FOUNDATION PROJECT 1.3

Regulation of Mine Closure Planning and Pilbara Agreements Case Study

CRC TiME
Transformations in Mining Economies

This case study on Pilbara iron ore mines established through state agreements (Pilbara Mines) contrasts the mine closure regulatory framework for Pilbara Mines to those authorised under the Mining Act 1978 (WA) (Mining Act). It considers gaps in the existing framework and proposes areas for future research and improvement. Although it focusses only on Pilbara Mines, the findings are relevant to all mining operations authorised by state agreements.

KEY FINDINGS

- **Mine closure plan (MCP) regulation for Pilbara Mines will depend on the era when a principal or supplementary agreement was ratified, and when the mine commenced operation (categorised here as the 1960s, 1970s, or post-1986 agreements). Since 2010, new and existing mines under the Mining Act must submit a MCP. A Pilbara Mine only requires a MCP when there is an applicable implementation condition under Part IV of the Environmental Protection Act 1986 (WA), a specific obligation is contained in the agreement, or the proponent voluntarily addresses mine closure as part of their sustainability commitments.**
- **Transparency concerns arise due to inconsistency in public access to MCPs. Environmental assessment information is archived after approval, and commercial confidentiality inhibits access to state agreement documents.**
- **Adapting domestic and international data sharing and regional planning models may provide a solution to the transparency and data-sharing issues in the present decentralised information storage of MCP information, and promote best practice environmental, economic and social outcomes.**

THE CHALLENGE

The Pilbara Mine regulatory framework that applies for a particular mine depends on the interaction of the relevant state agreement with environmental legislation, which will vary according to the era that mine commenced operation. In comparison, Mining Act MCP requirements apply to all mines regulated under that Act past or present, operating or not.

The Pilbara Case Study author advises that implementation of a consistent MCP process for Pilbara Mines is desirable but difficult to achieve, owing to the confidential and binding nature of the agreements. The inherent transparency and data sharing issues limits the capacity of proponents to develop MCPs as part of a broader regional plan. It also limits the opportunity for stakeholders and the broader community to contribute to or comment on such plans.

State Agreements are legally binding contracts between the State of Western Australia and a mining company that are ratified by an Act of Parliament to facilitate major mining projects by amending requirements otherwise imposed by legislation.

THE OPPORTUNITY

A clear understanding of the current regime is required to identify appropriate reforms to the mine closure regulatory framework for state agreement mines in Western Australia.

Multi-disciplinary perspectives are required to discover and implement reforms that benefit proponents, stakeholders, and the broader community. CRC TiME brings together a diverse array of stakeholders and experts to inform encompassing, equitable and enduring mine closure regulatory reform.

OUTCOMES

The project delivered a comprehensive analysis of the mine closure regulatory framework with respect to Pilbara Mines.

The research provided a comparative analysis of the differences in MCP regulatory requirements according to the era the state agreement or mine operation commenced.

The findings of this research aim to assist improved approaches to mine closure, relinquishment and rehabilitation of mines established by state agreements. The case study report proposes suggested reforms and areas of future research to stimulate discussion of possible reforms, such as in relation to data sharing and regional planning.

NEXT STEPS

The project lays a foundation for future research to further uncover and define the elements that constitute effective mine closure regulation for mines established through state agreements. Government, industry, and stakeholders would benefit from a knowledge database and a data sharing system that supports collaborative regional planning to guide MCPs. A primary knowledge base could be collated from publicly accessible information that is currently available but dispersed over several databases or archived.

The engagement of First Nations stakeholders for regional planning and First Nations Land Use Agreement terms in this context requires further investigation. Further research could investigate international and Australian systems of data sharing that will benefit proponents, and address transparency concerns and collaborative regional planning models that attend to outcomes regionally rather than multiple potentially disconnected individual projects.

PROJECT PARTNERS

BHP; Murdoch University; Rio Tinto Services Limited; University of Queensland; University of Western Australia; Central Highlands Development Corporation; Department of Jobs, Precincts and Regions, Victorian Government; Department of Resources, Queensland Government; Department of Water and Environmental Regulation, Western Australian Government; Department of Mines, Industry Regulation and Safety, West Australian Government; Department of Environment, Land, Water and Planning, Victorian Government; Highlands Environmental; Mine Land Rehabilitation Authority; Pilbara Development Commission; Planning 4 Sustainable Development Pty Ltd; Yinhawangka Aboriginal Corporation; Ngadju Conservation Aboriginal Corporation; The Chamber of Minerals and Energy WA; Roy Hill Iron Ore Pty Ltd.

PROJECT REPORTS

REVIEW FULL REPORT

Downes, L., Gardner, A. (2022). Post Mining Land Use – Practice Mapping Options: Ensham Coal Mine Case Study. CRC TiME Limited.

Gardner, A., Hamblin, L., Haigh, Y. (2022). Final Report- Mapping the Regulatory Framework of Mine Closure. CRC TiME Limited.

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Pilbara Mine State Agreements		***Mining Act 1978* (WA) Mines**
MCP requirements imposed prospectively via *Environmental Protection Act 1986* (WA) (**EP Act**) implementation conditions (**IC**)	↔	Mine Closure Plan (**MCP**) requirements imposed under Mining Act prospectively and retrospectively.
Mine may or may not have IC MCP requirement. No IC MCP→proponent voluntarily develops (social license)	↔	MCP required for operating and non-operational (legacy) mines
MRF Act contribution not compulsory	↔	*Mining Rehabilitation Fund Act 2012* (WA) (**MRF Act**) contribution compulsory
IC MCP→available on EPA website until archived. Social license MCP→available if proponent provides	↔	MCP available on Minedex

ABOUT US

The Cooperative Research Centre for Transformations in Mining Economies is part of Australia's national innovation ecosystem. Our diverse partnership brings scale, collaboration and coordinated investment to tackle the most complex mine closure and post-mine transition challenges. Together we're rethinking what's possible to improve outcomes for people, communities, the environment and industry.

We acknowledge the traditional custodians across all the lands on which we live and work, and we pay our respects to Elders both past and present.

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