



Department of Energy, Mines,
Industry Regulation and Safety

RESPONSE TO SUBMISSIONS

Draft Programme of Work guidance and draft exploration rehabilitation guidance

December 2023

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Draft Programme of Work guidance and draft exploration rehabilitation guidance

The purpose of these documents is to provide clear guidance to assist with a timely turnaround of Programme of Work (PoW) applications.

The PoW Guidance seeks to clarify the requirements for PoW applications to help streamline processing times while the Exploration Rehabilitation Guidance aims to clarify the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) expectations for the rehabilitation of exploration/prospecting disturbance after work is carried out.

DEMIRS has considered all submissions received and revised the guidance where appropriate.

Stakeholder comments

The Draft PoW Guidance and Draft Exploration and Prospecting Rehabilitation Guidance were released on the DEMIRS website for public comment from 20 December 2022 to 1 March 2023, with eight stakeholders providing feedback.

The review process notified respondents that their submissions would be made publicly available on the DEMIRS website. For the purposes of grouping and responding to feedback from stakeholders more efficiently, the submissions have been sorted by theme. The text of submissions are included verbatim. Please note the submissions and responses reflect the name of the department at the time of consultation.

A significant number of comments were received, with key themes of submissions summarised below.

Key themes of feedback received

Key themes arising from stakeholder feedback are identified and addressed below, as well as specifically in the detailed response to submissions.

Some comments regarding broader system improvements in relation to the lodgement and management of PoWs are appreciated and will be considered as part of other initiatives and core business activities which seek to expand, modernise and enhance the digital capability of mining and petroleum lodgements to DEMIRS. Further consultation with stakeholders will be undertaken when progressing these initiatives.

The key themes of feedback related to:

1. Prescriptiveness of documents

Some stakeholders queried the prescriptiveness of the guidance documents, particularly in relation to the exploration rehabilitation guidance document.

DEMIRS clarifies that the documents are intended as guidance only. DEMIRS acknowledges the diversity of the Western Australian environment and that tenement holders have the flexibility to apply this document in the manner that is best suited for their exploration and prospecting programs. Tenement holders have the flexibility to implement the processes they believe are most suitable, provided they meet the requirements of the *Mining Act 1978*, tenement conditions, and commitments made in the PoW application.

2. Extensions to the rehabilitation timeframe

DEMIRS received consistent feedback from stakeholders that the existing six-month timeframe to undertake rehabilitation works is not practical in many scenarios, with the majority of stakeholders suggesting that a 12-month period may be more appropriate.

In view of this feedback, DEMIRS will update its standard condition to require rehabilitation to be completed progressively but no later than 12 months after the works.

3. Liaison with external agencies

Some stakeholders queried the Administrative Agreements referenced throughout the guidance documents, which outline the triggers and process for DEMIRS to liaise with external agencies during assessment of a PoW.

Some stakeholders expressed concern that these Administrative Agreements represent a change in existing assessment processes. DEMIRS clarifies that the arrangements outlined in the guidance documents do not introduce any new PoW assessment criteria, rather, the inclusion of the various existing Administrative Agreements has been done to provide clarity and transparency around external referral processes during PoW assessments.

4. Rehabilitation database or register

DEMIRS received feedback from stakeholders that further clarity is needed regarding the proposed requirement for tenement holders to maintain a rehabilitation database or register, with some stakeholders raising concerns regarding the nature and type of data tenement holders should be tracking and recording.

DEMIRS considers that in order to monitor compliance with rehabilitation tenement conditions, tenement holders should already be tracking activities and rehabilitation on a tenement. DEMIRS acknowledges however, that data tracked will be proportionate to and dependent on the scale and nature of the exploration program. Information provided in the documents is guidance only, and is intended to provide guidance on the type of rehabilitation data that would be useful for tenement holders to track in order to demonstrate compliance with rehabilitation tenement conditions.

The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate compliance with all conditions and environmental management and rehabilitation practice commitments.

5. Proposed new standard conditions

Following stakeholder feedback, DEMIRS has revised the new standard conditions that were presented in the draft documents in order to clarify the intent and scope of the new conditions.

Proposed revised wording for conditions is:

Standard condition requiring an exploration rehabilitation report upon request

The tenement holder must maintain appropriate records of exploration/prospecting activities, and associated rehabilitation undertaken, in order to demonstrate compliance with all conditions and environmental management and rehabilitation practice commitments. These records to be made available to DEMIRS upon request.

Standard condition requiring compliance with approved Programme of Work

All exploration and prospecting operations to comply with the environmental management and rehabilitation practice commitments provided in the approved PoW.

Standard conditions clarifying rehabilitation timeframes

All supporting infrastructure for exploration including core yards, laydowns, camps, and access tracks (excluding drill lines), being rehabilitated to the satisfaction of the Environmental Officer, DEMIRS. Rehabilitation being required by the earlier of 12 months from the infrastructure being no longer required to support exploration, or 12 months from the relevant programme of work expiring, unless otherwise approved in writing by the Environmental Officer, DEMIRS.

Exploration disturbances, excluding supporting infrastructure, being backfilled and rehabilitated to the satisfaction of the Environmental Officer, DEMIRS. Backfilling and rehabilitation being required no later than 12 months after completion of the activity unless otherwise approved in writing by the Environmental Officer, DEMIRS.

DEMIRS thanks all stakeholders for their considered input into the process.

Ref #	Stakeholder	Comment	DMIRS Response
GENERAL AND ADMINISTRATIVE			
1.	Amalgamated Prospectors and Leaseholders Association (APLA)	APLA appreciates the opportunity to provide a submission for the Programme of Work guidance as requested by the Department of Mines, Industry Regulation and Safety.	DMIRS thanks APLA for providing a submission. Comments are addressed in detail below.
2.	Association of Mining & Exploration Companies (AMEC)	<p>Introduction</p> <p>AMEC welcomes the opportunity to provide comment on the draft Programme of Work Guidance and the draft Exploration and Prospecting Rehabilitation Guidance. We appreciate the additional time granted to AMEC to compose this submission.</p> <p>About AMEC</p> <p>The Association of Mining and Exploration Companies (AMEC) is a national industry association representing over 540 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.</p> <p>Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 274,000 people. In 2020/21 Industry generated a record high \$301 billion in mining exports, invested \$3.2 billion in exploration expenditure to discover the mines of the future, and collectively paid over \$43.2 billion in royalties and taxes.</p>	DMIRS thanks AMEC for providing a submission. Comments are addressed in detail below.
3.	Biologic	We write in response to the open consultation on the Draft Exploration Rehabilitation Guidance which outlines DMIRS' expectations for the rehabilitation of exploration disturbances.	DMIRS thanks Biologic for providing a submission. Comments are addressed in detail below.

Ref #	Stakeholder	Comment	DMIRS Response
4.	Cement Concrete & Aggregates Australia (CCAA)	<p>Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide comments to the Department of Mines, Industry Regulation and Safety (DMIRS) on the draft Program of Work Guidance and Exploration Rehabilitation Guidance.</p> <p>CCAA is the peak industry body for the heavy construction materials industry in Australia including the cement, pre-mixed concrete and extractive industries. Our members operate cement distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout Western Australia. For your information, a list of CCAA members in Western Australia is provided in Appendix 1.</p> <p>CCAA supports the release of these guidelines that aim to streamline processing times and clarify DMIRS' expectations so that both the proponent and regulator have a joint understanding of what compliance looks like in a practical sense.</p> <p>CCAA provides the following more detailed comments to improve clarity for these guidelines:</p>	DMIRS thanks CCAA for providing a submission. Comments are addressed in detail below.
5.	Conservation Council for WA (CCWA)	<p>The Conservation Council of WA (CCWA) is the state's foremost non-profit, non-government conservation organisation representing close to 100 environmental organisations across Western Australia, with tens of thousands of engaged individuals state-wide. This broad collective of like-minded groups and individuals creates a vibrant and passionate community, dedicated to the conservation of our unique and diverse state.</p> <p>CCWA has been a prominent and forthright voice for conservation for more than 50 years working directly with the government, media, industry, community groups, and political parties to promote a more sustainable WA and to protect our natural environment.</p>	DMIRS thanks CCWA for providing a submission. Comments are addressed in detail below.

Ref #	Stakeholder	Comment	DMIRS Response
6.	The Chamber of Minerals and Energy (CME)	<p>Further, CME considers these opportunities for improvements extend to potential workload streamlining within DMIRS, in particular through reductions in requests for further information and extension requests for rehabilitation as well as improving the level of transparency in what DMIRS requires from proponents which also increases certainty of process for proponents. CME and our members consider that the current draft guidelines require further development to provide proponents with necessary clarity regarding the application process and specific requirements. Our initial review of the published documents confirmed that there has been little change made to previous versions released for consultation in 2015. Aligning with the feedback CME provided to DMIRS in July 2021 regarding gaps in PoW guidance, CME considers there is further information required to deliver useful guidance to address the challenges present throughout the PoW process. Further to this, the development of 2023 guidance provides a well-timed chance to include clarification for proponents regarding the interaction of the new <i>Aboriginal Cultural Heritage Act 2021</i> framework for heritage compliance.</p> <p>CME recommend further development of the draft guidance to provide necessary clarity regarding application processes, specific information requirements and rehabilitation obligations, timeframes and extension processes. CME have outlined key improvements for each document below to assist this process.</p> <p>Further detail in guidance required.</p> <p>CME makes the below high-level recommendations for inclusion in the respective guidelines to deliver the clarity sought by industry. Further detail regarding the current gaps in guidance are outlined in the attached Appendices:</p> <ul style="list-style-type: none"> • PoW application requirements – Guidance is required regarding what must be included in an application. • Clarifying and demonstrating the navigation of the PoW spatial system – for example through a 'how do I apply?' section, or step-by-step guide. • An assessment checklist for PoW applicants (which matches relevant internal checklists), including requirements for compliance with formatting requirements, technical standards, and provision of technical documentation where relevant by activity. • Decision matrix outlining triggers for low or high impact activities. • Cumulative impact triggers for higher risk assessment or additional application requirements. • Practical compliance guidance for standard tenement conditions. 	<p>DMIRS thanks CME for providing a submission. Comments are addressed in detail below.</p>

Ref #	Stakeholder	Comment	DMIRS Response
		<ul style="list-style-type: none"> Requirements for Exploration Environmental Management Plans (EEMPs), Conservation Management Plans and Annual Exploration Environmental Reports (AEERs), including triggers, content requirements and assessment timeframes. Setting out renewal and amendment processes for PoWs – clarity on triggers, process, and timing. Outlining a mechanism for surrender of PoWs no longer required and/or transfer of ground disturbance. 	
7.	CME	<p>More broadly, CME notes the efficiency of PoW processes and the ability for proponents to comply with requirements relies very much on the capacity of the DMIRS. Where possible, automation of processes and intuitive user interfaces will reduce the ongoing administrative burden for both DMIRS and proponents, particularly with regards to lodgement of PoWs. Aspects of the recommendations and issues identified and reflected in the attached Appendices reflect the current entrenched inefficiencies within a system that is both inflexible and outdated, for example an inability to amend a Programme of Work that has been submitted but not yet approved.</p> <p>CME recommends the progression of system improvements in consultation with industry, to improve processing and address existing limitations of spatial systems and applications.</p> <p>Noting also that system upgrades are proposed to enable EMA's, including the changes required to enable a more functional PoW system within this broader improvement programme could deliver significant gains for DMIRS in processing efficiency and meeting stated KPI's.</p> <p>CME remains committed to collaborating with DMIRS to progress improvements to POWs and appreciate the engagement with the Department to date. We continue to offer our full support to progression of improvements to the transparency and operation of both PoW and broader exploration guidance. We would welcome the opportunity to host further discussions of the proposed additions to the draft guidance documents.</p> <p>The attached Appendices include further detailed feedback on specific elements of both the PoW guidance and the Rehabilitation Guidance. We look forward to engaging further on these changes as part of this consultation process.</p>	<p>DMIRS is presently looking to modernise and enhance the digital capability of mining and petroleum lodgements, which will address a number of matters raised by CME. In developing the new system, consultation with industry will be undertaken and feedback sought.</p>

Ref #	Stakeholder	Comment	DMIRS Response
8.	Environment Institute of Australia and New Zealand (EIANZ)	<p>Role of the EIANZ</p> <p>The EIANZ, as the leading membership based professional organisation for environmental practitioners in Australia and New Zealand, is an advocate for good practice environmental management. The Institute supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. The Institute also advocates environmental knowledge and awareness, advancing ethical and competent good practice environmental management.</p> <p>A Certified Environmental Practitioner Scheme (www.cenvp.org) is also in place to assess and certify competent experienced environmental practitioners working in government, industry and the community. This includes specialist competencies such as Impact Assessment, Ecology and Contaminated Lands.</p> <p>The EIANZ is an advocate for environmental assessment, management and monitoring investigations and reports being certified by suitably qualified and experienced persons for the completeness and scientific rigor of the documents. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.</p> <p>The EIANZ is a not-for-profit, charitable organisation incorporated in Victoria, and a registerable Australian body under the <i>Corporation Act 2001</i> (Cwlth), allowing it to operate in all Australian jurisdictions.</p> <p>General Observations</p> <p>Feedback from EIANZ is focused on whether proposed amendments will facilitate improved environmental outcomes.</p> <p>EIANZ is supportive of the development and publication of the Programme of Work (PoW) and Exploration Rehabilitation Guidelines. Having guidelines outside of the online PoW application system can encourage explorers to complete the required studies and assessments ahead of lodgment. It is also useful for the broader community, as it enables them to have a greater understanding of what is expected by the department and can work to support better environmental outcomes by holding companies accountable.</p> <p>Further feedback on each of the three documents released for consultation is provided below.</p>	DMIRS thanks EIANZ for providing a submission. Comments are addressed in detail below.

Ref #	Stakeholder	Comment	DMIRS Response
9.	Fortescue Metals Group (FMG)	<p>The Department of Mines, Industry Regulation and Safety (DMIRS) is seeking feedback from stakeholders on draft guidelines for preparing a Programme of Work (PoW) application, and the rehabilitation of exploration disturbances.</p> <p>The Draft Programme of Work Guidance (PoW Guidance) seeks to clarify the requirement for these applications, and the Draft Exploration Rehabilitation Guidance (Rehabilitation Guidance) aims to clarify DMIRS' expectations for the rehabilitation of exploration disturbances.</p> <p>Fortescue Metals Group (Fortescue) has reviewed both the PoW Guidance and the Rehabilitation Guidance and provides the following feedback.</p>	DMIRS thanks FMG for providing a submission. Comments are addressed in detail below.
10.	Morgan Chapman	<p>I have read both documents out for public consultation and as far as I am concerned they pose further duplication /increased regulatory burden and a direct threat to jobs in the mining industry.</p> <p>These documents with additions from previous documents do not provide for assistance to applicants for Programmes of Work but rather make increased regulatory burden on prospectors and the wider junior exploration industry.</p> <p>DMIRS does not clearly recognize prospectors as being low environmental impact because if they did you would not have to decipher all the crap which as far as I am concerned is designed to make it cost prohibitive to force prospectors out of business from conducting exploration and mining.</p> <p>DMIRS no longer appreciates that Prospectors in this state find the mines of tomorrow and create wealth/ employment. Historically over 80 per cent of the operating gold mines in WA have been found by the prospector, yet it seems from reading these documents that DMIRS is focused on creating so much administrative burden and having unrealistic expectations about many things.</p> <p>DMIRS keeps decreasing our operational flexibility to operate by imposing more onerous and repetitive things and you have to ask yourself why is that other than to put prospectors slowly out of business from conducting exploration in this state.</p>	<p>DMIRS thanks Mr Chapman for the submission.</p> <p>These documents are intended as guidance only.</p> <p>The draft PoW Guidance does not introduce any changes to DMIRS' approval processes. The document instead seeks to provide transparency by clarifying and clearly articulating what is required for the submission of PoW applications in order to reduce requests for information throughout the approval process.</p> <p>The specific nature of information provided in a PoW application will be context dependent, and will vary depending on the nature, complexity and location of an application. Proponents should apply the documents in the manner that is most suitable for their exploration and prospecting programs.</p>

Ref #	Stakeholder	Comment	DMIRS Response
		<p>DMIRS is creating never ending duplication with requesting “procedures to be implemented to ensure the area is appropriately managed” just to simply to get an extension of term of a Programme of Work which have already been clearly spelt out in detail in the original POW lodged. This request is all aimed at creating duplication and tie people up in knots and make it costly and time consuming simply to do a job that was originally approved with procedures <u>which are clearly within the existing POW itself.</u> If the original procedures to be implemented stated in the original lodged POW were not sufficient to show how the area was appropriately managed, then DMIRS should never have approved the POW. What makes it worse is DMIRS tells people that prospectors with push and scrape operations are generally low risk so in short DMIRS want us to focus enormous repetitive resources on telling them the procedures to be implemented for low risk activities. It makes no sense unless DMIRS has another agenda which is to slowly push prospectors out of the industry.</p> <p>In around 2014 I can recall reading a document where DMIRS stated “DMP’s Environment Division also recognizes that the majority of prospectors are responsible environmental operators, it is well known within the division that many prospectors undertake successful rehabilitation of legacy areas as they prospect previously disturbed lands”. Moving forward I would like to know now in 2023 why DMIRS new staff are not trained by their superiors to educate them as part of inducting them when first starting employment that many prospectors undertake successful rehabilitation of legacy areas as they prospect previously disturbed lands? so that some common sense is taken in their approach.</p> <p>DMIRS has some staff whom are totally inexperienced in a practical sense as to what occurs in the field for prospectors and we should not have to bear the brunt of incompetence and being treated as though we are environmental vandals.</p>	<p>Similarly, the purpose of the Exploration and Prospecting Rehabilitation Guidance is to provide a guide to proponents on management and rehabilitation of exploration and prospecting activities. Specific rehabilitation practices are at the discretion of the tenement holder, provided they meet the requirements of the <i>Mining Act 1978</i>, tenement conditions and commitments made in the PoW application.</p> <p>Proponents have the flexibility to apply this document in the manner that is best suited for their exploration and prospecting programs with the flexibility to implement the processes they believe are most suitable.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p>

Ref #	Stakeholder	Comment	DMIRS Response
PROGRAMME OF WORK GUIDANCE			
General Comments			
11.	EGPA	<p>The DMIRS POW policy document is two pages and EGPA support the continuation of it, however EGPA have serious concerns about this new additional document titled "POW Guidance Version 0.1 of December 2022".</p> <p>The Document purpose is to assist proponents but in fact introduces (new to us), excessive restrictions that will have major cost implications and threats to the jobs in the industry and sterilizes areas of the state with vast implications to the welfare of the mining industry, refer to item 1.3.1 on top of page 7, and see dot point 10.</p>	<p>Comments noted.</p> <p>The draft Programme of Work Guidance does not introduce any changes to DMIRS' approval processes for PoWs. The document instead seeks to provide transparency by clarifying and clearly articulating what is required for the submission of PoW applications in order to reduce future requests for information throughout the approval process.</p> <p>A specific response to EGPA comments on section 1.3.1 is provided below.</p>

Ref #	Stakeholder	Comment	DMIRS Response
12.	EGPA	<p>EGPA strongly suggests the DMIRS should clearly state “This document is for information/ guidance only and the proponents and or other parties should rely on the relevant statutory legislation, and for smaller operators many of these provisions in this guidance document may not necessarily apply”.</p> <p>This Document should be for guidance as per its title, and not be prescriptive i.e., introducing material which is ultra-vires for example see Item 1.3.1, page 7, as far as EGPA is aware this information of setbacks/distances buffer zones is not prescribed in any statutory legislation in WA. (Malfeasance).</p> <p>The said Document has the potential to cause unnecessary grief due to inexperienced DMIRS staff, (which is at present quite common and as also in the past), who may take this document information too literally and likely cause enormous, unnecessary costs and restrictions to the proponent.</p> <p>The said document is for both POW-P and POW-E and DMIRS said this is geared towards the larger operators such as RIO and Tropicana operations, however one size doesn't fit all and may we suggest a tiered approach and direct this document to where it is intended (the big end), not at the smaller end.</p>	<p>Per the document hierarchy presented on page 2, this document is a guidance document, which sits below legislation, statutory documents and policy. The document is intended as guidance only and its purpose is to articulate what is required for the submission of PoW applications. The guidance does not introduce any new requirements relevant to the submission of a PoW.</p> <p>The Guidance is designed to be an all-encompassing document, which captures relevant information for exploration applications regardless of the size of the operation. DMIRS understands that not all of the information outlined in this Guidance will be applicable to every PoW application and that the specific nature of information provided in a PoW application will be context dependent, depending on the nature, complexity and location of an application. Proponents should apply the documents in the manner that is most suitable for their exploration and prospecting programs.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p>
13.	EGPA	<p>The said draft Document was sent 20th December 2022. Insufficient time has been allocated to make a detailed submission due to the end of year/new year interruptions.</p>	<p>DMIRS generally releases documents for public consultation for a minimum of 8 weeks. These guidance documents were released for a period of 10 weeks to account for end of year interruptions.</p>

Ref #	Stakeholder	Comment	DMIRS Response
14.	AMEC	<p>General Comments</p> <p>AMEC supports the delivery of clear guidance that details the expectations of the Department. This is the intent in the drafting and the Department’s consultation which is appreciated. A Programme of Works (PoW) is a fundamental approvals document for the Western Australian exploration industry.</p> <p>AMEC has received consistent feedback from Industry seeking the assessment criteria that PoW is considered against. It is assumed that the Government has a standardised assessment tool that an assessing officer applies to ensure a PoW is compliant. How these documents reflect that criteria could be made more transparent through a checklist in the appendix.</p> <p>A PoW is nested amongst and interacts with multiple layers of other DMIRS regulation. As a result, the interpretation of this document relies on the reader referencing multiple other pieces of guidance and factoring that into their decision making process. This is not necessarily simple, and a single master document may be beneficial.</p> <p>Some in Industry have noted similarities between this version and previous editions consulted in approximately 2015. While that discussion of historical documentation has been helpful, our assumption and the submission’s content, considers this as a new document.</p>	<p>This document is intended to address industry feedback regarding PoW assessment criteria by summarising the information required to be submitted with a PoW, and outlining instances where additional information may be required. DMIRS has updated the document to include a pre-submission checklist to assist proponents in preparing a PoW submission.</p> <p>The use of hyperlinks throughout the document assists with ensuring that the guidance remains up-to-date as other guidance documents are updated and/or amended.</p>
15.	Lance Fraser	<p>The DMIRS document GUIDELINES. DRAFT. PROGRAMME OF WORK GUIDANCE. Version 0.1 December 2022 was released for comment in December 2022, and was received by me, via a DMIRS circulated information release, of which I had nominated to be on the mailing list.</p> <p>Intentional or not I find the timing of release and the response due date to be poorly conceived and implemented. A good number of my acquaintance’s in mining and prospecting were unaware of the POW Guidance and numerous other documents that had been released for review and comment at about the same time.</p> <p>Whilst all involved in the mining community should take reasonable steps to keep informed of current developments and changes to circumstances that may affect their activities, I feel DMIRS might have taken a little more effort to make the community more aware of changes (proposed or other). The region’s are particularly disadvantaged in this sense.</p> <p>A suggestion might be for DMIRS to attach some relevant information, for the prospecting and mining community to the “Mining Tenement Grant Notification” that runs every second week in the newspapers, just slightly expand an existing notification service, that is already known to lease holders.</p>	<p>Comments noted and will be considered for future consultation periods.</p>

Ref #	Stakeholder	Comment	DMIRS Response
16.	Lance Fraser	<p>The purpose of the Guidelines is to “provide transparency on the information requirements of a programme of work”.</p> <p>I feel that that prospectors and miners should seriously see the document as an intimidating but valuable information source, highlighting the many potential costs and delays that can be encountered when evaluating the work under consideration, the approval process, and the many obstacles that might have to be overcome before a colour is even won.</p> <p>Every effort should be afforded to enable those willing to legally and gainfully act within their lawful right to explore and gain for themselves their family and their community.</p> <p>DMIRS in their effort to “provide transparency” have succeeded in intimidating prospectors with this document.</p>	<p>The Programme of Work Guidance does not introduce any changes to DMIRS’ approval processes. The guidance seeks to provide transparency by clarifying and clearly articulating what is required for the submission of PoW applications in order to reduce future requests for information throughout the approval process.</p>
17.	Lance Fraser	<p>Some terminologies/nomenclature contained in the draft are often vague and almost imply innuendo “may, might, indirectly, potential, could be,” and are terms that indicate discretion and interpretation. Clear unambiguous guidance is called for.</p>	<p>The terminology used throughout the document reflects that this document is intended as guidance only and is not intended to be prescriptive.</p>
18.	Lance Fraser	<p>It is extremely important that DMIRS should list on every guidance, policy document or release, how duplication has been removed and streamlining increased relevant to previous application or compliance process.</p> <p>Removing duplication and streamlining process was a cornerstone of Federal and W.A. government policy (especially in mining) and must be demonstrated to be occurring, or loss of confidence in those administering the mining sector will continue.</p>	<p>It is intended that this document will assist with streamlining the PoW assessment process by reducing requests for information throughout the approval process.</p>

Ref #	Stakeholder	Comment	DMIRS Response
19.	CME	<p>PoW Guidance</p> <p>CME and our members consider there would be significant benefit, for both proponents and assessing Officers within DMIRS, in the development of a POW guideline to provide a detailed guide for proponents on how to apply for a POW, such as:</p> <ul style="list-style-type: none"> Information that a proponent will be required to consider prior to submitting, including specific triggers for further information, DMIRS standard application requirements including preferred formatting, and how DMIRS reviews this information (assessment criteria, checklist etc.). <p>Transparency regarding these aspects of the application and initial assessment process would be very useful for proponents and provide an opportunity for more complete applications if line-of-sight regarding assessment criteria is available. These changes stand to have a direct impact on the number of incorrectly formatted or incomplete applications, and the time and workload implications within DMIRS to deal with these.</p>	<p>This document provides proponents with an overview of the type of information that should be provided with a PoW application, and outlines instances where additional information may be required. DMIRS has updated the document to include a pre-submission checklist to assist proponents in preparing a PoW submission.</p> <p>Further information on how to apply for PoW can found on DMIRS' website - Apply for a Programme of Work (dmp.wa.gov.au).</p> <p>All PoWs submitted to the department must follow the PoW Spatial format or utilise the PoW-Prospecting form.</p>
20.	CME	<p>With regard to streamlining opportunities, the review of these guidelines could provide the impetus to consolidate all guidance regarding PoW's into a consistent document that can then be updated when required, reducing the risk of inconsistencies arising with multiple different documents. This could include guidance material regarding applications, parallel assessment, and other processes relevant to PoW's.</p>	<p>This guidance is intended to be a stand-alone document which addresses specific requirements for preparing a PoW, however, where required links to relevant guidelines and documents have been provided. The use of hyperlinks throughout the document assists with ensuring that the guidance remains up-to-date as other guidance documents are updated and/or amended.</p>

Ref #	Stakeholder	Comment	DMIRS Response
21.	CME	<p>As noted above, CME considers there are aspects of the draft guidance which require further development to fully address the existing gaps in guidance. These include:</p> <ul style="list-style-type: none"> • Guidance regarding a process for the surrender of PoWs. This remains a significant gap in the overall PoW framework and is most specifically relevant to where no work has commenced, or planned work is no longer intended to go ahead. Noting that proponents that hold a high volume of PoW's are increasingly being subject to DMIRS threshold triggers for cumulative impact, regardless of whether the areas concerned have been fully rehabilitated and the activities completed. This is an increasingly significant concern, and we strongly urge DMIRS to address this matter through providing a surrender pathway. • Guidance regarding a process for the consolidation of multiple POW's, including the consolidation of existing disturbance into a single PoW. • Guidance regarding a process to transfer relevant ground disturbance to a Mining Proposal. • A process whereby ground disturbance can be transferred to a third party. In a landscape of increasing attention on clearing and sustainable land management, it is becoming more common for other stakeholders with relevant interests in the land (pastoralists, and Traditional Owners) to request certain disturbance to remain, such as tracks, or cleared spaces like water bore pads, access tracks (most commonly), camp spaces etc. Currently there is no formal process for this disturbance to be transferred to another party. Further comments are provided in section 1.2.2 	<p>Surrendering PoWs and consolidating disturbance is outside the current scope of this guidance document however, DMIRS acknowledges these matters for future consideration.</p> <p>Where a proponent seeks to transfer exploration disturbance from a PoW to a Mining Proposal, the disturbance must be included in a mining proposal for assessment and approval by DMIRS. DMIRS' objective for exploration and prospecting rehabilitation is that all disturbances are temporary, and are rehabilitated as much as practicable to pre-disturbance conditions, being safe to humans and animals, non-polluting, and no permanent alteration of ecological function. Typically, it is DMIRS' expectations that these disturbances will be rehabilitated and will not remain.</p>
22.	CME	<p>It is also clear that a significant number of the issues faced with regards to challenges in submitting a POW are system related or are compromised by system limitations. For example, not being able to update or amend an application after submission but prior to approval. It is clear that the ICT system requires updates to improve functionality and useability both from a proponent and regulator perspective.</p> <p>CME strongly recommends DMIRS progress planned improvements to the ICT systems to address known deficiencies relating to PoWs and broader tenure pathways. An opportunity exists to align these with the upgrades required for implementation of Eligible Mining Activities (EMAs) currently the subject of a separate consultation process. Further information regarding specific system challenges is provided below regarding individual sections of the draft guidance.</p>	<p>Comments noted.</p> <p>As noted above, development of DMIRS' new online system will significantly modernise and enhance the digital capability of mining and petroleum lodgements to DMIRS and will address a number of matters raised by CME. In developing the system, consultation with industry will be undertaken and feedback sought.</p>

Ref #	Stakeholder	Comment	DMIRS Response
Scope			
23.	CME	<p>It would be useful for this section to clearly outline the scope of activities considered to be eligible for coverage by a PoW. Feedback from CME's membership has indicated there are different interpretations across DMIRS staff with regards to whether or not specific activities are eligible for coverage under a PoW. Clearly defining the breadth of the scope of PoWs, and their function in the broader tenure landscape, would assist in addressing any misalignment.</p> <p>An example of activities which have been subject to discussion regarding their suitability for inclusion in a PoW include clarity in guidance as to what is appropriate for a PoW on an exploration licence as opposed to requiring a miscellaneous licence. For example, there is an ongoing lack of clarity and guidance from DMIRS as to the criteria for what it considers a mobile camp and at what point DMIRS deems a camp as permanent. This is also the case with telecommunications towers and how DMIRS assesses these, noting inconsistent approaches from various assessing officers.</p> <p>Given the ongoing advancements in the technology and methods available to deepen our understanding of prospectivity, clarity regarding the breadth of activities eligible to be undertaken under the scope of a PoW is welcomed.</p> <p>Clarity of scope will align proponent and assessing officers on activities eligible for inclusion, and reduce requests for information arising from misalignments in interpretations.</p> <p>Feedback regarding current approaches has highlighted there are a range of views regarding the appropriate, or in some cases, maximum, dimensions of some exploration activities, this demonstrates the need more broadly for a flexible and principled approach informed by the proponent and site-based conditions.</p>	<p>To be eligible for approval under a Programme of Work, proposed activities must be consistent with the rights conferred by exploration and prospecting licences, as outlined in section 48 and 66 of the <i>Mining Act 1978</i>.</p> <p>Activities which meet the definition of mining operation (as defined in the Mining Act) should be applied for via a Mining Proposal.</p>

Ref #	Stakeholder	Comment	DMIRS Response
24.	CME	<p>Large Scale Exploration Programmes</p> <p>For larger programmes proposed by proponents there is often push back from DMIRS in regards to the suitability for this under a PoW but with little guidance as to alternative mechanisms. For example, often a larger drilling campaign in a remote location can require several hundred kilometres of access tracks which has resulted in DMIRS challenging the suitability of a PoW for these activities but with little clarity on next steps. This is sometimes then a trigger for an Exploration Environmental Management Plan but there is currently nothing in the guidance which outlines this as the process. This lack of clarity results in additional delays during the approval process.</p>	<p>Large scale programs which are in sensitive and remote areas are likely to require additional supporting information or a management plan which provides additional information on the management of activities to minimise environmental impact.</p> <p>Proponents are encouraged to contact DMIRS prior to submitting large scale exploration programs, in order to understand the level of information required and any additional requirements.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p> <p>DMIRS has updated the guidance document with some high level guidance on preparing management plans and will consider developing targeted guidance in the future.</p>

Ref #	Stakeholder	Comment	DMIRS Response
25.	CME	<p>Drill pads</p> <p>CME member experience indicates there are a range of views from DMIRS assessing officers regarding the appropriate size for an exploration drill pad. In submitting work programs which include drill pads, proponents are guided by their drilling professionals as to the safest approach to undertaking the work proposed. It is noted that the Australian Drilling Industry Association has published a Drill Pad Guidance Note specific to the Pilbara.</p> <p>While this may not be applicable to other parts of the state, CME considers it important that DMIRS remain guided by subject matter experts and industry expertise regarding workable approaches. These are necessarily different in many cases; however, CME recommends the guidance acknowledge the primary considerations underpinning this work – that being safety and operational requirements.</p> <p>The draft document does not mention pad sizing. As an example, CME member experience has highlighted that DMIRS have, in the past, not been open to larger pad sizes (preferring to restrict to sizes around 25m x 25m), while also advising proponents that pad footprints must capture all disturbed ground including areas driven over by vehicles completing rehabilitation. In practice, this means a pad has to cater for the actual cleared pad and the cleared pad overburden deposition, the excavated sump, excavated sump push-up and all incidental or collateral next-to pad disturbance (during rehabilitation). The same principle applies to tracks, camps, laydowns and sample or core farms). It is CME's position that it would be both more practical and safer for Reverse Core Drilling, Diamond Drilling and Rotary Drilling sites size to be determined by a proponent based on advice from their subject matter experts.</p>	<p>DMIRS acknowledges that previously it has utilised a set of 'standard drill pad sizes' when assessing the appropriateness of drill pad sizes proposed in Programme of Works.</p> <p>However, in moving towards a risk-based approach to regulation that focuses on environmental impacts and outcomes, DMIRS is moving away from having a set of accepted drill pad sizes and instead, recognises that dimensions for drill pads and tracks are variable and based on factors such as safety considerations, location, topography, drill type, and environmental factors.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p>

Ref #	Stakeholder	Comment	DMIRS Response
		<p>Other activities which require further guidance regarding approach from DMIRS to proponents with regards to their POW application and the details of their proposed works includes:</p> <ul style="list-style-type: none"> • Guidance regarding track dimensions which accounts for the different machinery access requirements. • Guidance regarding use of blade up or blade down clearing. <p>This additional guidance will enable a clear understanding of expectations from DMIRS for common activities, avoiding individual interpretations from assessing officers. CME and members welcome the opportunity to provide input into the development of further guidance to address these areas, with a view to delivering workable and practical guidance.</p> <p>CME considers guidance should strike a balance to ensure that activities can be done safely and efficiently while remaining conscious of minimising overall disturbance profiles.</p> <p>Practical guidance should also set out relevant supporting information requirements as part of the PoW application. For example, allowing the provision of a master proposed drill pad layout, acknowledging that each individual pad may be slightly different due to various geographical and environmental considerations. CME is aware that members have received RFI's that request provision of drill pad layouts for each individual pad, this is not a pragmatic approach and one which creates significant delays and challenges for proponents, particularly with regards to resource planning and allocation.</p> <p>Practical guidance would assist in reducing any requests for further information regarding detailed pad layouts or similar requests, through alignment on the key considerations and flexibility for different work programs required as part of the PoW application process.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
1. Preparing a Programme of Work			
26.	EIANZ	We suggest including a link or appending the PoW spatial guidance document (REC-EC-239D Rev 7).	Comment noted.
27.	FMG	<p>The EARS system should be upgraded to allow submissions to be edited or withdrawn after submission, prior to approval. Currently, if any changes are required to the POW application the EARS Manager must withdraw the PoW, and a new application has to be submitted. This is the case whether the amendment is sought by the proponent or the assessing officer. Even if the change is minor, there is no ability to modify an application after submission.</p> <p>To operate more efficiently, modifications like these should be able to be done within the EARS system, under the same submission and Reg ID, rather than having to withdraw the previous application and submit an entire new application.</p>	Upgrades to the existing PoW Spatial system is outside the scope of this guidance document, however DMIRS acknowledges this matter for future consideration.
28.	CME	<p>CME considers that further clarity on the process for applying via the PoW spatial system (PoW-S system) should be included in this guide. This could be delivered through an appendix to the main guidance document. Specifically, further clarity is required for proponents regarding:</p> <ul style="list-style-type: none"> • Information requirements to allow proponents to ensure they can supply the relevant information at application stage, • Preferred formatting for all information to be supplied e.g., preferred format for spatial files or tables, • Provision of a checklist which reflects internal assessment checklists to determine all relevant information required by DMIRS. Use of a sample application may also be helpful. 	<p>The intention of this document is to identify information required at the PoW application stage, and summarise how this information should be presented.</p> <p>When applying for a PoW-S, the PoW spatial system will prompt the proponent at each stage on what information is required, (based on the spatial layers intersected) and what the next step is. Guidance on the spatial upload formats, along with a point of contact for the PoW Spatial System, can be found on the DMIRS website - Apply for a Programme of Work (dmp.wa.gov.au).</p> <p>DMIRS has updated the document to include a pre-submission checklist to assist proponents in preparing a PoW submission.</p>

Ref #	Stakeholder	Comment	DMIRS Response
29.	CME	<p>Further improvements are required to GIS layers that are made accessible to proponents when uploading their spatial files.</p> <p>Specifically, there have been instances where all relevant layers have not been visible through the PoW-S system at the point of upload and lodgement. Without access to relevant spatial layers prior to lodgement, proponents end up having to undertake separate due diligence (where other layers could be reasonably foreseen to interact) or be subject to a request for further information.</p> <p>This is an inefficient situation for both the proponent and the Department and could be easily remedied by ensuring consistency in availability of GIS layers.</p>	DMIRS does spot improvements as necessary with regular updates to the spatial layers. There are confidentiality restrictions on the release of some information captured within different layers, which prohibits their public release.
30.	CME	Further clarity on timing and process, submission and review timings should also be indicated within the guidance to allow proponents to plan their activities more broadly.	DMIRS' target timeframe is to assess 80% of PoW applications within 15 business days. This target is subject to sufficient information being supplied on lodgement of the application.
31.	AMEC	Details on the timeframes for PoWs would be useful. AMEC appreciates the reduction of PoW timeframes to 15 days – the guidance should reflect that. It would be useful, to set expectations, to detail when those timeframes are unlikely to be met due to interaction with other agencies (i.e. a factor that will require referral to the DBCA).	<p>This document seeks to provide guidance on the information required in an application so that there are fewer requests for information from the proponent and fewer referrals to external agencies.</p> <p>The Environmental Applications Administrative Procedures, linked within the guidance, provides more information around the assessment process and target timeframes for decision-making.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.1. Reviewing Tenement Conditions			
32.	CME	This section speaks to a proponent, prior to lodgement, needing to review tenement conditions in order to understand relevant requirements and obligations. However, the guideline does not provide clarity as to how an individual may do this nor what the purpose of this process is. This needs further clarification, specifically with regard to what the proponent may need to consider.	<p>Proponents should review all tenement conditions prior to lodgement of a PoW to ensure they are able to address any requirements imposed by the conditions (e.g. consent required for access to a reserve). Tenement conditions may also include other obligations (e.g. safety requirements) that, whilst not assessed through the PoW process, are important for a proponent to be aware of.</p> <p>Proponents can review their tenement conditions via Mineral Titles Online. Additionally, when applying for a PoW through the Spatial System a list of tenement conditions and endorsements are shown in the submission section.</p>
33.	CME	This section also links to the Mineral Titles Online (MTO) system. Given the range of proponents who may be interacting with PoWs, it would be useful to include an explanation within the guidance of how this system interacts with other frameworks.	Comment noted.
34.	CME	It would also be useful for the guidance to highlight and provide further comments regarding any conditions that DMIRS feels proponents should be particularly mindful of, based on learnings from the existing PoWs received.	Applicants should review all tenement conditions and endorsements in order to identify the relevant requirements and obligations when operating on a tenement.

Ref #	Stakeholder	Comment	DMIRS Response
1.2.1. PoWs on tenements held by a third party			
35.	CME	<p>Further guidance regarding the requirements for third party consent, including formatting and content would be useful to drive compliance.</p> <p>Further, it would be useful for clarification to be provided as to whether it is possible to utilise other forms of documents to demonstrate the consent of the tenement holder for the third party to undertake activities, or whether there is a preference from DMIRS that the letter be specific to the granting of a PoW to the third party and indicating support for this.</p> <p>This clarity will assist to improve the quality and completeness of applications thereby minimising RFIs and the risk of rejection due to insufficient supporting evidence.</p> <p>It would also be worth considering the provision of a template letter that sets out the content and formatting preferred by DMIRS.</p> <p>In some instances, CME members have been unable to lodge a PoW for exploration drilling on their exploration tenements, owing to an overlapping exploration tenement held by a third party. CME recommends that the PoW-S system allow for tenement selection whereby the proponent can select the tenement on which exploration activities are proposed to be undertaken, where overlapping tenements occur, to support a streamlined application process. It is further noted that in these instances, authorisation from other tenement holders would not be required.</p>	<p>Third party authorisation should contain sufficient detail to demonstrate that the third party is authorised to submit a PoW application on the relevant tenements.</p> <p>DMIRS is aware of situations where applicants have been unable to select the appropriate tenement for a PoW application and is investigating this matter.</p>
36.	APLA	<p>Will DMIRS allow a 3rd party, who is not the primary tenement holder, apply by way of a written agreement between the primary tenement holder and the 3rd party, to have a POW approved?</p>	<p>A third party can lodge a PoW on a tenement provided they have written authorisation from the tenement holder to lodge a PoW on the relevant tenement.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.1.2. Pastoral and General Leases			
37.	EGPA	Item 1.2.2 seems much stronger language is introduced such as “abide” and “proactively communicate with pastoralists” and points about biodiversity have been also added - we ask what is the agenda?	Comment noted and DMIRS has reviewed the language used in this section to clearly differentiate between obligations and guidance. The intention of this section is to outline the obligations of explorers operating within a pastoral lease, and to provide guidance on matters explorers may need to take into consideration when operating within a pastoral lease.
38.	EGPA	EGPA is aware de facto well-funded environmental groups and others from across the world are actively purchasing pastoral properties. These groups have a view not to enable and encourage exploration and mining. DMIRS should not facilitate new restrictive practices that are counter productive to exploration and mining.	Comment noted. DMIRS is not proposing any new requirements with respect to the interaction between mining and pastoral activity as part of this guidance.
39.	CME	This section will need to be updated in the near future to reflect the introduction of Diversification Leases. Noting the proposed broad scope and purposes, it will be important that DMIRS, in conjunction with Department of Planning, Lands and Heritage (DPLH), provide sufficient guidance as early as to ensure clarity of process for individuals seeking to submit PoWs over areas subject to diversification lease applications.	Comment noted. DMIRS will look to update the guidance in the future to reflect the introduction of Diversification Leases.
40.	CME	CME members have identified some inconsistency in the advice provided in this section of the guidance. For example, it is not the case that the buffers indicated apply to general leases in all circumstances. In some cases, the land subject to a general lease is excluded from the grant of an exploration or prospecting Licence where the general lease contains a substantial improvement which can then be deemed as private land and be excluded from grant to a depth of 30 metres – unless express consent is provided from the land holder. CME recommend the guidance be updated to reflect this circumstance, and ensure proponents are aware of this potential scenario prior to lodging their PoW and has completed sufficient due diligence to assess this risk.	Comment noted and section has been updated to reflect that the buffers outlined in section 20(5) of the Mining Act apply in ‘most instances’.

Ref #	Stakeholder	Comment	DMIRS Response
41.	APLA	<p>1.2 Land Access sub-clause 1.2.2 Pastoral and General Leases.</p> <p>“When exploring on a pastoral lease, applicants must take all reasonable and practical steps to notify the pastoralists about where they plan on operating and for how long.” The 1st part of this statement can be achieved by phone, email, postal notification or in person. The 2nd part of the statement is onerous as the POW permit usually covers a wide area and is granted for the term of the lease unless otherwise advised. In some cases the area covered by the POW permit could be visited numerous times in accordance with results from exploration activities. APLA suggests revising this statement to include only advising the pastoralist that activities will be undertaken on an ongoing basis.</p>	Section 1.2.2 has been amended.
1.2.3. Reserves			
42.	CME	<p>It would be useful for clarity to be provided as to what the specific triggers are for the Department to engage with other government agencies as part of a parallel assessment process.</p> <p>This is particularly important for proponents that may be able to, based on specific triggers, look to split PoWs to avoid an area subject to a reserve and thereby avoid a parallel assessment. Given the timing implications of parallel processing, understanding any potential exposure, and factoring this into exploration programmes will be critical.</p> <p>The inclusion of high-level guidance would facilitate a more streamlined approach and ensure that proponents plan appropriately to supply all relevant information and plan resource allocation appropriately.</p>	<p>Administrative Agreements between DMIRS and other agencies outlines scenarios where DMIRS may seek advice from other agencies.</p> <p>DMIRS' Environmental Applications Administrative Procedures outlines the circumstances where DMIRS will reserve its decision on environmental applications subject to parallel processing.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.2.5. Heritage Sites			
43.	EIANZ	<p>In relation to Aboriginal Heritage, we suggest:</p> <ul style="list-style-type: none"> Referring to the transition from the <i>Aboriginal Heritage Act 1972</i> to the <i>Aboriginal Cultural Heritage Act 2021</i>, with links included to the new Act. Clarifying if the department will require proof if the proposed activities are exempt under the new <i>Aboriginal Cultural Heritage Act 2021</i> or require the provision of evidence that a permit has been obtained or a Cultural Heritage Management Plan has been approved in accordance with the Act. 	<p>Comments noted.</p> <p>This section has now been updated to reflect the intended repeal of the <i>Aboriginal Cultural Heritage Act 2021</i>. There are no changes to the heritage considerations that were in place whilst the <i>Aboriginal Heritage Act 1972</i> was in force.</p>
44.	CME	<p>The <i>Aboriginal Cultural Heritage Act 2021</i> (ACH Act) will come into effect on the 1 July 2023. This new regulatory framework will amend the way in which Aboriginal cultural heritage is managed in the state. As such the advice provided in this section of the draft guidance will need to be updated.</p> <p>CME and our members strongly recommend DMIRS engage with DPLH to understand how the new regulatory framework will operate and to amend the draft guidance accordingly to provide clarity to industry.</p>	
45.	AMEC	<p>Aboriginal Cultural Heritage Act 2021 & Land and Public Works Amendment Bill 2022</p> <p>The review of this guidance is timely as the implementation of the new Aboriginal Cultural Heritage (ACH) Act 2021 and the Land and Public Works Amendment Bill 2022 will generate many questions for Industry. The Government has been clear that the new ACH Act will come into affect in July 2023.</p> <p>We ask that DMIRS is prepared to release guidance before July 2023 detailing their initial expectations, we would suggest that a review of the DMIRS expectations after 12 months would be appropriate as it is not at all transparent how the wider Government will choose to deliver on their commitment to implement the ACH Act.</p> <p>The Land and Public Works Amendment Bill will introduce diversification leases, a new form of tenure on the pastoral estate. It anticipated that this will pass Parliament and, similar to the ACH Act, be gazetted before 1 July 2023. Industry would appreciate early guidance on how PoW will interact with diversification leases, particularly any third party consultation and buffer zone requirements.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
46.	APLA	<p>"A search of the Register of Aboriginal Sites for Lodged and Registered sites..." The word "Lodged" has been added without consultation with industry stakeholders as shown on the POW application of 25th March 2020 (not present) but in May 2022 the word "Lodged" appears. The increase in Lodged sites has a massive implication for the prospecting and exploration industry. APLA asks why this word was added without consultation?</p>	<p>This section been updated in light of the intended repeal of the <i>Aboriginal Cultural Heritage Act 2021</i>.</p> <p>There are no changes to the heritage considerations that were in place whilst the <i>Aboriginal Heritage Act 1972</i> was in force.</p>
47.	APLA	<p>Further to the above, "DMIRS will conduct parallel assessment, but withhold a decision on applications until evidence of consultation with the Department of Planning, Lands and Heritage (DPLH) has been provided."</p> <p>APLA needs DMIRS to support the entire mining industry by removing the need under the proposed regulations of the ACH Act whereby DPLH is proposing that an "ACH Investigation" be carried out at the time when a POW or any work programme is lodged. APLA states that it is in the interest of Aboriginals and the State to have all land cleared of heritage sites, placed on the new Directory, to allow the continuity of work and flow of investment for the mining sector. This will possibly need State and Federal funding to identify and registered these heritage sites as it involves both State and Federal Acts.</p>	<p>Comments noted.</p>
48.	CME	<p>CME consider it is important the primacy of DPLH in regulating heritage is recognised with duplication of jurisdiction avoided wherever possible. This is important to avoid duplication of assessment and unnecessary delay for <i>Mining Act 1978</i> approvals.</p> <p>CME therefore recommended the guidance note that proponents must engage with DPLH as per their obligations under the ACH Act.</p>	<p>This section has been updated to clarify that when preparing a Programme of Work, tenement holders must undertake an enquiry/search of the Department of Planning, Lands and Heritage's Aboriginal Cultural Heritage Inquiry System. Where activities proposed under a Programme of Work have the potential to impact Aboriginal heritage, tenement holders should liaise with DPLH in order to understand their regulatory requirements.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.3. Liaison with other Agencies			
49.	Lance Fraser	<p>The multiple references to Administrative Agreements/Procedures etc should have some explanation attached, especially if they have not been contained in any previous forms.</p> <p>Detail should have been provided as to how they were achieved and what benefit they will provide to the industry.</p>	<p>Administrative agreements referenced throughout the document were made in consultation with the relevant Departments as a means to formalise consultation processes between Departments that have been standard practice for many years.</p> <p>The administrative agreements do not introduce any new PoW assessment criteria, rather, their inclusion in this document has been done to provide clarity and transparency around external referral processes during PoW assessments.</p>
50.	CME	<p>CME considers further guidance would be helpful for proponents to understand the triggers for liaison with other agencies. Improving insights into the thresholds and triggers used to determine the need to refer to other agencies would assist in planning and approach to PoW applications. Specifically, where a proponent, through avoidance or through application of existing approved management processes, can demonstrate an activity proposed would not impact a relevant area which could then remove the need for referral to other departments.</p> <p>Understanding that at certain times DMIRS is required to liaise with other agencies with regards to PoW's.</p>	<p>The administrative agreements referenced throughout the guidance document provide further detail on situations in which PoW applications may be referred to another agency.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.3.1. Environmental Protection Authority			
51.	CCAA	Section 1.3.1 EPA: there should be an allowance for discretion for different types of exploration works given the large exclusion areas proposed by DMIRS, e.g. – a 50mm drill hole within a State Forest does not present the same environmental risk profile as a test pit in a State Forest. Whilst the spatial application system gives the proponent the option to exclude areas from their work program, there is the potential for extended approval wait times if exploration works are required to be referred to other government departments. This has flow on effects of potentially not being able to reach minimum expenditure of exploration licences due to extended approval timeframes, other permits/approvals expiring, etc and as a matter of principle, should be minimised where ever possible.	Under the Administrative Agreement between DMIRS and DWER, a PoW that intersects any criteria referenced in section 1.3.1 is not automatically referred to the EPA. Rather, the Administrative Agreement establishes that DMIRS may seek comment from the EPA if the PoW is considered potentially environmentally significant.
52.	EGPA	EGPA questioned senior DMIRS staff on 21/02/2023 at Kalgoorlie about Item 1.3.1 on page 7 of the said document and DMIRS conceded that “most of these provisions do not apply in the Eastern Goldfields”. However, the EGPA is aware these provisions are being applied with negative consequences to the proponents.	
53.	FMG	<p><i>1.3.1 Consultation between DMIRS and the Environmental Protection Authority (EPA) may be triggered where PoWs are considered environmentally significant when applying the EPA’s significance test (consideration of significance). Consultation may be triggered where PoWs meet any of the following criteria (subject to DMIRS applying the EPA’s significance test):</i></p> <p>To avoid unnecessary referrals and efficient use of government human resources, the triggers for referring a PoW to the EPA should be further defined. The use of the term “may” is vague.</p> <p>Referring a PoW to the EPA – or any other Department - significantly increases the timeframe for approval and uses valuable Assessing Officer and administration resources. The decision to refer a PoW to another Department should be made in consultation with the applicant, to allow for additional information to be provided prior to referral. Assessing Officers should communicate clearly on what grounds the PoW is being referred, and the expected timeframe for approval.</p> <p>If applicants are given clearer information on what grounds a PoW may be referred, they may be able to design the PoW to avoid the need for referral. This would also allow for a more transparent approval pathway and predictable timeframes.</p>	<p>Reviewing the consultation triggers outlined in the DMIRS/DWER Administrative Agreement is out of scope of this guidance document.</p> <p>Notwithstanding this, the Administrative Agreement establishes that prior to consulting with the EPA on whether a PoW should be referred, DMIRS assessing officers should:</p> <ul style="list-style-type: none"> undertake an internal risk assessment of the application applying the EPA’s significance test; and consult with relevant Team Leader prior to consulting with the EPA. <p>Further details on when an application may be referred to the EPA can be found in the Administrative Agreement between DMIRS and DWER - DMIRS and DWER key documents (www.wa.gov.au). Where a proponent identifies that their proposed works may meet the referral criteria, DMIRS encourage early consultation.</p>

Ref #	Stakeholder	Comment	DMIRS Response
54.	EGPA	The administrative agreement referred to as <i>Administrative Agreement between DMIRS and DWER</i> Document signed by Phil Gorey Acting Director General Department of Mines, Industry Regulation and Safety, 6 January 2021 and Mike Rowe Director General Department of Water and Environmental Regulation, 21 January 2021 had no consultation with interested parties, yet DMIRS seeks consultation when the agreement has already been agreed upon. (1.3.1. page 7)	<p>Section 1.3.1. refers to DMIRS' liaison with the Environmental Protection Authority (EPA) when a PoW application triggers certain criteria and has been included in this guidance document to provide transparency and clarity.</p> <p>The Administrative Agreement is currently referenced on page 2 of the existing PoW-P form. Liaison between DMIRS and the EPA on potentially significant PoWs, using the criteria outlined in the Administrative Agreement has been standard practice for many years with the Agreement being created to formalise this process.</p> <p>Please note that under the Administrative Agreement, a PoW that intersects any criteria referenced in section 1.3.1 is not automatically referred to the EPA. Rather, the Administrative Agreement establishes that DMIRS may seek comment from the EPA if the PoW is considered potentially environmentally significant.</p>
1.3.4. Department of Climate Change, Energy, the Environment and Water			
55.	APLA	1.3.4 Department of Climate Change, Energy, The Environment and Water APLA requires DMIRS to outline in detail issues that may trigger or affect this clause.	<p>Comment noted. Information on Matters of National Environmental Significant can be found on DCCEEW's website - Significant Impact Guidelines 1.1 - Matters of National Environmental Significance - DCCEEW.</p> <p>The guidance has been updated to include reference to this document.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.4. Environment			
56.	EIANZ	<p>Regarding dieback management (section 1.4.2), fibrous and radioactive materials (section 1.5) and management plans and baseline surveys:</p> <p>Suggest providing a checklist, standard template or include examples to which the Department want certain plans/procedures (eg. Dieback Management Plan or plans for fibrous and radioactive management)</p> <p>Some explorers are not aware what these standard management plan should look like, and providing guidance would assist companies with capturing the 'correct' information.</p>	<p>Further information on dieback management can be found in the Management of Dieback Disease in Mineral Exploration on the DMIRS website.</p> <p>The regulation of fibrous/radioactive material management in exploration and prospecting is the responsibility of DMIRS Worksafe Mines Safety directorate, so the development of standard templates for these plans is beyond the scope of this guidance.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.4.1. Clearing of Native Vegetation			
57.	EIANZ	<p>Regarding clearing of native vegetation:</p> <p>The word 'could' in the statement '<i>When this is considered, even driving over vegetation (including grasses and regrowth) could be considered clearing</i>' is ambiguous. Suggest instead '<i>repeated driving over vegetation in one location, where vegetation and root stock are clearly damaged, is considered clearing</i>'.</p> <p>'Area disturbed' needs to clearly state that the disturbance includes windrows, riling, steep terrain pad windrows/base and veg stockpiles. Many explorers assume it is only the 'workable' area (pad, track etc) that the approved dimensions apply to and do not take into account the whole disturbance footprint.</p>	<p>The intention of this sentence is to clarify that there may be circumstances where driving over vegetation constitutes clearing if it meets the definition under section 51A of the <i>Environmental Protection Act 1986</i>.</p> <p>Comment regarding 'area disturbed' is noted.</p>
58.	CME	<p>CME members have advised that in some instances they have be directed by DMIRS assessing officers to submit a Clearing Permit application for exploration activities located within 2km of a Threatened Ecological Community (TEC) when an exemption should have been progressed. It appears that this issue arises because of inconsistencies between the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (clearing Regs), DMIRS Guidance and the Environmentally Sensitive Areas (ESA) Mapping Tool.</p> <p>In the ESA Mapping tool ESAs are shown with a 2km buffer, however no such buffer exists in the Clearing Regs. Members have advised that resolving this issue takes significant amounts of time for themselves and officers within DMIRS and DWER.</p> <p>The review of the POW Guidance is considered an opportune time for DMIRS to engage with DWER to address this inconsistency to ensure that POW guidelines align with regulatory requirements. This will improve clarity for proponents and maximise efficiency for the regulator(s) and proponents.</p>	<p>Comment noted.</p>
1.4.2. Dieback Management			
59.	CCAA	<p>Section 1.4.2 Dieback Management: CCAA recommends the Guide also link to the 2021 Dieback Working Group document, <i>Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries</i> which provides up to date information in a risk based format for exploration works.</p>	<p>Comment noted. DMIRS is currently looking to update its Dieback Guideline in consultation with the Department of Biodiversity, Conservation and Attractions and the Dieback Working Group, and will update the PoW Guidance if required once finalised.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.4.3. Environmental Management and Rehabilitation			
60.	EIANZ	<p>Suggest including the following in the useful rehabilitation data to track:</p> <ul style="list-style-type: none"> • pad dimensions approved • sump dimensions approved • track width approved • pad dimensions cleared • sump dimensions cleared • track width cleared 	Comment noted.
61.	CME	<p>A significant amount of disturbance data is already reported under the Mining Rehabilitation Fund (MRF). It is not fully clear as to what the requirement for a report under a PoW condition is intended to deliver. If this is to be a standard condition, clarification of the purpose and content of this report will be required.</p> <p>It would also be useful for industry to understand how this differs from existing rehabilitation reporting through rehabilitation reports and the MRF, both also supplied to DMIRS.</p>	<p>Comment noted and the wording of this section will be reviewed for clarity.</p> <p>DMIRS considers that in order to monitor compliance with rehabilitation tenement conditions, tenement holders should already be tracking activities and rehabilitation on a tenement. The new tenement condition referenced in this section is intended to give DMIRS the ability to request rehabilitation data if deemed necessary.</p> <p>DMIRS acknowledges that rehabilitation data tracked will be proportionate to, and dependent on, the scale and nature of the exploration program. The list provided in section 1.4.4 is guidance only and is intended to provide guidance on the type of rehabilitation data that would be useful for tenement holders to track in order to demonstrate compliance with rehabilitation tenement conditions.</p> <p>The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate compliance with all conditions and environmental management and rehabilitation practice commitments.</p>

Ref #	Stakeholder	Comment	DMIRS Response
62.	CME	<p>Additional questions CME has regarding this proposed requirement:</p> <ul style="list-style-type: none"> • Is it intended this new condition will be applied retrospectively to existing tenements? Or only those granted from a certain date? • How will DMIRS account for existing POW's or those about to expire that have met their rehabilitation obligations? • What is the rationale for this new condition? What gap in reporting is this intended to address?? • How will DMIRS ensure alignment with other rehabilitation reporting regarding data to avoid misalignment. • Has DMIRS identified compliance issues that would necessitate this prescription? • What compliance activities is DMIRS proposing in order to confirm this data is recorded? • What is the proposed use of this data within DMIRS? 	<p>The rationale for this new condition is to ensure clarity regarding DMIRS' ability to request rehabilitation data from tenement holders, in order to review compliance with PoW commitments.</p> <p>Once the DMIRS schedule of standard conditions has been updated, these new conditions will be imposed on all new mining tenements at grant. For existing tenements, the Department will update and/or impose these new conditions progressively. Tenement holders will be advised in writing once they have been updated.</p> <p>Rehabilitation reports (if requested) will be reviewed as part of DMIRS's annual compliance plan, or on a case-by-case basis when considered necessary.</p> <p>In addition to ensuring compliance the data will also be used to track exploration and its rehabilitation throughout the State.</p>
63.	APLA	<p><i>"DMIRS is proposing to introduce a new tenement condition requiring tenement holders to record all rehabilitation activities that have been conducted, and provide these records to DMIRS upon request."</i></p> <p>APLA needs DMIRS to consider a multi-tier approach to the above condition. Prospectors are very conscious of the requirements of the DMIRS environment department and take all necessary steps to ensure all the rules and regulations are followed. Reporting should be made simple by stating; Tenement number, POW number, date of disturbance commenced, date of rehabilitation commenced, date of disturbance finished, date of rehabilitation finished. As prospectors the maximum allowed opened at any one time is 2.2 hectares and once this area has been explored, it is rehabilitated and a new area is opened.</p> <p>Reporting to the detail that has been suggested is not practical as prospectors don't have sufficient resources to cope. Bigger mine operators have the resources to record, log, store and process the ground disturbance operations in a progressive a manner on a much larger scale.</p>	<p>DMIRS acknowledges that rehabilitation data tracked will be proportionate to and dependent on the scale and nature of the exploration program. The list provided in section 1.4.3 is guidance only and is intended to provide guidance on the type of rehabilitation data that would be useful for tenement holders to track in order to demonstrate compliance with rehabilitation tenement conditions.</p> <p>The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate that all rehabilitation requirements have been met.</p>

Ref #	Stakeholder	Comment	DMIRS Response
1.6. Cover Letter and Supporting Documents			
64.	CME	<p>CME members submit the following questions in relation to this section:</p> <ul style="list-style-type: none"> • Can DMIRS provide clearer guidance as to in what circumstances additional information would be required? Is there internal guidance on when an assessing officer may need to seek additional information? • CME considers that wherever possible, it should be the preference for proponents to be aware prior to application of any thresholds or triggers within their application which may lead to further information being required, rather than waiting to receive a request for further information from the Department. • It is noted that there have in the past been inconsistencies between requests based on individual officers. Applying these processes consistently, accompanied by clear guidance available prior to application, would address some of these ongoing concerns. 	<p>'Additional information' includes any additional information which will assist in the assessment of the PoW. Section 1.6 of the Guidance document has been updated.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p>
1.7. Management Plans and Baseline Surveys			
65.	EIANZ	<p>Management plans and baseline surveys:</p> <p>Regarding the statement '<i>Where the proposed works intersect sensitive environmental features or conservation significant species, or where significant environmental impacts resulting from the proposed activities are possible</i>', we suggest significant environmental impacts are defined.</p> <p>Does this take into account cumulative impacts? This needs to be better defined so that companies can anticipate the requirement for biological survey.</p>	<p>Comment noted. The guidance provides examples of potential triggers for management plans in section 1.6, noting that this is not an exhaustive list.</p> <p>High cumulative disturbance is taken into account and is listed in the guidance as a potential trigger.</p>
66.	EIANZ	<p>Please define what is meant by 'current enough' with regards to biological surveys for conservation significant species. Suggest that this should be linked to the requirements established in the WA EPA technical guidance for flora and vegetation and fauna surveys.</p>	<p>Comment noted and this section has been updated to replace "current enough" with "surveys should be able to demonstrate reliability of the data, with consideration given to suitability of survey methods, data analysis, timing of survey or status changes since reporting" to reflect the WA EPA technical guidance for flora and vegetation and fauna surveys.</p>

Ref #	Stakeholder	Comment	DMIRS Response
67.	FMG	<p>The requirement for biological surveys detailing the presence of conservation significant species should be considered in proportion to the stage of the exploration project. For first pass exploration programs, desktop assessments of environmental impacts should be considered sufficient. Baseline surveys should be carried out when a project has had exploration success, and the project is moving towards infill or resource delineation drilling.</p> <p>There are authoritative government online databases which can be used to allow the applicant to make a determination of the potential impact of their exploration program. Due to the small size and temporary nature of exploration programs, it is unlikely they will adversely impact the conservation status or distribution of flora and fauna species.</p> <p>Additionally, it is unrealistic to expect that on ground biological surveys will take place prior to exploration discovery due to budget and timing constraints. Testing conceptual drilling targets in remote locations, with minimal disturbance or impact to the environment should not require a baseline survey to be carried out. If a discovery is made, and the project progresses, that is the appropriate time to ensure the correct baseline environmental survey data is being collected, to know the potential impacts.</p>	<p>DMIRS acknowledges that the requirement for baseline surveys will be dependent on the nature, complexity and location of an application.</p> <p>Notwithstanding this, the environmental sensitivity of an area should also be taken into consideration when determining the requirement for baseline surveys.</p>

Ref #	Stakeholder	Comment	DMIRS Response
68.	CME	<p>This section of the guidance doesn't provide a template for proponents, or indicative timing for the assessment of an Exploration Environmental Management Plan (EEMP) and Conservation Management Plans.</p> <p>As a result, CME considers there is risk that this section will be subject to inconsistent interpretation by individual officers. This risk has a direct impact on the ability for a proponent to plan and consider resourcing. CME have the following questions regarding the proposed approach:</p> <ul style="list-style-type: none"> • How does DMIRS determine these criteria with regards to triggers? Where is this drawn from? • How does DMIRS define high cumulative impact? • Do these criteria influence the request for further work and information in the specific area? If so, what is the weighting applied? How does DMIRS assess the criteria? • What is the trigger for a biological survey? We note the dot points, but these are not sufficiently defined to provide high-level clarity regarding how DMIRS will assess and view these criteria. • With regards to referencing the ability to rely on previous EEMP or surveys, what is the timing for this? Is there an expiry of the time lapsed? 	<p>Comments noted and this section has been updated to provide further details on baseline surveys and management plans. DMIRS will consider developing targeted management plans guidance in the future, and a dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p> <p>Criteria for the requirement for baseline survey(s) and/or a management plan are largely based on the scale and nature of the proposed activities, and/or the environmental sensitivity of the area.</p> <p>Consideration of cumulative disturbance is dependent on many factors, including the environmental sensitivity of the area, size of the tenement, rehabilitation status of prior disturbances, timeline for when prior disturbances were conducted, etc.</p> <p>Where previous surveys or management plans are referenced they should be able to demonstrate reliability of the data, with consideration given to suitability of survey methods, data analysis, timing of survey or status changes since reporting</p>
2. Post-Approval			
69.	APLA	<p>"Once approved, no amendments can be made to a POW. Any alterations or expansion of approved activities requires a new POW to be lodged and approved." APLA considers this approach to be too rigid and flexibility is required when minor changes are needed to allow ongoing operations to continue i.e extra drill holes on the extreme boundary of the POW, when scraping and detecting allowance for greater depth as not known at the time of the original POW application.</p>	<p>Comment noted. As outlined above, DMIRS are in the process of developing a new system. Capability for alterations to lodged PoWs will be considered through process of developing this new system.</p>

Ref #	Stakeholder	Comment	DMIRS Response
2.1. Extension of Time to Complete Works			
70.	FMG	The level of detail provided in the guidance regarding the requirement for requesting an extension of time to complete works is excellent. However, it is unclear how these requests should be lodged – should the request be emailed to an assessing officer directly, or is there the capacity to lodge through the EARS system? As assessing officers can leave DMIRS or move within the Department, there is a need for a centralised way to lodge and track these extension requests.	Currently extension requests can be made through the assessing officer or the relevant contact on the DMIRS website - Environment contacts (dmp.wa.gov.au) . DMIRS is looking to standardise the submission of extension requests through the future online system.
71.	FMG	Secondly, the difference between an extension of time to complete works and an extension of time to complete rehabilitation is not clear and requires further guidance. For example, if a PoW for a laydown is due to expire after its 4-year term, but the laydown area will continue to be used for another purpose, is an extension of time to complete works required, or, an extension of time to complete rehabilitation? In this case, there are no further works planned for the PoW (the laydown has been cleared) but rehabilitation is not possible due to ongoing use by the proponent. Similarly, if access tracks within an expiring PoW are still required for access to other exploration projects, is an extension of time to complete works required (to continue to use these tracks and maintain them) or is an extension of time to complete rehabilitation required (as the tracks will not be rehabilitated by the PoW expiry)?	An extension of time to complete works is for extending the life of a PoW in order to carry out planned works but does not extend the rehabilitation timeframe (which is determined by tenement conditions). An extension of time to complete rehabilitation is for extending the timeframe during which rehabilitation must be completed. Both extension requests are independent of each other meaning an extension of time to complete works does not automatically grant an extension of time to complete rehabilitation and vice versa. Further clarification on rehabilitation timeframes is provided in section 3 of the draft Exploration and Prospecting Rehabilitation Guidance.
72.	FMG	Lastly, how is this updated expiry date tracked? PoW approvals are granted for a 4-year timeframe – do both types of extensions formally extend the approval timeframe for a PoW approval?	DMIRS has internal data tracking systems to track expiry dates of PoWs and rehabilitation commitments. Both extension requests are independent of each other meaning an extension of time to complete works does not automatically grant an extension of time to complete rehabilitation and vice versa.

Ref #	Stakeholder	Comment	DMIRS Response
73.	CME	<p>Provision of the ability for minor amendments to be made to a POW would be welcome. Noting that DMIRS could work with proponents to develop a set of criteria for what constitutes a minor alteration with an ability for this to be undertaken via the ICT system which could then flag these minor changes for additional review. Such clarifications include:</p> <ul style="list-style-type: none"> • Can a proponent extend some areas and surrender others that are completed? Can a proponent seek to transfer uncompleted works to a new PoW or another PoW? • How does DMIRS determine 'a sufficient justification'? CME notes this language is vague and does not provide insight to the criteria applied. • Is there timing for when the request must be made, e.g., six months prior to expiry? What timeframes are DMIRS expected to meet for responding to proponents? i.e., within 30 days? 	<p>The ability for applicants to make amendments to an approved PoW is out of scope of this guidance. Any changes to an approved PoW requires a new PoW in order for impacts of the additional work to be captured and assessed. As outlined above, DMIRS are in the process of developing a new system. Capability for alterations to lodged PoWs will be considered through process of developing this new system.</p> <p>Extensions can be made to a specific component of the PoW however, there is currently no mechanism to 'surrender' specific areas of a PoW. Surrendering disturbance is outside the current scope of this guidance however, DMIRS acknowledges this matter for future consideration.</p> <p>The guidance has been updated to instead reference "reason for extension request".</p> <p>There is no specific timeframe to lodge an extension request however, proponents should submit requests as early as possible to allow sufficient time for processing prior to expiration of the PoW. This will mitigate the risk of the PoW expiring before the extension is approved.</p>

Ref #	Stakeholder	Comment	DMIRS Response
2.2. Extension of Time to Complete Rehabilitation			
74.	AMEC	<p>Section 2.2 on a request for the extension of time for rehabilitation is currently too brief to provide sufficient guidance to an operator looking to seek an extension.</p> <p>Greater detail is needed on what the decision-making thresholds Government faces when considering granting an extension. Are there circumstances when an extension will not be granted? Industry feedback has been consistent that a single year can, in certain environments, be an ambitious timeframe. For this reason we consider there may be an administrative benefit to extending the rehabilitation timeframe for a further year.</p> <p>AMEC suggests that a standardised form for an extension request would have benefits for both industry and Government.</p>	<p>Section 3 of the Exploration and Prospecting Rehabilitation Guidance contains more information on how to submit a request for an extension of time to complete rehabilitation.</p> <p>There are several circumstances in which extensions will not be approved. For example, extensions are unlikely to be granted when leaving areas open for extended periods of time may have a detrimental impact on a sensitive environment, the rehabilitation is already overdue at the time of request and there is a non-compliance as a result, or when the proponent has not made rehabilitation a priority and there is no reasonable justification for why the rehabilitation has not been completed.</p> <p>DMIRS will look to update its standard tenement condition to extend the rehabilitation timeframe from 6 months to 12 months. It is anticipated that extending rehabilitation timeframes to 12 months will significantly reduce the volume of rehabilitation extension requests received by DMIRS, however, where there is valid justification, tenement holders may still request additional time to complete rehabilitation.</p> <p>DMIRS is looking to standardise the submission of extension requests through the future online system.</p>

Ref #	Stakeholder	Comment	DMIRS Response
Other			
75.	EIANZ	There is no mention of Excess Tonnage In the first document. There is only a brief mention of hillside drilling. Both of these are significant activities.	Comment noted however, this guidance document is not intended to outline the excess tonnage process. For further information on excess tonnage please refer to the excess tonnage guideline - Excess tonnage procedure available online (dmp.wa.gov.au) .
76.	AMEC	<p>Triggers and thresholds</p> <p>While the guidance does provide a useful high level overview of the Department’s perspective, greater granularity of what triggers, thresholds and events will cause a proponent to require further information.</p> <p>Drafting guidance to minimize stop the clock events</p> <p>AMEC appreciated that DMIRS publishes reports on the Department’s Environmental Assessment approvals timeframes. We noted that in 2021-22, the most common stop the clock events for PoW were requesting information (RFI) from the proponent with 1,073 (34.03%) of the finalised applications subject to this event. The report helpful clarifies that of these RFIs:</p> <ul style="list-style-type: none"> • 20% related to both baseline data and management practices for flora and fauna; • 18% related to the size and distancing of drill pads. <p>Greater detail on Government expectations for these two common RFIs in this document would be greatly appreciated. The current drafting relating to baseline data is cursory in what details are needed. A template and/or examples would be appreciated, and greater detail about how the Department assesses the data provided.</p> <p>Industry believes Government has a clear understanding of what it wants for the size and distancing of drill pads: this guidance should simply state that.</p>	<p>DMIRS acknowledges that previously it has utilised a set of ‘standard drill pad sizes’ when assessing the appropriateness of drill pad sizes proposed in Programme of Works.</p> <p>However, in moving towards a risk-based approach to regulation that focuses on environmental impacts and outcomes, DMIRS is moving away from having a set of accepted drill pad sizes and instead, recognises that dimensions for drill pads and tracks are variable and based on factors such as safety considerations, location, topography, drill type, and environmental factors.</p> <p>In relation to the baseline data and management practices for flora and fauna, relevant sections of the guidance document have been updated to provide further clarity.</p> <p>A dedicated exploration team now exists within DMIRS to provide greater consistency when addressing exploration matters.</p>

Ref #	Stakeholder	Comment	DMIRS Response
77.	AMEC	<p>Style guideline</p> <p>Clarity on the expectations regarding formatting for PoWs submitted over the counter would reduce processing timeframes.</p>	<p>The only hard copy PoWs accepted by DMIRS are prospecting PoWs (noting that prospecting PoWs can also be lodged via the PoW Spatial System).</p> <p>Hard copy applications must use the PoW-P form which can be found on the DMIRS website - Apply for a Programme of Work (dmp.wa.gov.au).</p>
78.	AMEC	<p>Checklists</p> <p>Industry has consistently asked AMEC for a checklist to comply with a PoW. The structure of the online system ensures that content is provided in the correct way, however, not all of Industry uses the online system and not all applications via the online system are granted. An appendix with a nondigital checklist that lists the expectations would be comprehensive and useful.</p>	<p>Comment noted. DMIRS has updated the document to include a pre-submission checklist to assist proponents in preparing a PoW submission.</p>

Ref #	Stakeholder	Comment	DMIRS Response
Exploration and Prospecting Rehabilitation Guidance			
General Comments			
79.	CCWA	<p>DMIRS guidance points</p> <p>The cited objective of the DRAFT Exploration and Prospecting Rehabilitation Guidance document (the Guidance) is to “clearly identify DMIRS’ expectations for rehabilitation of mineral exploration and prospecting activities.”</p> <p>The overarching principle of the Guidance is “that the minimisation of clearing and/or disturbance and proactive rehabilitation should be some of the highest priorities for explorers and prospectors. Early identification and management of the potential environmental impacts of an exploration or prospecting operation can also provide cost benefits when meeting rehabilitation obligations.”</p> <p>CCWA submission points</p> <p>CCWA provides the following points for consideration by DMIRS for the DRAFT Guidance:</p> <p>Rehabilitation should involve the removal of all infrastructure.</p> <ul style="list-style-type: none"> • Inspection and monitoring of rehabilitation requires more detail. • Rehabilitation timeframes require greater clarity. • A clear definition of rehabilitation is required. 	DMIRS acknowledges CCWA’s comments and thanks CCWA for providing a submission. Comments are addressed in detail below.
80.	FMG	<p>Fortescue welcomes the Rehabilitation Guidance, which provides clarity around the Department’s expectation for rehabilitation.</p> <p>However, further detail is required to explain how the specific details will work in practice in the field. Fortescue considers the current “six months after drilling completion” tenement condition impractical and unachievable in a large range of circumstances.</p>	DMIRS acknowledges FMG’s comments and thanks FMG for providing a submission. Further comments on rehabilitation timeframe are provided below.

Ref #	Stakeholder	Comment	DMIRS Response
81.	AMEC	Industry feedback on this document should seek an outcome rather than prescribe the details of the process. There has been feedback appreciating the use of diagrams. The expectation from industry is that a site is returned to a similar condition that it was found.	This document is intended to be used as guidance and is not prescribing specific rehabilitation strategies.
82.	CME	In general, the content of this document is welcomed. However, aspects of the guidance do not fully reflect industry practice or provide sufficient flexibility to capture the realities of operating across the state and in a range of different environments. Some of practices outlined do not reflect industry best practice, and if applied, risk creating challenges for industry to comply from a safety perspective. To balance this, CME is supportive of an outcome-focused guide to rehabilitation to make areas safe and meet environmental obligations. Greater clarity on administrative and compliance processes is required to ensure proponents are clear on expectations from DMIRS. It is also important that DMIRS appreciates the challenges faced by industry and can support proponents to meet rehabilitation obligations.	Specific rehabilitation practices adopted are at the discretion of the tenement holder, provided they meet the requirements of the Mining Act, tenement conditions and commitments made in the PoW application. Proponents have the flexibility to apply this document in the manner that is best suited for their exploration and prospecting programs with the flexibility to implement the processes they believe are most suitable.
83.	EGPA	DMIRS expectations in this document are prescriptive and unworkable for most prospectors. The content clearly increases regulatory burden, decreases flexibility, and eliminates good practical common-sense discretion. We are extremely disappointed when DMIRS are constantly referring to streamlining, reducing regulatory burden, making processes easier and helping/facilitating the exploration sector. 1. This Document if applied with strict interpretation (taken literally), is dangerous to our industry, as it does not allow operational flexibility to still achieve good environmental outcomes. 2. The guidance document should be used as guidance only, not for DMIRS to state its strict expectations, (should be DMIRS preferred expectations).	
84.	EGPA	Prospector-scale activities are only a very small percentage of the cumulative impacts of industry and this needs to be understood.	
85.	APLA	APLA appreciates the opportunity to provide a submission for the Exploration and Prospecting Rehabilitation Guidance as requested by the Department of Mines, Industry Regulation and Safety. APLA has over 2,000 members and many members are full-time prospectors, holding tenements throughout Western Australia. As prospectors, APLA members are very conscience of the impact their activities have on the surrounding environment and ensure that after completing their activities the site is rehabilitated to an acceptable standard.	DMIRS acknowledges APLA's comments and thanks APLA for providing a submission. Comments are addressed in detail below.

Ref #	Stakeholder	Comment	DMIRS Response
1. Introduction			
86.	CME	CME recommend a similar introduction to this should also be included within the PoW guideline to set document context. Alignment of formatting and approach would assist in transferability and application.	Comment noted.
3. Rehabilitation Timeframes			
87.	EIANZ	Our comments on this draft guidance include: <ul style="list-style-type: none"> • Please clarify how DMIRS will approve a written request for an extension to undertake rehabilitation prior to the rehabilitation due date. • Please provide clarification on circumstances where extensions will or will not be approved. 	Extension requests are approved in writing by DMIRS. There are several circumstances in which extensions will not be approved. For example, extensions are unlikely to be granted when the rehabilitation is already overdue at the time of request and there is a non-compliance as a result or where there is not a reasonable justification for why the rehabilitation has not been completed.
88.	CCWA	C. Rehabilitation timeframes require greater clarity. While CCWA broadly supports the inclusion of a standard tenement condition for rehabilitation timeframes at outlined in <i>7.3 Standard Conditions Clarifying Rehabilitation Timeframes</i> , this provision should not allow for delays to rehabilitation that can be carried out immediately, including for the noted examples of exploration drilling and drill hole rehabilitation. Furthermore, and as noted in (B) above, ongoing assessment of rehabilitation outcomes should be required beyond the suggested sign-off at 6 months after the infrastructure is no longer required, or from the program of works expiring. This requirement for any ongoing rehabilitation is unclear.	Comments noted. A single standard rehabilitation condition clearly articulates DMIRS' expectation to proponents and avoids any confusion that could arise from having different rehabilitation timeframes for different activities. DMIRS recommends that where practical, applicants monitor the progress of rehabilitation works to ensure rehabilitation outcomes are met.

Ref #	Stakeholder	Comment	DMIRS Response
89.	FMG	<p>It is impractical to expect rehabilitation to be completed within 6 months. POW approvals can be granted for a variety of purposes, and are frequently used throughout the 4 year approval term. The time and duration of approved activities is variable, dependant on numerous external factors. Exploration programs are fluid, relying on multiple moving parts which do not fit into 6-month timeframes. Expecting rehabilitation to be completed within a 6-month period is unrealistic based on the following:</p> <ul style="list-style-type: none"> • Seasonality of exploration programmes; works are commonly undertaken during the dry season as exploration areas are not accessible during the wet season. Roads become impassable and machinery gets bogged. • Exploration operations can be constrained by operational requirements of the pastoral station on which the works are being conducted (e.g., mustering), reducing the time available to access the project to complete works. • Spread of exploration projects; Fortescue has a rotating clearing, drilling and rehabilitation schedule across Western Australia. Machinery used for clearing is relocated to a new project in advance of drilling. Rehabilitation is undertaken when machinery returns to the project area, which may be the following year, depending on the schedule. • Exploration projects are frequently based out of temporary camps, which are not opened every year. This scheduling is also affected by weather and access, and adjustments are constantly required as a result. • Adequate time is required to allow proper assessment of geological information obtained from drilling. Delays at laboratories can result in assay results not received until 6 months after a drilling programme is completed. Time is required to fully assess the data and develop targets prior to rehabilitation of drill pads and access tracks. • As exploration projects progress, there is often a requirement to return to drill pads to complete additional works such as downhole environmental surveys, hydrological monitoring, or other downhole surveys (e.g. geophysical surveys). Drillholes may be twinned due to assay results, not completing the hole to the required depth due to mechanical issues, or further diamond or geotechnical drilling being required. • Environmental surveys such as stygofauna and troglofauna monitoring and trapping are regularly undertaken during the studies phase, when companies are developing exploration projects towards assessing viability for mining. The entire pad must remain unrehabilitated as disturbance in the vicinity may collapse the open drillhole. 	<p>DMIRS acknowledges stakeholder feedback that the rehabilitation timeframe for activities authorised under a PoW should be extended to 12 months.</p> <p>In view of this feedback, DMIRS will look to update its standard tenement condition to extend the rehabilitation timeframe from 6 months to 12 months. Once updated, all new tenements granted will reference the updated timeframe and DMIRS initiate a process to update existing tenements with the 12 month timeframe.</p>

Ref #	Stakeholder	Comment	DMIRS Response
		<p>It will be a significant administrative burden if companies are required to submit rehabilitation extensions for all drilled holes every 6 months. Fortescue submits approximately 100 PoWs a year, and drills on approximately 100 different PoW approvals each year. This amounts to a substantial increase in paperwork on industry to compile - and the Regulator to assess – a large number of extensions. In addition, as the request needs to be submitted prior to the rehabilitation being “due”, the assessment and approval of the 6-month rehabilitation extension needs to be assessed by DMIRS in a timely manner.</p> <p>Activities approved under a PoW do not all happen at once, as PoWs are granted for a 4-year term. For example, a PoW may be approved for 100 holes. 25 holes may be drilled in the first year, but then no holes are drilled in the second year, due to delays caused by heritage surveying or land access, for example. In the third year perhaps 25 holes are drilled again. Machinery and field personnel are not always present at all projects all the year to be able to complete rehabilitation within a 6-month period – sometimes not even within a 12-month period.</p> <p>Fortescue instead is supportive of a standard 12-month rehabilitation timeframe, where only specific and exceptional circumstances could be used to justify longer periods for rehabilitation extensions. This would reduce the administrative burden on both industry and government, and provide a more practical solution to completing rehabilitation in a timely manner.</p>	
90.	EGPA	<p>Timeframes of 6 months is insufficient and impractical, due to a wide range of circumstance such as remote area, adverse weather conditions, availability of equipment, machinery breakdowns/modern supply chain delays, assay result delays of 3 to 4 months, other external responsibilities, and other commitments. We suggest the time frame be a default time of 12 months. Further we suggest a can do attitude (more flexible and be non-prescriptive), from DMIRS if further time is required. Presently if a time extension is required an unnecessary essay/explanation must be written on why one requires extra time. Procedures are already spelt out and defined in the POW for the management of rehabilitation.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
91.	CME	<p>As outlined in our primary submission to this consultation, CME strongly recommends the extension of the rehabilitation timeframe from six months to twelve months.</p> <p>This better aligns to the requirements proponents have for reporting disturbance and rehabilitation under the MRF. Experience demonstrates that the six-month timeframe is not realistic for a majority of locations and work programmes.</p> <p>CME supports the intent of progressive rehabilitation, which must be balanced with efficiency and availability of the inputs required to undertake the work required.</p> <p>Currently a high number of PoW's are requested to extend their rehabilitation timeframe, resulting in excess workload for both proponents and DMIRS. A standard extension to twelve months, alongside a suitably rigorous process for further extension requiring sufficient written justification, is recommended by CME to deliver an appropriate balance which prioritises environmental outcomes while minimising unnecessary processing and administrative obligations.</p>	
92.	CME	<p>Noting the above, CME does not consider the current six-month rehabilitation timeframe is fit for purpose for PoW's. Meeting this timeframe is not practical or achievable in a wide range of circumstances, and this directly contributes to the significant volume of extension requests. CME consider that implementing a standard rehabilitation timeframe of twelve months would have a significant effect on addressing the root cause of the volume of extensions, and as a result deliver a positive impact on the workload for both proponents and DMIRS staff.</p> <p>Some common factors which contribute to extensions to rehabilitation timeframes include:</p> <ul style="list-style-type: none"> • Wet season impacting safe access to tracks, areas for rehabilitation (often restricting access for six months or more) • Seasonality of exploration programmes, with works often being able to be undertaken during dry seasons only. • Operational requirements of stakeholders, including pastoral stations, narrowing windows for exploration and rehabilitation works. • Availability of required machinery and people to undertake exploration and rehabilitation work, which continues to constrain work programmes. • Ongoing processing delays impacting timely access to the geological information necessary to complete work programmes (e.g., assays). With delays exceeding six months in many cases, there is often insufficient remaining time to fully assess the data and develop targets, which is necessary prior to rehabilitation of associated pads and tracks. 	

Ref #	Stakeholder	Comment	DMIRS Response
		<ul style="list-style-type: none"> • Access to areas required for further survey requirements prior to rehabilitating the area. E.g., further downhole environmental surveys, hydrological monitoring, downhole geophysical surveys, environmental surveying (for example for stygofauna and troglofaunal). Rehabilitation is not able to be fully completed until this work is complete for a specific hole(s). • Access to Traditional Owners, where required, for monitoring of rehabilitation works. <p>Given these factors remain outside of the control of proponents, it's not surprising that the majority of proponents are required to apply for extensions to the existing timeframe. CME consider application of a twelve-month timeframe, aligning with the timeframes for reporting on rehabilitation undertaken for Mining Rehabilitation Fund (MRF) purposes, would provide sufficient time to navigate these complexities without compromising on environmental outcomes. It is also noted that a twelve-month timeframe would better reflect the relative scale of the activities included under PoW's, when compared with those proposed under the new Eligible Mining Activities (EMAs), which have a six-month timeframe proposed.</p> <p>Alongside these changes, CME also suggest there is opportunity for the guidance to provide criteria for consideration of an extension request under this framework. Examples of criteria that would be considered relevant include heritage concerns, delays arising from other Department requests, inability to access areas due to ongoing extreme weather events, or exceptional circumstances which can be demonstrated to limit the practical ability to undertake rehabilitation, such as delays in access to materials and labour. It is proposed this set of criteria would be designed to meet an appropriate threshold and take into account the standard twelve-month timeframe.</p> <p>CME recommends that the standard rehabilitation timeframe is revised to twelve months, with additional clarity provided to set out criteria for obtaining a further extension, such as valid extenuating circumstances being demonstrated through appropriate evidence. The formalisation of a revised timeframe would better reflect current practicalities of undertaking rehabilitation on areas across Western Australia, reduce workload for DMIRS, and drive consistency in interpretation of extension requirements across the DMIRS.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
93.	CME	<p>Given the high frequency of extension requests for rehabilitation under PoW's, the inclusion of information regarding the process for extension of the rehabilitation timeframe is welcomed. CME consider there is opportunity for this guidance to be added to, to address some of the existing gaps in knowledge and process including:</p> <ul style="list-style-type: none"> • DMIRS formatting and information requirements for extension requests, • Direction to a standard portal or email to receive and process these requests, • Process for receipt and acknowledgement of extension requests, including indicative timeframes for approval. 	<p>Section 3 of the document contains guidance regarding the information requirements of an extension request. Provided adequate information is provided, DMIRS has no preference on formatting of requests.</p> <p>Extension requests can be made by contacting DMIRS by email at POWP@dmirs.wa.gov.au.</p> <p>Moving forward, DMIRS is looking to standardise the submission of extension requests through the future online system.</p>
94.	CME	<p>CME recommends:</p> <ul style="list-style-type: none"> • Inclusion of a timeframe • Extension of the existing timeframe to twelve months to align with MRF reporting. • Provide a process for application and consideration of an extension to the twelve-month timeframe for extenuating circumstances. <p>It is clear that the large volume of extension applications is leading to inconsistent approaches to extensions. For many proponents, this includes not receiving a response to an extension request which creates compliance concerns and flow-on workload implications when follow-up has to occur.</p> <p>Further, it's noted that extension requests or approved extensions are not shown in the ICT system and instead rely on emails direct to officers. This leads to an administratively inconsistent process.</p> <p>CME considers this could be rectified through system improvements to incorporate extension requests, and the revision of internal processes and requirements regarding extension requests.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
95.	CME	<p>There are also additional matters missing from this guideline that require clarification in order to assist proponents to clearly understand DMIRS expectations and requirements:</p> <ul style="list-style-type: none"> • There is a reference to rehabilitation being completed in specific timeframes, but they are not referenced in this section. • Further clarity is required regarding what the department deems to be reasonable justification for an extension. • Further clarity is required regarding the point at which an extension should be sought. CME would recommend a minimum of 60 days prior to expiry in the case of a 12-month rehabilitation timeframe, if it is to remain 6 months than 30 days would be more appropriate. Noting approval from DMIRS would be required prior to expiry of the rehabilitation timeframe. • Further clarification is required regarding when the six-month timeframe for rehabilitation commences. • Clarification on timeframes that DMIRS is required to meet in assessing and responding to extension requests. 	<p>Rehabilitation is to be completed within the timeframe outlined in tenement conditions, unless approved in writing by DMIRS.</p> <p>Justifications for rehabilitation extensions are assessed on a case-by-case basis. There are several circumstances in which extensions will not be approved. For example, extensions are unlikely to be granted when the rehabilitation is already overdue at the time of request and there is a non-compliance as a result or when the proponent has not made rehabilitation a priority and there is no reasonable justification for why the rehabilitation has not been completed.</p> <p>Requests for extensions should be submitted to the Department as soon as practicable after it is identified that an extension is required, and must be prior to the expiry of the PoW or rehabilitation timeframe. The guidance document will be updated to reflect this position. DMIRS processes these requests as soon as possible given workloads at the time.</p>

Ref #	Stakeholder	Comment	DMIRS Response
4. Rehabilitation Practices			
96.	CCWA	<p>A. Rehabilitation should involve the removal of all infrastructure.</p> <p>According to 4.2.4 <i>Management of Drill Spoil & Samples</i>, samples may be allowed to be disposed of into “sumps or other approved excavations”.</p> <p>According to 4.5 <i>Campsites</i>, campsite rehabilitation will allow for some infrastructure, for example, concrete pads, to be “broken up and buried”.</p> <p>CCWA opposes decommissioning or rehabilitation strategies that allow for infrastructure to be left behind and/or buried. Infrastructure that is left behind can, over time, breakdown and cause chemical pollution of soil and waterways; buried infrastructure can change soil structure/pH, producing ecological impacts to flora and ground/soil dwelling fauna (including micro flora and fauna) and remains an ongoing environmental risk and an unacceptable responsibility for future generations to manage.</p> <p>CCWA also notes that DMIRS’ <i>Draft Decommissioning Discussion Paper for WA onshore and State waters petroleum, geothermal and pipeline property, equipment and infrastructure</i>, considers as the baseline for its regulatory approach, the complete removal of property, equipment and infrastructure. CCWA argues that operations managed under the <i>Mining Act of 1978</i> present the same kinds of environmental risks and where these operations have been completed there should be the requirement to remove all property, equipment, and infrastructure.</p>	<p>Comments noted. This section has been updated to instead reference infrastructure needing to be disposed of “appropriately”, noting that disposal and rehabilitation method needs to be approved by DMIRS.</p>
97.	CCWA	<p>A clear definition of rehabilitation is required.</p> <p>The Guidance briefly describes rehabilitation practices and general rehabilitation requirements as including “the direct return of topsoil and cleared vegetation”.</p> <p>CCWA believes that the Guidance should include a more detailed account of rehabilitation practices and the expected long-term outcomes relating to protection of biodiversity and/or management strategies to return a rehabilitated site to its former state.</p>	<p>DMIRS’ objective for exploration rehabilitation is that all disturbances are temporary, and are rehabilitated as much as practicable to pre-disturbance conditions, being safe to humans and animals, non-polluting, and no permanent alteration of ecological function.</p> <p>Rehabilitation should be completed in a manner to meet DMIRS’ environmental objectives as outlined in the Environmental Objectives Policy for Mining - http://www.dmp.wa.gov.au/Documents/Environment/REC-EC-117D.pdf</p>

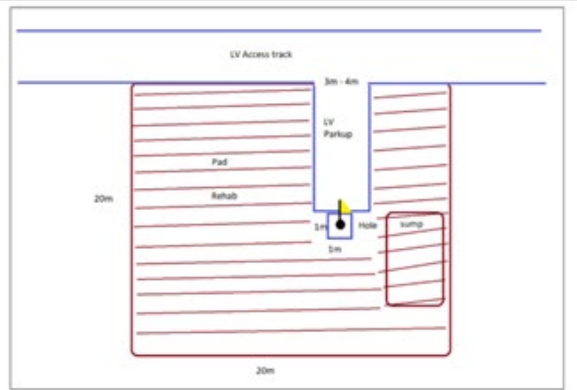
Ref #	Stakeholder	Comment	DMIRS Response
4.1 General Rehabilitation Requirements			
98.	AMEC	There has been feedback that the diversity of environments in Western Australia are not reflected in the rehabilitation expectations. Not all landscapes have sufficient top soil, for example, to meet a narrow interpretation of what is prescribed.	<p>This document is intended as guidance only. DMIRS acknowledges the diversity of the Western Australian environment and that proponents may need to employ alternative rehabilitation practices reflective of the environment in which they operate.</p> <p>The method of rehabilitation is to the tenement holder's discretion, provided it meets the requirements of the Mining Act, tenement conditions, and commitments made in the PoW application</p>
99.	CME	<p>General rehabilitation guidance should be reflective of the diversity of environments that are operated in.</p> <p>For example, some environments do not have any significant quantities of topsoil to stockpile. The ability to separate topsoil and other strata is quite often impractical in these environments.</p> <p>Guidance for rehabilitation should be outcomes-focused, enabling proponents to meet their obligations in a manner that is reflective of the environment they operate in.</p> <p>Progressive rehabilitation is supported in principle but may not be practical in all circumstances due to operations and the ongoing use of various areas for progressive exploration works or various sampling etc. Where it is safe and operationally appropriate to do so would be a better qualifier for the undertaking of progressive rehabilitation.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
4.2 Exploration Drilling			
100.	FMG	<p>Further clarity should be provided around the comment in the guidelines “immediately upon completion of drilling, it is often possible to rehabilitate most disturbed areas leaving only vehicle access to the plugged collar”.</p> <p>It is not often possible to rehabilitate disturbed areas immediately upon completion of drilling. Machinery which has constructed the drill pad will have been relocated to other exploration areas to continue the schedule of clearing and rehabilitation, leaving no equipment available to complete immediate rehabilitation. Collars can be capped, but the pads will remain open until rehabilitation is completed in the following year, when machinery returns.</p>	<p>This document is guidance only and DMIRS acknowledges that in some situations it is not possible to immediately rehabilitate the disturbed area.</p> <p>Timeframe for rehabilitation is to the tenement holder’s discretion, (providing it is within the prescribed timeframe), noting that the immediate temporary plugging of drill holes is required to manage risks posed to fauna by open drill holes and subsidence issues.</p>
101.	EGPA	<p>It is not often possible, (desirable), to rehabilitate immediately upon completion of drilling. For example, one may be returning simply to investigate rock chips from the drill samples for geotechnical investigation. Further examples include to undertake diamond tails, daughter holes, downhole surveys, etc. It is premature (ridiculous), to expect immediate rehabilitation of campsites, tracks, core yards etc, when the tenure is 4 years for PL, and 5 yrs for an EL, and 21 yrs for a Mining Lease.</p> <p>We suggest use the words “drilling programme/activities” rather than “drilling “. Drilling is only the physical component, “programme” is all encompassing.</p> <p>We suggest leave the rehabilitation to the tenement holders’ discretion as long as it is done within the 12 months and should not be required <i>immediately</i>.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
4.2.1 Drill Hole Rehabilitation			
102.	FMG	<p>While adding a mound on top of cut and plugged drill collars is common practice, scarifying of the drill pad will likely destroy the created mound. Cutting the collar after scarifying to avoid this is not practical as scarification will also destroy any collar protruding above ground level.</p> <p>Further clarification is required from DMIRS to define their expectation of a fully rehabilitated drill pad.</p>	<p>As a guide, scarification should occur around the mound in order to maintain the purpose of the mound.</p> <p>DMIRS considers a fully rehabilitated drill hole to be one which meets the requirements of all tenement conditions and commitments made in the PoW application.</p>
103.	EGPA	<p>Drillholes should be “<i>securely plugged or otherwise made safe</i>” (as per tenement conditions), and not necessary fully rehabilitated. This allows flexibility to return to the same drill hole to conduct further work without further unnecessary clearing or disturbance.</p>	<p>Once a drill hole has been temporarily plugged, timeframe for rehabilitation is to the tenement holder’s discretion, (providing it is within the prescribed timeframe).</p> <p>If the drill hole is to be utilised for future work beyond the prescribed rehabilitation timeframe, a rehabilitation extension will be required. Where a proponent seeks to re-use drill holes for a different purpose than approved, the drill hole/s will need to be captured in a new PoW application to ensure the amended purpose of the hole is captured.</p>
104.	EGPA	<p>DMIRS- DRILL HOLE REHABILITATION</p> <p>8. There are many proven alternative methods to rehabilitate drill holes and collars to make secure and safe. Capping with pvc caps, (above or at ground level), and making safe are viable and practical alternatives. EGPA request from DMIRS further on ground inspections with our knowledgeable and experienced members to see how these viable and practical alternatives can and do work in the field.</p> <p>Re: DMIRS Figure 2: Rehabilitating a drill hole</p> <p>9. The image of figure 2 needs to be redrawn, in our experience this example is prone to failure and does not make it safe. We suggest the image show the collar extend above or at ground level and still be below the mounding. We also suggest using a pvc or other snug fitting cap rather than a plug.</p>	<p>This document and figures contained within are intended as guidance only. The method of rehabilitation is to the tenement holder’s discretion, provided it meets the requirements of the Mining Act, tenement conditions, and commitments made in the PoW application.</p> <p>Notwithstanding this, DMIRS considers that leaving PVC capping exposed above ground level may not constitute “making safe”, as required by the Mining Act and tenement conditions due to the risk of subsidence.</p>

Ref #	Stakeholder	Comment	DMIRS Response
105.	CME	<p>There is opportunity for this guidance to be more outcome-focused to better capture the nuances of specific situations.</p> <p>For example, concrete plugs are listed as a preferred material. However, in some circumstances the use of concrete as a plug material is not consider best practice due to the safety risks of these becoming projectiles where there is excess ground water, and the area is redrilled. Some CME members have more recently undertaken programmes to replace concrete plugs and use plastic plugs instead to address these concerns in high-risk areas.</p> <p>Including a requirement for concrete plugs in guidance risks creating a scenario where proponents return to only using concrete plugs, irrespective of any safety considerations. A similar example can be used for PVC collars.</p> <p>CME therefore propose the re-drafting of these sections through an outcomes-focused lens. This would require the proponent to utilise the safest method available to achieve the rehabilitation outcome indicated in the guide.</p> <p>This would provide the guidance necessary regarding processes, while remaining open for proponents to continue to undertake best-practice rehabilitation work based on safety and other geological considerations.</p>	Comments noted. Reference to concrete plugs has been removed.

Ref #	Stakeholder	Comment	DMIRS Response
106.	Biologic	<p>At Biologic, we appreciate that our clients have rehabilitation objectives to meet that coincide with recently drilled exploration holes becoming suitable for subterranean fauna sampling in the months and years following drilling.</p> <p>Subterranean fauna survey programmes require repeated sampling of large numbers of drill holes and bores throughout exploration tenements. Particular drill holes and bores may also be required for long term monitoring as per Ministerial conditions following environmental approvals. Full rehabilitation of drill holes and drill pads (including collar cut, hole burial, pad and sump earthworks, and terraforming or mounding the surface above the hole) precludes subterranean fauna sampling.</p> <p>In keeping with EPA (2021) guidelines for consideration of subterranean fauna in Environmental Impact Assessment (EIA), recently developed holes/ bores should not be sampled prior to a six-month 'settling' period that allows subterranean fauna colonisation. The required survey effort for detailed subterranean fauna surveys is three phases of repeated sampling, each separated by at least three months (EPA 2021). This necessitates considerable numbers of drill holes and bores to remain accessible for sampling over periods as long as two to three years following drilling, which is not possible if the drill holes, pads, and vehicle tracks have been fully rehabilitated.</p> <p>Accordingly, Biologic would like to suggest that under the new DMIRS rehabilitation guideline, <i>Section 7.3 Standard condition clarifying rehabilitation timeframes</i>, a line item is included to allow a partial rehabilitation condition that facilitates subterranean fauna sampling and data collection for EIA processes prior to full rehabilitation.</p> <p>A partial rehabilitation condition would aim to allow some parts of the drill pad and sump that are not necessary for subterranean fauna data collection to be rehabilitated, while retaining the bare minimum of disturbance required for light vehicle access and sampling access to the drill hole or bore. This strategy seeks to minimise the need for future environmental impacts from subsequent re-drilling, by facilitating the continued use of existing drill holes for subterranean fauna sampling or monitoring over a limited time period.</p>	<p>The suitability of drill holes for subterranean fauna sampling is acknowledged by DMIRS.</p> <p>Where a proponent seeks to re-use drill holes for sampling and monitoring purposes, the drill hole/s will need to be captured by an approved rehabilitation extension.</p> <p>Proponents are then permitted to leave drills holes as partially rehabilitated for the purpose of monitoring and data collection provided that they have an approved extension of time to complete rehabilitation from DMIRS.</p> <p>Once the drill holes are no longer required, or the rehabilitation timeframe is at an end, they must be fully rehabilitated as per tenement condition.</p>

Ref #	Stakeholder	Comment	DMIRS Response
106.		<p>Figure 1 below demonstrates a partial rehabilitation strategy. The minimal disturbance retained during the survey period under partial rehabilitation includes:</p> <ul style="list-style-type: none"> • A light vehicle access track; • A light vehicle 'park-up' area to allow safe parking of a single vehicle immediately adjacent to the drill hole; and • A small area atop and immediately surrounding the drill hole. The hole itself is to be safely plugged and buried beneath the surface but is also clearly pegged and able to be uncovered by sampling teams using simple hand tools.  <p>Figure 1: Schematic – Partial Rehabilitation site. Red diagonal lines show areas of drill pad that can be rehabilitated. Blue lines delimit areas to be retained for subterranean fauna sampling access, until sampling programmes are finalised.</p> <p>All other areas of the drilling pad and sump may be rehabilitated as per the DMIRS guidelines. Noting that the partial rehabilitation condition is intended to be temporary, when subterranean fauna surveys or monitoring programmes are finished and access to the drill hole is no longer required, partial rehabilitation sites should be fully rehabilitated.</p> <p>Partial rehabilitation is not intended to apply to every drill hole within a survey area, but a reasonable number of holes within a proposed survey area should be targeted for partial rehabilitation, in consultation with appropriate subterranean fauna specialists, while the remaining drill holes and pads may be fully rehabilitated as per the DMIRS guidelines.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
4.2.2 Large Diameter Drill Holes			
107.	EGPA	<p>"Large" needs further definition, for example large may be a "Caldwell Drill" (brand name), being a drill hole of 1m diameter.</p>	<p>A large diameter drill hole is considered to be a drill hole which is greater than the standard for the most common type of drilling (RC, Diamond, Aircore drilling, etc.).</p>
4.2.4 Management of Drill Spoil and Samples			
108.	EGPA	<p>Samples where practical should definitely not be discarded back down the drill hole, or into sumps or other excavations. Just looking at the cost alone of acquiring the samples let alone the value of this resource to present and future understanding of the overall geology. This may include but not restricted to lithology, geotechnical, regolith, engineering, metallurgical, hydrology, geochemical, etc.</p> <p>We suggest the DMIRS encourage explorers "<i>where practical to leave representative drill samples</i>" as per the above reasons. We also note the term "<i>drill spoils</i>" is disparaging and not reflecting the value of the material involved.</p>	<p>Whilst it is recognised that drill samples can be a source of geological information, in order to reduce the ongoing impact to the environment following the completion of drilling activities it is not considered best practice to leave samples at the surface.</p>
4.2.5 Sumps			
109.	FMG	<p>Similar to the above, it is not practical to rehabilitate sumps immediately upon completion of drilling activities. Machinery which has constructed the drill pad and excavated the sump has usually departed from the drill area before drilling occurs, meaning there is no equipment available to complete immediate rehabilitation of sumps.</p> <p>Sumps are designed with fauna egress structures to allow for any fauna to safely exit the sumps. Sumps will be rehabilitated in the reverse over from extraction, with topsoil spread over the pad last to assist with revegetation when the rest of the pad is rehabilitated. The requirement for sump rehabilitation should be "as soon as practicable".</p>	<p>The guidance only notes that sump rehabilitation should be carried out as soon as possible, there is no requirement for rehabilitation to be carried out immediately. Rehabilitation timeframe is to the tenement holder's discretion (provided it is completed within the prescribed timeframe).</p> <p>Notwithstanding this, for best environmental outcomes, progressive rehabilitation is encouraged.</p>

Ref #	Stakeholder	Comment	DMIRS Response
4.3 Excavations			
110.	CCWA	<p>According to <i>4.3 Excavations</i>, "At completion of activities, excavations (e.g., costeans, test pits, etc.) must be backfilled as soon as possible by replacing the material in the reverse order to which it was extracted (i.e. topsoil should be respread last). Topsoil must be respread over the excavation to a depth similar to the surrounding environment. Where possible, topsoil should be directly returned rather than stockpiled, as fresh topsoil has been shown to produce significantly better rehabilitation outcomes than stockpiled topsoil." (emphasis added)</p> <p>CCWA recognises the risks from stockpiling topsoil intended for rehabilitation but seeks clarification on the timeframe expectations and the mechanisms for directly returning topsoil, when stockpiling or other mechanisms for storage are not recommended.</p>	Comments noted. This section has been updated with "topsoil should be returned as soon as practicable".
111.	APLA	<p>4.3 Excavations</p> <p>"Where possible, topsoil should be directly returned rather than stockpiled, as fresh topsoil has been shown to produce significantly better rehabilitation outcomes than stockpiled topsoil." Fresh topsoil is the better material to use but in practical terms, this can't be achieved as the topsoil is the first material removed for an excavation then the excavation proceeds. The removed topsoil is stockpiled for use during the rehabilitation process whenever that occurs.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
4.3.1 Bulk Samples			
112.	CCWA	<p>According to 4.3.1 <i>Bulk Samples</i>:</p> <p><i>If a bulk sample (removing material from the tenement) has been taken, it may not be possible to backfill the excavation to the natural surface as the excavated material has been removed from the area and/or utilised elsewhere. It is, however, unacceptable to leave behind an un-rehabilitated void. DMIRS therefore requires that excavations are battered down during rehabilitation to achieve a gentle slope which is consistent with the surrounding natural landscape and provides for successful revegetation and fauna egress. Excavations must also be designed and rehabilitated to be free draining as ponding water can attract and promote the establishment of feral animals and generally alter the dynamics of local ecosystems. (emphasis added)</i></p> <p>CCWA queries how sloping and battered down excavations will be managed not to collect water.</p>	Bulk samples are assessed on a case-by-case basis, and where there are concerns about water pooling, DMIRS may request additional rehabilitation commitments specific to surface drainage (such as contouring and bunding).
113.	FMG	If this Rehabilitation Guideline extends to borrow pits, reference should be made to them in this section. Similar to bulk samples, borrow pits often cannot be backfilled to the natural surface level as soil and/or rock has been removed.	Comment noted, the guidance has been updated to make reference to borrow pits.
114.	EGPA	Firstly, if a void is made it is impossible to be made free draining as it is a depression. We suggest remove the words “ <i>free draining</i> ”. Ponding of water occurs naturally regardless of excavations, in our 30 to 40 years of operational experience, ponding is very successful in re-establishing the local eco system and should be encouraged not discouraged.	Comments noted.

Ref #	Stakeholder	Comment	DMIRS Response
4.4 Scrape and Detect			
115.	EGPA	The word " <i>immediately</i> " should be removed as it does not take into account practical considerations as to how push and scrape operations are conducted. Ripping and scarifying does not always work for all situations and circumstances, rehabilitation utilising ponding techniques allows for the natural regeneration of the environment/reducing erosion, encouraging sediment deposition and seed collection. Ponding is well proven in the field for successful rehabilitation.	<p>This document is intended as guidance only. The method and timing of rehabilitation is to the tenement holder's discretion, provided it meets the requirements of the Mining Act, tenement conditions, and commitments made in the PoW application.</p> <p>Notwithstanding this, for best environmental outcomes, progressive rehabilitation is encouraged.</p>
116.	APLA	The issuance of a POW is conditioned upon only allowing a maximum of 2 hectares open at any one time. As an area has been fully explored via the scrape and detect method, the area is scarified and topsoil, dead trees and other vegetation is spread over the affected area. Then a new area is scraped and detected in a similar fashion with the rehabilitation process being repeated once the area has been fully explored. During the rehabilitation process the spreading of fallen trees is an integral part to reduce soil erosion and promote the germination of new growth. Without these types of barriers, seeds could be washed or blown away rendering the rehab surface like a moonscape. The above method has and is promoted by DMIRS as the best practice however, in very dense vegetated areas, it is not a good practice to respread all that vegetation over the cleared area as it could cover the entire area and stop sunlight from getting into the soil and stunt germination from any seeds that may be present there. When considering an alternative method, APLA requests DMIRS to consider before any backfilling is carried out, push all the cleared vegetation onto the floor of the work area. drive over any branches, roots etc that stand high so that they don't protrude through and above the finished ground level. Then rake the cleared, refilled area across the flow of rain water with suitably sized bucket teeth to leave reasonably deep furrows. These furrows are very effective in trapping any seeds that are blown across the raked area. The furrows also reduce the overland flow of rainwater and holds the water which in turn allows it to soak deep into the soil, giving a moisture supply for long periods of time after rainfall.	

Ref #	Stakeholder	Comment	DMIRS Response
4.5 Campsites			
117.	EGPA	Removing concrete pads and other infrastructure should only be conducted at the completion of the exploration programme or tenure. The tenement holder should be able to utilise ones infrastructure (sometimes at significant costs), for as long as the tenure provides for. This comment also applies to item 7.3 page 11.	DMIRS acknowledges that campsites may be required for the entirety of an exploration program. The proposed new tenement condition in section 7.3 of the guidance attempts to address this matter and will mitigate the need to submit rehabilitation requests to keep campsites open.
4.6 Tracks			
118.	EGPA	Tracks should not be blocked as is counterproductive. If blocked, a user will create further unnecessary clearing simply to access the blocked area or track. We have made this point many times before to DMIRS and has been accepted. Please remove this reference or requirement. Access tracks will always be used in the near future to support further prospecting and exploration activities including monitoring of rehabilitation for the full term of tenure. Tracks are different to operational disturbances, (e.g. push and scrape, drill pads) and provide for continuing viability of the exploration sector. Economic circumstances/commodity prices continually change worldwide and as such access tracks facilitate orderly responsible future exploration using these old tracks which have not been blocked. Proponents should not have to apply to retain these valuable features.	DMIRS acknowledges that tracks may be used to support further exploration and prospecting within the same locality. This guidance is not proposing a change to existing rehabilitation practice expectations for tracks. The proposed new tenement condition in section 7.3 of the guidance attempts to address this matter and will mitigate the need to submit rehabilitation requests to keep main access tracks open.
119.	APLA	<p>"Once tracks have been rehabilitated, they should be blocked to prevent their use by other vehicles and to allow vegetation to establish. Over time, revegetation should succeed in blocking access to rehabilitated areas, however in the immediate term it is generally necessary to physically block the entrance to exploration tracks with cleared vegetation or other suitable material."</p> <p>APLA is not in favour of this action for several reasons. Wild fires: the pastoralist may need these tracks to access a wild fire and use the tracks as containment lines; Future exploration: With the advent of new technology these tracks could be reused for the purpose of exploration using both hand-held and vehicle mounted equipment; Grid lines: Minor tracks or offshoots should be rehabilitated but the main grid lines should be left open for future exploration and to assist the pastoralist when mustering occurs.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
120.	EGPA	We have made the point at point 16 above that access tracks do not need to be blocked precisely for many reasons including monitoring of rehabilitation. The authors of this document appear to lack any form of common sense and practicable understanding of the industry. Their requirements are clearly contradictory and inconsistent. Importantly all the proposed imposts make it clearly unworkable.	Comment noted.
5. Rehabilitation Database or Register			
121.	FMG	Clarify what is the difference between date disturbance commenced and disturbance date (most recent)? E.g. it could mean the date that the pad was cleared vs the date that it was drilled?	The disturbance date refers to the earliest date at which works on the PoW were started whereas the “disturbance date (most recent)” refers to the most recent date on which works on the PoW were undertaken. The guidance has been updated to provide clarity on this.
122.	FMG	What are the expectations for the description of rehabilitation activities undertaken? All rehabilitation is done in accordance with Fortescue’s procedures and Standard Work Instructions. As such, descriptions of specific collar by collar or pad by pad rehabilitation should not be required. It would be a significant administrative burden on field staff to document this.	The list provided in section 5 is guidance only and is intended to provide guidance on the type of rehabilitation data that would be useful for companies to track in order to demonstrate compliance with rehabilitation tenement conditions.
123.	FMG	What are the expectations for “shapefiles of actual disturbance” and “shapefiles of rehabilitation”? Does DMIRS expect a shapefile polygon of each disturbed drill pad and track, or laydown? Or is tracking drill collars and polyline tracks sufficient? Using a database to track collars drilled and rehabilitated appears to be a more sensible and practical option.	The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate that all rehabilitation requirements have been met.
124.	FMG	What is meant by “A rehabilitation register should also record historical disturbance on the tenement”? We assume previous rehabilitation completed by other parties/previous tenement holders will have been provided to DMIRS at the time it was due, and that enforcement action would have taken place if a company had surrendered tenure without fulfilling their rehabilitation obligations. Is there an expectation to record and be responsible for previous explorers’ disturbance on previously granted tenements across the same area?	Comments noted. This section will be reworded for clarity.

Ref #	Stakeholder	Comment	DMIRS Response
125.	AMEC	<p>Further detail is needed on how to comply with, what appears on the face of it, to be a new requirement. AMEC would appreciate greater detail as to the policy rationale behind this new requirement.</p> <p>The Guidance details 'useful rehabilitation data to track' – is this list what is expected?</p>	<p>DMIRS considers that in order to monitor compliance with rehabilitation tenement conditions and commitments made in the PoW application, tenement holders should already be tracking activities and rehabilitation on a tenement.</p> <p>The list provided in section 5 is guidance only and is intended to provide guidance on the type of rehabilitation data that would be useful for tenement holders to track in order to demonstrate compliance with rehabilitation tenement conditions.</p> <p>The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate to DMIRS (if requested) that all rehabilitation requirements have been met. DMIRS acknowledges that rehabilitation data tracked will be proportionate to and dependent on the scale and nature of the exploration program.</p> <p>This section has been updated for clarity.</p>

Ref #	Stakeholder	Comment	DMIRS Response
126.	AMEC	<p>Please also provide details on the audit and what the compliance expectations are. It is assumed that this new requirement will only apply to new PoWs: is this correct?; and if so, when shall it be introduced? How commercially confidential is the data within this database, for example, will the database be publicly available and will it be released later? Also, what format is it expected to be held in – for example is a paper file acceptable? Will the database be handed on with the tenement to the new owner?</p> <p>Similar to earlier commentary, publication of how the Department will assess the register as being compliant is needed, before this condition is introduced.</p>	<p>Per updated wording of the condition (see comment #137), rehabilitation data will need to demonstrate compliance with all conditions and PoW rehabilitation commitments.</p> <p>The specific format of tracked data is at the discretion of the tenement holder, provided it can demonstrate that rehabilitation requirements have been met.</p> <p>Where rehabilitation data has been requested, the data will only be visible to DMIRS and will not be available externally.</p> <p>Where a tenement is being sold to a new holder, the sharing of rehabilitation data will be at the discretion of the tenement holder, however consistent with existing arrangements, once the new owner is the registered tenement holder they could request information on file relevant to the tenement.</p> <p>Once the DMIRS schedule of standard conditions has been updated, these new conditions will be imposed on all new mining tenements at grant, however it will only be enforced for new PoWs, and when requesting rehabilitation data, DMIRS will give consideration to the date the new tenement condition was imposed</p>

Ref #	Stakeholder	Comment	DMIRS Response
127.	EGPA	<p>EGPA are very concerned about the impost of this proposed tenement condition. DMIRS already has the best records of historical and present disturbance with POW and mining proposal applications, extensive satellite imagery dating far back. In addition, in terms of post rehabilitation DMIRS has all these tools including specific MRF reporting data. In short this tenement condition proposal should not be imposed on our tenements as it creates nothing less than duplication and creates unnecessary regulatory burden and costs, when the regulator already have what they need readily at their disposal.</p> <p>A person may have done their required rehabilitation and not necessarily maintained all the required records and are at risk of forfeiture of their tenement, all because of the proposed “new standard tenement condition”.</p> <p>The 17 suggested requirements include many that are totally beyond the technical ability of prospectors. There is nothing wrong with the current requirement of best practice rehabilitation as outlined in page 1 of the current POW document.</p> <p>These proposed new tenement conditions are so onerous and costly as to ensure most prospectors will fail their compliance requirements and thus risk forfeiture and significant fines.</p>	<p>This section has been updated for clarity.</p> <p>DMIRS considers that in order to monitor compliance with rehabilitation tenement conditions and commitments made in the PoW application, tenement holders should already be tracking activities and rehabilitation on a tenement.</p> <p>The list provided in section 5 is guidance only and is intended to provide guidance on the type of rehabilitation data that would be useful for tenement holders to track in order to demonstrate compliance with rehabilitation tenement conditions.</p> <p>The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate that all rehabilitation requirements have been met. DMIRS acknowledges that rehabilitation data tracked will be proportionate to and dependent on the scale and nature of the exploration program.</p>
128.	APLA	<p>5. Rehabilitation Database or Register</p> <p>“....DMIRS recommends that companies establish a register or system to track approvals and progress towards meeting rehabilitation requirements, as well as maintain spatial data set tracking disturbed and rehabilitated areas.”</p> <p>APLA needs DMIRS to consider a multi-tier approach to the above condition. Prospectors are very conscious of the requirements of the DMIRS environment department and take all necessary steps to ensure all the rules and regulations are followed. Reporting should be made simple by stating; Tenement number, POW number, date of disturbance commenced, date of rehabilitation commenced, date of disturbance finished, date of rehabilitation finished. As prospectors the maximum allowed opened at any one time is 2.0 hectares and once this area has been explored, it is rehabilitated and a new area is opened.</p> <p>Reporting to the detail that has been suggested is not practical as prospectors don’t have sufficient resources to cope. Bigger mine operators have the resources to record, log, store and process the ground disturbance operations in a progressive a manner on a much larger scale.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
129.	CME	<p>5 Rehabilitation Database or Register, 6 Post-Rehabilitation 6.2 Rehabilitation Reports Section 5 and 6</p> <p>Greater clarity is required in these sections regarding the new requirement proposed by DMIRS for proponents to maintain a Rehabilitation Database or Register.</p> <p>Further information regarding the compliance or other issues leading to this proposed requirement would be useful for industry to understand. Rehabilitation work is already tracked for reporting purposes, and to satisfy MRF reporting obligations.</p> <p>Overall, there appears to be a lack of consistency with regards to the proposed data requirements for the Rehabilitation Database and the Rehabilitation Report. It would be useful, for both proponents and assessing officers, for this section to outline and align the type and formatting of data required and to ensure this is consistent to enable straightforward collation and submission.</p>	
130.	CME	<p>Further guidance is also required on the format and content of the proposed database to ensure a consistent standard is established. This will be important to avoid issues with interpretation of data and formatting.</p> <p>Comments regarding the register containing records of historical disturbances and results of post-rehabilitation monitoring require further clarification.</p> <p>CME remain strongly of the view that any prior disturbance is not the responsibility of the proponent, either from a remediation or reporting perspective. Any proposal to include a requirement for post-rehabilitation monitoring is also concerning, given there is not currently an obligation to undertake ongoing monitoring once rehabilitation obligations have been discharged.</p>	<p>The specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate to DMIRS that all rehabilitation requirements have been met.</p> <p>DMIRS considers it good practice to, where practicable, monitor and track the progress of rehabilitation. This is in order to ensure that rehabilitation is progressing successfully, identify if remedial work is required and confirm that rehabilitation is complying with tenement conditions and the requirements of the Mining Act.</p> <p>Monitoring of rehabilitation is also considered important in order to inform future rehabilitation activities (i.e. to identify if rehabilitation strategies are achieving the intended outcomes and whether any changes to rehabilitation practices are required).</p>

Ref #	Stakeholder	Comment	DMIRS Response
6.1 Follow Up Inspections and Monitoring of Rehabilitation			
131.	EIANZ	EIANZ supports monitoring of rehabilitation to determine the success of rehabilitation. However, auditing and monitoring of every drillhole may not be feasible, in particular as tracks will have been rehabilitated and it is not practical or may cause damage to rehabilitation to attempt to audit all drillholes.	Comment noted.
132.	CCWA	<p>B. Inspection and monitoring of rehabilitation requires more detail.</p> <p>While <i>6.1 Follow up inspections and monitoring of rehabilitation</i>, refers to 'monitoring of rehabilitated areas' and of the benefit of inspections and monitoring in determining the success of rehabilitation, there is little detail provided on how monitoring is to occur, by whom, how regularly, or for how long.</p> <p>As noted in the Office of the Auditor General's 'Performance Audit into Compliance with Mining Environmental Conditions':</p> <p><i>Despite growth in the mining sector, the entities [being DWER and DMIRS] have reduced their scheduled monitoring activities. Planned inspection programs have shrunk by 60% or more over the last five years and neither has completed these programs since 2018-19.</i></p> <p>Furthermore, the OAG determined that both entities needed to improve their responses to non-compliance issues.</p> <p>CCWA believes that without any clear guidance on the details of inspection and monitoring of rehabilitation, these crucial activities will continue to be downgraded or completely overlooked.</p> <p>CCWA also notes that rehabilitation is to be to the satisfaction of the DMIRS Environmental Officer. CCWA expects to see more involvement of DWER and DBCA in the assessment of rehabilitation outcomes, to ensure all ecological and biodiversity requirements are met.</p>	Comments noted. DMIRS is actively working towards strengthening its compliance program to address the findings of the OAG report

Ref #	Stakeholder	Comment	DMIRS Response
133.	FMG	Will there be a standard (or guideline) on how the rehabilitation monitoring should occur to ensure commonality between reporting groups? Further information is required outlining DMIRS expectations around what is an acceptable monitoring program, including the duration that monitoring is required, the frequency of monitoring, the evidence that is required to support rehabilitation monitoring (photos, checklists) and acknowledgement of the difficulty in monitoring when tracks and pads have been rehabilitated and should not be re-disturbed.	DMIRS considers it good practice to, where practicable, monitor and track the progress of rehabilitation. This is in order to ensure that rehabilitation is progressing successfully, identify if remedial work is required and confirm that rehabilitation is complying with tenement conditions and the requirements of the Mining Act.
134.	CME	<p>The proposed requirement to track post-rehabilitation monitoring requires more guidance regarding the duration of monitoring expected the nature of the evidence (i.e., photos, reports etc.). In outlining any proposed requirements, consideration must be given to the difficulties accessing some areas after rehabilitation has been completed. CME recommends that DMIRS consider the use of satellite imagery for evidence requirements of post-rehabilitation monitoring.</p> <p>More broadly, the nature of the evidence requested should be outlined. For example, if a proponent has rehabilitated a drill hole, drill pad and a track that was used to access those areas it would be very difficult to require photos of the rehabilitation work as these areas would be inaccessible.</p> <p>To address this, CME recommend DMIRS stipulate that various forms of evidence would be acceptable, such as satellite imagery or images from a drone. It will be important that any evidence requirements allow for appropriate flexibility – in many cases it will not be practical to require imaging of individual drill holes. In addition, the indication in Section 6.1 regarding the potential for more detailed monitoring requirements depending on higher risk activities requires further guidance regarding specific triggers for high-risk in this context, and further information regarding expectations of 'more detailed'.</p> <p>It is important that proponents are aware of the scope and nature of this requirement to be able to plan, allocate resources and if needed, and extend rehabilitation programmes to facilitate access to these areas.</p>	<p>Monitoring of rehabilitation is also considered important in order to inform future rehabilitation activities (i.e. to identify if rehabilitation strategies are achieving the intended outcomes and whether any changes to rehabilitation practices are required).</p> <p>The level and method of monitoring undertaken is at the tenement holder's discretion and should be proportionate to the exploration program and the receiving environment.</p>

Ref #	Stakeholder	Comment	DMIRS Response
6.2 Rehabilitation Reports			
135.	EGPA	<p>22. We notice DMIRS have changed the rehabilitation report (dated march 2022) without any consultation resulting in a more complex onerous document.</p> <p>23. This is not acceptable within itself, previously rehabilitation reports were required at the completion of activities.</p> <p>24. There are already existing controls for DMIRS being a regulator, if having concerns with rehabilitation, can at any given time conduct regulatory inspections, issue directions to modify operations and stop work orders which control the rehabilitation requirements and protocols in the industry.</p>	Comments noted.

Ref #	Stakeholder	Comment	DMIRS Response
7. Proposed New Tenement Conditions			
136.	FMG	<p>6.2 Proposed new Tenement Conditions</p> <p>With the imposition of these proposed new tenement conditions, it would be useful if old tenement conditions which refer to historic PoW approvals could be removed. Many of these historic tenement conditions relate to PoWs which are no longer relevant, and long since expired. It would be beneficial to be able to have simple and streamlined tenement conditions, “tidying up” old conditions at the same time as new conditions are enforced.</p> <p>The below bullet points relate to E47/1373 and are taken from MTO. They relate to PoWs which are no longer used or relevant, yet are still included as tenement conditions.</p> <p>The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled:</p> <ul style="list-style-type: none"> • “Proposal of Works for FMG Pilbara Pty Ltd on Exploration Licence 47/1373” (EXP 5199) dated 20 August 2006 signed by Francis Pochettino, and retained on Department of Industry and Resources file No. T0579/200401. • Programme of Works for Fortescue Metals Group Ltd on E47/1373 (EXP 5733)” dated 4 December 2006 signed by Stuart Robinson, and retained on Department of Industry and Resources file T0579/200401; • “Programme of Work on E47/1155 and E47/1373 for Fortescue Metals Group Limited” (Reg ID 27986) dated Date on Application signed by Sean McGunnigle and retained on Department of Mines and Petroleum File No. T0579/200402; • “Programme of Work on E47/1373 for Fortescue Metals Group Limited” (Reg ID 29133) dated 1 December 2010 signed by Sean McGunnigle and letter titled “Re: Programme of Work Application - E47/1373, Resource Drilling Upon Lines with 50m to 100m Spaced Holes and Infill Drilling Upon Lines with 50m to 100m Spaced Holes” dated 21 December 2010 signed by Ross Doherty both retained on Department of Mines and Petroleum File No. EARS-POW-29131 & 29133; 	<p>Reviewing existing tenement conditions is out of scope of this guidance. Notwithstanding this, tenement holders can request the removal or review of conditions at any time.</p>

Ref #	Stakeholder	Comment	DMIRS Response
		<ul style="list-style-type: none"> • “Programme of Work on E47/1373 for Fortescue Metals Group Limited” (Reg ID 29131) dated 1 December 2010 signed by Sean McGunnigle and retained on Department of Mines and Petroleum File No. EARS-POW-29131 & 29133; (Reg. ID 34241) “Programme of Work on E47/1300, E47/1301, E47/1302, E47/1373, E47/1533 for Fortescue Metals Group Ltd” dated 22 February 2012 signed by Fiona Rowland and retained on Department of Mines and Petroleum file No. EARS-POW-34241 • “Programme of Work on E47/1195-I, E47/1302-I, E47/1373-I, E47/1533-I and P47/1270-I for Fortescue Metals Group Ltd” (Reg ID 33376) dated 2 December 2011 signed by Mr Matt Dowling - Senior Environmental Advisor and retained on Department of Mines and Petroleum File No. POW-33376 <p>Where a difference exists between the above document(s) and the following conditions, then the following conditions shall prevail.</p>	

Ref #	Stakeholder	Comment	DMIRS Response
137.	AMEC	<p>New Standard conditions</p> <p>There is a lack of explanation as to why the Government considers the new standard conditions necessary.</p> <p>Standard condition 7.1 is an extension of the new rehabilitation database and register. Whereas the standard condition 7.2 in particular appears redundant. A PoW only authorises the activities prescribed within it. It is unclear why a further condition stating that is necessary?</p>	<p>Following feedback, the standard condition referenced in section 7.1 will be reworded to <i>“The tenement holder must maintain appropriate records of exploration/prospecting activities, and associated rehabilitation undertaken, in order to demonstrate compliance with all conditions, and environmental management and rehabilitation practice commitments. These records to be made available to the Department upon request”</i> (or similar) to clarify that the data must demonstrate compliance with conditions and PoW rehabilitation commitments.</p> <p>Per comments above, the specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate to DMIRS (if requested) compliance with all conditions and PoW rehabilitation commitments.</p> <p>The standard condition in section 7.2 will be reworded to “All exploration and prospecting operations to comply with the environmental management and rehabilitation practice commitments provided in the approved Programme of Work” (or similar) to clarify that tenement holders must comply with the environmental management and rehabilitation practice commitments made in approved Programme of Works.</p>

Ref #	Stakeholder	Comment	DMIRS Response
138.	EGPA	<p><i>STANDARD CONDITION 7.1 , 7.2, 7.3</i> are totally unnecessary, onerous, costly, and unworkable and beyond the capability and capacity of most prospectors.</p> <p>26. These proposed condition goes totally against the Governments stated, <i>"ongoing commitment to reduce red tape and make it easier to do business in Western Australia"</i>.</p> <p>27. These proposed standard tenement conditions do not make it easier to do business in WA and most certainly reduce red tape -they do the exact opposite.</p> <p>28. DMIRS cannot profess to the industry that they are reducing red tape and make it easier to do business and streamlining processes when in fact it is the complete opposite.</p>	<p>Condition 7.1 will enable DMIRS to request rehabilitation data from tenement holders. Per comments above, the specific format and type of rehabilitation data tracked will be at the discretion of the tenement holder, provided it can demonstrate to DMIRS (if requested) compliance with all conditions and PoW rehabilitation commitments.</p> <p>Condition 7.2 has been reworded to clarify that tenement holders must comply with the environmental management and rehabilitation practice commitments made in approved Programme of Works.</p> <p>Condition 7.3 clarifies rehabilitation timeframes and reduces red tape by allowing for the retention of exploration infrastructure until it is no longer required to support exploration (prior to the relevant programme of work expiring), removing the need to submit rehabilitation requests for this infrastructure.</p>
139.	CME	<p>Further information is required to establish whether any new conditions will be additional to existing standard conditions or if they will be replacing or amending existing conditions. Additionally, it is not clear why the creation of new conditions is proposed. Additional conditions increase the potential compliance burden on both proponents and DMIRS, and the risk of non-compliance or conflicting conditions.</p>	<p>The proposed new tenement conditions are additional stand-alone conditions and will not replace or amend existing conditions.</p> <p>The purpose of the new conditions are to:</p> <ul style="list-style-type: none"> • enable DMIRS to request rehabilitation data from tenement holders • Clarify DMIRS' expectations for rehabilitation timing • Clarify that tenement holders must comply with the environmental management and rehabilitation practice commitments made in approved Programme of Works.

Ref #	Stakeholder	Comment	DMIRS Response
7.3. Standard conditions clarifying rehabilitation timeframes			
140.	FMG	<p>7.3 Standard conditions clarifying rehabilitation timeframes</p> <p>Fortescue is supportive of the first new standard condition, which clarifies the use of supporting infrastructure for exploration activities for the entire 4-year duration of the PoW, or when the infrastructure is no longer required. This provides the clarity needed to ensure compliance with the tenement condition and is practical in application.</p> <p>Further clarity is required for access tracks, however. The first condition refers to "main access tracks". But if any track is being used throughout the 4-year term of the PoW, to support each years' drilling campaign, the interpretation would be that the activity is not "complete" and therefore rehabilitation is not due until the expiry of the PoW, or the PoW is no longer required. Confirmation of this interpretation is required.</p>	DMIRS will review wording of proposed standard condition based on feedback.
141.	FMG	<p>In addition, clarity is required for the second proposed condition. The meaning of "completion of the activity" needs to be defined, as this is not clear. When is an activity considered to be "complete"?</p> <p>A drill pad can be used multiple times for twinning or re-drilling holes or extending a pad to complete a diamond hole after a RC hole has been drilled. Our interpretation would be that the 6-month period does not start until the final use of the drill pad. Similarly, as mentioned above, drill pads can be used for environmental or water monitoring. Would monitoring count as "supporting infrastructure for exploration activities" and therefore the rehabilitation (or any extension) not due until the end of the PoW approval period? Or is rehabilitation extension required to be submitted to support the ongoing use of this drill pad?</p> <p>If activities are still planned for the drill pad in the future, when does the 6-month rehabilitation "clock" start?</p> <p>Clarity is needed in relation to when the 6-month period to complete rehabilitation commences.</p> <p>Does the rehabilitation timeframe start at the completion of all activities planned under the PoW approval, or is it in respect to the completion of individual activities (such as a drillhole) carried out throughout the 4-year term.</p>	<p>The rehabilitation timeframe starts at the completion of individual activities (i.e. each drill hole). Once an activity is completed it must be rehabilitated within the prescribed timeframe unless a rehabilitation extension is requested and approved.</p> <p>DMIRS considers 'completed' to mean the activity has been undertaken in accordance with the approved PoW.</p>

Ref #	Stakeholder	Comment	DMIRS Response
142.	CME	CME again reiterates its recommendation that the timeframe for rehabilitation as outlined in section 7.2 be extended from six months to twelve months. This better aligns to MRF reporting and reflects a pragmatic approach that recognises the challenges of the operating environment for some areas specifically when considering wet season and operational realities across the state.	<p>DMIRS acknowledges stakeholder feedback that the rehabilitation timeframe for activities authorised under a PoW should be extended to 12 months.</p> <p>In view of this feedback, DMIRS will update its standard tenement condition to extend the rehabilitation timeframe from 6 months to 12 months.</p> <p>Once the standard condition has been updated to reference 12 months, the new condition will be imposed on all new mining tenements at grant. For existing tenements, the Department will update the rehabilitation timeframe condition progressively. Tenement holders will be advised in writing once they have been updated.</p>
143.	FMG	Fortescue reiterates that a 12-month timeframe for rehabilitation is much more practical approach to rehabilitation compliance.	
144.	EGPA	<p>As per our point 6 Timeframes of 6 months is insufficient and impractical, due to a wide range of circumstance such as remote area, adverse weather conditions, availability of equipment, machinery breakdowns/modern supply chain delays, assay result delays of 3 to 4 months, other external responsibilities, and other commitments. We suggest the time frame be a default time of 12 months. Further we suggest a can-do attitude (more flexible and be non-prescriptive), from DMIRS if further time is required. Presently if a time extension is required an unnecessary essay/explanation must be written on why one requires extra time Procedures are already spelt out and defined in the POW for the management of rehabilitation. At present we do not have to immediately rehabilitate camps, and all supporting infrastructure which require a significant capital investment. Having to rehabilitate all supporting infrastructure within six months is nothing short of ludicrous.</p> <p>If these standard tenement conditions are implemented, it will have devastating impact on the whole exploration/prospecting fraternity.</p>	
Other			
145.	EGPA	<p>31. Prospectors have contributed significantly to WA's economy and mining industry for more than 100 years and would like to continue. We have enormous concerns for the future of the professional small-scale exploration and prospecting fraternity as outlined above.</p> <p>32. In closing before DMIRS comes to any finalisation on this document and also Draft Programme of Works Guidance Document, EGPA requests extensive ongoing input and field inspections so departmental officers can see first-hand that many of these proposed changes are serious impediments to prospector continuing viability in WA.</p> <p>We welcome the opportunity to work constructively to benefit the prospecting and exploration industry.</p>	DMIRS acknowledges the contributions prospectors make to the resources industry and thanks EGPA for their submission.

Ref #	Stakeholder	Comment	DMIRS Response
Other Comments			
146.	AMEC	<p>Conservation Management Plans</p> <p>AMEC has spoken to both DMIRS and DBCA regarding growing industry frustration regarding the lack of guidance for drafting a Conservation Management Plan. Previous guidance held on the DBCA website has been taken down as it is now out of date. This guidance needs to be updated and published. Guidance improves standardization of what is provided, reduces the number of clarifications and RFIs, and increases the transparency of the regulators assessment criteria.</p>	Comments noted. Developing guidance for Conservation Management Plans is out of scope of this guidance document. Notwithstanding this, the request for further guidance on Conservation Management Plans is acknowledged for future consideration.
147.	AMEC	<p>Compliance</p> <p>The documentation lacks detail on the compliance activities of the Department. AMEC understands that the Department does undertake compliance and enforcement activities regarding PoWs as is appropriate. It is important for our Industry's social licence that the role of the regulator is clear and a reader cannot mistakenly believe that there is no accountability and compliance programme regarding these activities.</p>	<p>For information on DMIRS' compliance and enforcement actions please see Guidance Note on Environmental Non-compliance and Incident and Reporting.</p> <p>For information on the risk-based environmental compliance approach for mining activities (inclusive of exploration activities) please see DMIRS Approach to Risk-based Environmental Compliance for the Resource Industry.</p>
148.	AMEC	<p>Surrendering a PoW?</p> <p>Industry has highlighted the lack of information regarding the procedure and expectations to surrender a PoW. Details on the conditions are to do so and what specific information regarding the tenement and rehabilitation that the Department would need from a proponent seeking to surrender a PoW.</p>	Developing a process for surrendering PoWs is outside the scope of this guidance document however, DMIRS acknowledges Industry's interest in this matters and it has been noted for future consideration outside of the guidance documents.
149.	AMEC	<p>Eligible Mining Activities Framework</p> <p>AMEC is supportive of the Eligible Mining Activities Framework (EMA) as a risk based and realistic approach to reduce unnecessary administrative burden while maintaining high regulatory standards.</p> <p>Reference needs to be included regarding the EMA in both documents.</p>	DMIRS thanks AMEC for its support. The Eligible Mining Activity Framework is currently under development and DMIRS will update this Guidance when the framework comes into effect.

Ref #	Stakeholder	Comment	DMIRS Response
Closing Comments			
150.	CCWA	<p>Recommendations</p> <p>In view of the above points, CCWA provides the following recommendations on the <i>DRAFT Exploration and Prospecting Rehabilitation Guidance</i>:</p> <ol style="list-style-type: none"> 1. Rehabilitation should include the removal of all infrastructure. 2. The Guidance should include more detail on the follow-up inspections and monitoring procedures by DMIRS for rehabilitation of exploration and prospecting sites. 3. CCWA expects DMIRS to work closely with DWER and DBCA in the assessments of rehabilitation outcomes. 4. The Guidance should provide more clarity on the management of topsoil to improve rehabilitation outcomes. 5. The Guidance should further clarify post-rehabilitation management strategies, to avoid the pooling of water. 6. The Guidance should provide greater clarity in rehabilitation timeframes to avoid unnecessary delays. 7. The Guidance requires further explanation of rehabilitation, with the inclusion of a detailed definition. <p>CCWA thanks the Department of Mines, Industry Regulation and Safety for the opportunity to comment on the <i>Draft Exploration and Prospecting Rehabilitation Guidance</i>.</p>	DMIRS acknowledges and thanks CCWA for its submission.
151.	CCAA	Western Australia's regulatory environment needs to be internationally competitive to continue to attract capital to invest into the state to ensure a sustainable and competitive heavy construction materials industry. This in turn facilitates Western Australia's productivity, housing affordability and lower infrastructure costs.	Comment noted.

Ref #	Stakeholder	Comment	DMIRS Response
152.	AMEC	<p>Final Comment</p> <p>AMEC appreciates the opportunity to provide comment on documents. We would welcome a further discussion on:</p> <ul style="list-style-type: none"> • A reduction of RFI events; • The proposed new standard conditions; • The content and shape of the new rehabilitation database; • Conservation Management Plan guidance; and • Addressing the expectations of the incoming <i>Aboriginal Cultural Heritage Act 2021</i> and diversification leases. 	DMIRS thanks AMEC for its submission and welcomes future opportunities for continued engagement.

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