' within the proposed amendment bill (Subdivision FB, 24E) is not consistent with common definition. In particular, to describe natural gas and coal seam gas as a mineral is inappropriate and would lead to significant confusion in interpretation of the Amendment Bill. In addition, to describe 'water' as a mineral for the purposes of the Amendment Bill is equally confusing and entirely inappropriate.

Water Resource

The following definition of Water Resource is provided within Subsection 24F of the proposed Amendment Bill:

A water resource is:

- (a) *the whole or any part of a river, lake, aquifer or other place where water occurs naturally on or below the surface of the ground, whether permanently, seasonally or during unusually wet seasons; or*
- (b) *any recharge zone or system for such a place.*

The definition of water resource is poorly defined and would include any circumstance and any development (regardless of potential industry or activity) on the Australian continent. All parts of Australia have water occurring under one of the broad categories provided. On a seasonal or longer term basis, overland flow (surface water) occurs everywhere and varying levels of below ground recharge also occurs. There is no account for the materiality of a 'water resource' and important factors such as:

¹¹ Matters of National Environmental Significance – Significant Impact Guidelines 1.1, Commonwealth of Australia

- the quality of the water resource (in some instances, mining operations may be accessing highly saline aquifers, unsuitable for environmental or other anthropological purposes);
- whether there is a connection to environmental values;
- whether there is a connection to other water users; and
- the size and variability of the water resource (which may include very small, highly variable water sources which may be remain dry for most of the time).

Waste water currently held on site may also be a 'water resource'. It is unclear whether this would be captured under the broad definition provided.

The ambiguity of the definition of water resource would also be problematic for both regulators and the minerals industry, leading to uncertainty and removing any capacity for discretion in determining what may be a referable matter and as such effectively capture all 'mining' and related activities.

The Exploration Paradox

A broad definition of a 'mining operation' is provided in Subsection 24E of the Amendment Bill and includes prospecting and exploration. The inclusion of exploration activities within this definition can create a paradoxical situation. Minerals industry exploration activities are often undertaken in remote locations where there is little or no water resource information and the impact (significant or otherwise) on a 'water resource', cannot be assessed without exploration being firstly undertaken. Accordingly, in these circumstances, it is not clear how an assessment of the impacts of exploration could reasonably be completed. This issue is further compounded by the potentially subjective approach to defining 'significant impacts'. Furthermore, the significant penalties proposed for proponents who do not refer activities would be likely to lead to a large number of precautionary referrals in situations where there is no information available for the Government to make an assessment.

Also, some exploration activities have no on-ground impact, (e.g. airborne geophysical surveys and ground based magnetic surveys) and it is unclear whether these activities would also be captured.

Retrospective Application

The industry cannot support retrospectivity. If the amendment is retrospectively applied as proposed under Clause 2, given the broad definitions of *significant impact* and *water resource* and the highly prescriptive definition of *mining operation* to include all associated *activities*, it would effectively capture all minerals and petroleum activities currently managed through either Commonwealth or State/Territory Regulatory processes.

The retrospective application of the Amendment Bill creates great uncertainty for projects which may currently be undertaking activities, including ancillary activities (such a piping or other infrastructure), which may otherwise not require referral under the EPBC Act or which have previously been referred and were determined not to require further assessment (i.e. no significant impact on a mNES). The retrospectivity of the Bill creates serious doubt and business uncertainty on whether projects previously referred or not referred would now need to be (re)submitted. Many of these projects are now underway and if required to be referred would need to cease operations as the Act has severe penalties for undertaking an action that is subject to a current referral or assessment. The Bill would appear to not have been drafted with a full understanding of the provisions and mechanisms currently in the Act.

There is significant uncertainty surrounding further changes which may be made to the Amendment Bill through the Senate Process. These changes would be made with no opportunity for further consultation, which given the high risks associated with retrospective application, would be contrary to due process¹². This represents a significant risk to projects and may lead to increased opportunity costs.

¹² http://www.finance.gov.au/obpr/docs/COAG_best_practice_guide_2007.pdf#page=6

A Better Way

MCA members are committed to the responsible use of water resources in Australia, including ensuring that activities do not compromise their long term sustainability. However, **the MCA considers that the introduction of an additional layer of regulation is not appropriate nor an efficient way to achieve this objective.**

As identified by the Prime Minister in announcing the National Partnership Agreement on this topic, it will be better to focus on regional assessments in priority areas to improve the science and information feeding into existing regulatory schemes.

The MCA supports a regional approach to managing water resources and integrating this with a strategic land use assessment and planning approach, and which considers all activities affecting water resources, not just the minerals industry.

The Commonwealth can add significant value to this process through:

- provision of funding for water resource assessments;
- greater investment in the development of water planning undertaken by the States and Territories;
- further inclusion of the mining industry within the water planning and entitlements process;
- development of leading practice guidance for emerging industries; and
- promotion of cumulative impact management approaches implemented by the States and Territories.

This would allow the Commonwealth investment to complement existing approaches including the National Partnership Agreement, NWI Reforms and emerging State initiatives without compromising the purpose of the EPBC Act and the significant reform process which is underway.

ATTACHMENT 1

Key Legislation Relevant to Mining Project Approvals

(Source SKM: Report on the Inclusion and Implementation of NWI Objectives and Consideration of Cumulative Effects, National Water Commission, August 2009)



Report on the Inclusion and Implementation of NWI Objectives and Consideration of Cumulative Effects



Table B.1 Key legislation relevant to mining project approvals

State/ Territory		Water	Mining	Environmental Protection	Planning
Commonwealth	Relevant Acts, key regulations, guidelines, Codes of Practice.	<ul style="list-style-type: none"> National Water Initiative National Water Quality Management Strategy 	<ul style="list-style-type: none"> Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves, the JORC Code 2004 Enduring Value 	<ul style="list-style-type: none"> EPBC Act 1999 	
ACT		Not Applicable	Not Applicable	Not Applicable	Not Applicable
NSW		<ul style="list-style-type: none"> Protection of Environment Operations Act 1997 Water Management Act 2000 Water Management Regulation 2004 	<ul style="list-style-type: none"> Mining Act 1992 Coal Mines Regulation Act 1982 Mining Regulation 2003 Coal Mines Regulations 1999 	<ul style="list-style-type: none"> Protection of Environment Operations Act 1997 Protection of the Environment Operations Regulation 1998 Clean Waters Regulation 1972 	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000



Report on the Inclusion and Implementation of NWI Objectives and Consideration of Cumulative Impacts



Table B.1 Legislation relevant to mining project approvals (cont.)

State/ Territory		Water	Mining	Environmental Protection	Planning
NT	Relevant Acts, key regulations, guidelines, Codes of Practice.	<ul style="list-style-type: none"> ■ Water Act 1992 ■ Water Regulations 2002 	<ul style="list-style-type: none"> ■ Mining Act 1980 ■ Mining Management Act 2001 ■ Mining Regulations ■ Mining Management Regulations 	<ul style="list-style-type: none"> ■ Environmental assessment Act 1994 ■ Waste Management and Pollution Control Act 1998 ■ environmental assessment Administrative Procedures 2003 ■ Waste Management and Pollution Control (Administration) Regulations 1998 	<ul style="list-style-type: none"> ■ Planning Act 1999 ■ Planning Regulations 2005
QLD		<ul style="list-style-type: none"> ■ Water Act 2000 ■ Water Regulation 2002 ■ Environmental Protection (Water) Policy 1997 ■ Wild Rivers Act 2005 	<ul style="list-style-type: none"> ■ Mineral Resources Act 1989 ■ Mineral Resources Regulation 2003 	<ul style="list-style-type: none"> ■ Environmental Protection Act 1994 ■ State Development and Public Works Organisation Act 1970 ■ Environmental Protection Regulation 2008 ■ Guidelines 	<ul style="list-style-type: none"> ■ Integrated Planning Act 1997 ■ Integrated Planning Regulation 1998



Report on the Inclusion and Implementation of NWI Objectives and Consideration of Cumulative Impacts



Table B.1 Legislation relevant to mining project approvals (cont.)

State/ Territory	Relevant Acts, key regulations, guidelines, Codes of Practice.	Water	Mining	Environmental Protection	Planning
SA		<ul style="list-style-type: none"> ■ Water Resources Act 1997 ■ Water Resources Regulation 1997 ■ Environment Protection (Water Quality) Policy ■ Natural Resources Management Act 2004 	<ul style="list-style-type: none"> ■ Mining Act 1971 ■ Mining Regulations 1998 	<ul style="list-style-type: none"> ■ Environment Protection Regulations 1994 ■ Environmental Protection Act 1993 	<ul style="list-style-type: none"> ■ Development Act 1993 ■ Development Regulations 1993
VIC		<ul style="list-style-type: none"> ■ Water Act 1989 	<ul style="list-style-type: none"> ■ Mineral Resources (Sustainable Development) Act 1990 ■ Mineral Resources Development Regulations 2002 	<ul style="list-style-type: none"> ■ Environment Protection Act 1970 	<ul style="list-style-type: none"> ■ Planning and Environment Act 1987 ■ Planning and Environment Regulations 2005 ■ Environment Effects Act 1978
TAS		<ul style="list-style-type: none"> ■ Water Management Act 1999 ■ Water Management Regulations 1999 	<ul style="list-style-type: none"> ■ Mineral Resources Development Act 1995 ■ Mineral Resources Regulations 2006 ■ Mineral Exploration Code of Practice ■ Quarry Code of Practice 	<ul style="list-style-type: none"> ■ Mineral Exploration Code of Practice ■ Quarry Code of Practice 	<ul style="list-style-type: none"> ■ Land Use Planning and Approvals Act 1993 ■ Land Use Planning and Approvals Regulations 2004



Report on the Inclusion and Implementation of NWI Objectives and Consideration of Cumulative Impacts



Table B.1 Legislation relevant to mining project approvals (cont.)

State/ Territory	Relevant Acts, key regulations, guidelines, Codes of Practice.	Water	Mining	Environmental Protection	Planning
WA		<ul style="list-style-type: none"> ■ Water and Rivers Commission Act 1995 ■ Rights in Water and Irrigation Act 1914 	<ul style="list-style-type: none"> ■ Mining Act 1978 ■ Mining on Private Property Act 1978 ■ Mining Regulations 1981 	<ul style="list-style-type: none"> ■ Environmental Protection Act 1986 ■ Environmental Protection Regulations 1987 ■ Guidelines to Help You Get Environmental Approval for Mining Projects in WA 	<ul style="list-style-type: none"> ■ Local Government Act 1995 ■ Planning Commission Act 1985 ■ Land Administration Act 1997 ■ Statements of Planning Policy for Environment and Natural Resources