



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Assurance Program

*Environmental Protection (Darling Range Bauxite Mining
Proposals) Exemption Order 2023*

Department of Water and Environmental Regulation
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Contents

Contents	iii
1 Introduction.....	1
1.1 Purpose.....	1
1.2 Scope.....	1
1.3 Context.....	2
2 Assurance activities.....	3
2.1 Assurance approach.....	3
2.2 Assurance activities and methods.....	3
2.3 Staged assurance activities.....	5
2.4 Management of Potential Non-compliance	5
3 Reporting and transparency	8
3.1 Publication of Assurance Reporting	8
3.2 Monthly reporting	8
3.3 Third-party reporting	9
Appendices.....	10
Glossary	11

1 Introduction

1.1 Purpose

The Minister for Environment (Minister) has determined to issue the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023* (exemption order) under section 6 of the *Environmental Protection Act 1986* (EP Act) to exempt Alcoa of Australia Limited (Alcoa) from compliance with s41A of the EP Act which would otherwise prohibit Alcoa from implementing a proposal under assessment by the Environmental Protection Authority (EPA).

The Initial Assurance Program (IAP) set out the approach to be taken by the Department of Water and Environmental Regulation (DWER) to support the Minister in assessing whether the conditions of the exemption order are being complied with and to monitor Alcoa's operations to ensure it achieves the intended outcomes of the exemption order and minimises risks to the environment, water resources, biodiversity and human health.

The IAP was in place for a six-month period from the commencement of the exemption order. At the completion of the six-month period, a review was conducted to assess the effectiveness of the IAP and inform future assurance activities and planning.

This Assurance Plan (AP) is a continuation of the IAP with minor amendments derived from the findings of an internal performance review.

The AP will be reviewed in six months as part of a combined review with the IAP to capture any findings across an all-season 12-month period.

The AP will continue to operate in addition to third-party independent compliance verification which is required under the exemption order.

1.2 Scope

This AP focuses on the operation of the exemption order and will be implemented concurrently with existing compliance monitoring activities for all other instruments granted under the EP Act, including, but not limited to, approvals under Part IV and V of the EP Act and approvals under the *Rights in Water and Irrigation Act 1914* (RIWI Act).

The Alcoa Assurance Team (Assurance team) will facilitate the internal coordination of requests and approvals relating to the s.6 Exemption order. The team will also coordinate communications and liaise with Alcoa and other government agencies on matters relating to the S.6 Exemption Order and conditions of relevant Mining and Management Programs (MMPs).

Compliance verification and monitoring related to all other approvals and requirements under the EP Act and RIWI Act with regard to Alcoa's activities will continue concurrently with the exemption order but are outside the scope of this IAP.

Compliance activities outside the scope of this IAP include:

- compliance with works approvals, licences, clearing permits, notices and Ministerial Statements otherwise administered under the EP Act;
- compliance with licences and permits granted under the RIWI Act; and
- other legislation not administered by DWER including, but not limited to, the *Mining Act 1978*, *Biodiversity Conservation Act 2016*, *Public Health Act 2016*, the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, and workplace health and safety legislation.

1.3 Context

Alcoa operates two bauxite mines under Mineral Lease 1SA (ML1SA) within the Darling Range in the southwest of Western Australia. The Huntly Mine supplies bauxite to the Pinjarra and Kwinana refineries. The Willowdale Mine supplies bauxite to the Wagerup Refinery.

Mining activities within ML1SA are authorised under State Agreements and through associated MMPs approved by the Minister for State Development.

MMPs for the period 2022 to 2026 and from 2023 to 2027 (proposals) were referred to the EPA under s 38 of the EP Act for assessment. These MMPs do not involve the processing of ore and, as such, do not form part of the draft proposals referred to the EPA for assessment.

On 18 December 2023, the EPA determined that it would assess both proposals referred. S41A of the EP Act prohibits a proposal from being implemented once notification has been given that a proposal is to be assessed.

The Minister has determined that existing bauxite mining activities may continue while the two proposals are under assessment by the EPA. To implement this decision, the Minister has exempted Alcoa from complying with s41A of the EP Act, subject to the conditions contained in the exemption order.

This exemption implements a transitional approval and assurance mechanism to allow for the short to medium-term bauxite mining operations to continue in accordance with imposed conditions while EPA considers the referred proposals.

2 Assurance activities

2.1 Assurance approach

DWER will lead the assurance activities and report on compliance and monitoring of activities under this IAP to the Minister.

The Assurance Team includes officers allocated on a full-time basis to the implementation of this AP and the monitoring of compliance with the conditions of the exemption order.

DWER's assurance approach will consist of a combination of systematic monitoring alongside targeted inspections and a program of random unannounced inspections. In addition to physical inspections, officers will routinely utilise a range of technology-based compliance and surveillance tools including hi-resolution drone surveillance and advanced satellite imagery, scanning and processing.

Daily inspections will be conducted at each site Monday to Friday with weekend inspections to be scheduled on occasion.

Whilst assessing compliance with the specific conditions set out in the exemption order remains a top priority for the Assurance Team, DWER will also consider the broader and on-going risk profile across the two mine sites and seek to prevent any potential non-compliance occurring, requiring preventative action by Alcoa as necessary to mitigate risk to the environment and potable water resources.

Officers undertaking direct onsite compliance assessment under the AP will be supported by additional senior and other specialist officers and managers within DWER.

The AP will be reviewed on an ongoing basis and adapted, where required, to respond to changes in operational or environmental conditions, monitoring and compliance findings and outcomes of, or changes in, the activities being undertaken by Alcoa under the exemption order.

2.2 Assurance activities and methods

Assurance methods applied will vary and will necessarily be adaptive and determined by the activities planned or being undertaken at the time by Alcoa, its contractors, or related parties under the exemption order.

The intensity and frequency of these assurance activities will be staged and will vary depending upon the nature and extent of mining and other activities occurring under the exemption order. S2.3 below sets out this staged approach and frequency in more detail.

While regular systematic assurance activities and inspections will be undertaken, random and unannounced inspections remain an important element of this IAP. DWER will not provide details on when and how these random inspections are scheduled or determined. These assurance activities and methods are intended to not only assess compliance with the exemption order but to also maximise the opportunity to identify, target and manage any serious or immediate risks to public health or the environment.

Assurance inspections will be programmed according to planned mining activities. Areas of interest will be prioritised based on risk factors such as weather, topography, hydrogeology and historic data of drainage failures and elevated turbidity events.

A concurrent proactive program of identifying and physically marking black cockatoo nesting and significant trees will be undertaken. DWER will develop and maintain a database with GPS locations of any identified nesting and significant trees in the native vegetation disturbance footprint. This work will be guided by planned mining activities with priority assigned to areas scheduled for imminent clearing.

In addition to assurance activities undertaken by DWER, the exemption order also requires Alcoa to engage an independent party to monitor and report on compliance with the conditions of the exemption order. DWER has and will continue to engage with this independent party to ensure monitoring data and compliance related information can be freely and rapidly shared with DWER. Collaboration between the independent compliance monitor and DWER will ensure that methodologies and metrics used to assess compliance are aligned; however, independent risk profiles and monitoring programs will be maintained by both parties.

Assurance activities and methods may include:

- Providing guidance to Alcoa on monitoring requirements and its regulatory obligations.
- Proactive daily field activities to monitor and assess the ongoing risks to potable drinking water resources. This includes assessment of sediment loads in the catchment, monitoring of weather conditions across all operational areas and ensuring maintenance of buffer distances, erosion and drainage controls and restoration of disturbed areas in compliance with the exemption order.
- Where risks to water resources are considered unacceptable, rapid preparation and issue of statutory notices to stop activities and require Alcoa to take preventative measures to reduce the level of risk.

- Monitoring the extent of mining, rehabilitation, exploration and clearing activities using remotely sensed imagery, including satellite imagery (typically available at weekly intervals subject to weather conditions), aerial photography and drones, to ensure activities are within the approved disturbance footprint.
- Proactive, regular and systematic inspections and random unannounced inspections to verify activities observed from remotely sensed imagery and activities that cannot be verified remotely including the protection of fauna habitat, reservoir protection zones, drainage controls, stabilisation and rehabilitation works.
- Monitoring of activities by the independent party will be critically reviewed and verified to ensure these activities satisfy the exemption requirements. Verification activities may include physical on ground verification and/or geospatial verification.
- Review of the Compliance Assessment Plan prepared by Alcoa.
- Review and verification of monthly monitoring reports.
- Assessing the effectiveness of conditions in preventing, controlling, abating or mitigating environmental harm and achievement of outcomes intended by the conditions of the exemption order.
- Reactive inspections and investigations may be conducted in response to reports of discharges from containment infrastructure, failure of drainage structures or valid reports of potential non-compliance with the EP Act or RIWI Act or the exemption order.
- Liaison and collaboration with partner agencies, for example, Department of Biodiversity, Conservation and Attractions (DBCA), Department of Jobs, Tourism, Science and Innovation (JTSI), Department of Health (DoH) and the Water Corporation.
- Providing up-to-date regular advice and recommendations to the Minister on the effectiveness of the exemption order and the IAP.

Additional assurance activities may be introduced to implement contingency measures or impose remediation orders where an immediate and serious threat to public health or the environment posed by activities has been identified.

2.3 Management of Potential Non-compliance

For Alcoa to continue mining activities under this exemption order, Alcoa must maintain compliance with the conditions of the exemption order. It is an offence under s41A of the EP Act to implement a proposal under assessment by the EPA before the assessment and determination process under s45 is completed.

Activities conducted in accordance with the exemption order provide a defence to offences under s41A, and a number of other specific offences under the EP Act.

Where Alcoa is determined to have failed to comply with the conditions of the exemption order, the exemption order ceases to have effect. As such, the process for assessment of potential non-compliances is an important element of the IAP. Table 1 sets out DWER's general approach to the assessment and management of potential non-compliances.

Table 1: Management of potential non-compliance

Stage	Action	Outcome
1	Assurance team, Alcoa or other independent party identify potential non-compliance (notification of non-compliance by third-party will be treated as potential non-compliance until confirmed by investigation).	Determine if the potential non-compliance poses an immediate risk to the environment or public health (action as required).
2	Assurance team collect evidence or data associated with potential non-compliance.	Notify senior manager, compile relevant information, and refer to investigation team.
3	Investigation team and/or specialist compliance officers assess evidence or data against exemption order and/or general provisions of EP Act or or RIWI Act, undertake further enquiries where necessary.	Determination made as to compliance or non-compliance or other determination as may be appropriate (for example, may relate to general provisions of the EP Act or RIWI Act).
4	Determined to relate to general provisions of the EP Act or RIWI Act and not exemption order.	Notify Alcoa of determination and refer to general Compliance and Enforcement or other relevant stakeholder for action and regulatory response (for example, Prevention Notice, or other statutory response).
5	Determined to represent a non-compliance with exemption order	Immediate documented notification to Minister, <i>and</i> immediate notification to Alcoa, exemption order ceases to have effect.

Stage	Action	Outcome
6	Non-compliance confirmed, Minister notified, s41A of EP Act reactivated, defences under s6 no longer apply.	DWER high priority deployment of Assurance Team, direct compliance or other regulatory action as required subject to circumstances.

3 Reporting and transparency

3.1 Publication of Assurance Reporting

Assurance information and reporting will be made publicly available to improve transparency and confidence for the community that requirements and environmental objectives of the exemption order are being met.

The exemption order requires Alcoa to provide monthly monitoring data and records of activities undertaken in relation to the proposal and the conditions of the exemption order. DWER will publish periodic reports summarising monitoring and assurance activities undertaken.

Alcoa is also required to publish details of its bauxite mining activities on its website including:

- Geospatial data, as specified in the exemption order;
- monthly reports on monitoring data and activities carried out;
- if the Minister for Environment requires a report to be published; and
- if the Minister for State Development requires an MMP to be published.

Prior to the expiry of the six-month term of this AP, a report will be provided to the Minister. This report will include information on the effectiveness of the exemption order in mitigating risks to public health or the environment posed by mining activities and any areas of improvement identified. The AP will continue to roll over while the S.6 Exemption Order remains in place, with any suggested improvements incorporated as identified.

3.2 Monthly reporting

Alcoa is required to provide monthly reports containing monitoring data and details of activities undertaken in accordance with the exemption order. These updates and reports are required to be verified by the independent party engaged under the exemption order and will be subject to further review and verification by DWER. Following review and verification, relevant monitoring data and reports required under the exemption order will be published.

Further information regarding data to be provided in support of monthly reporting is described in Appendix 1, Compliance Assessment Table: Condition 10 and 11.

3.3 Third-party reporting

Third-party reports will be received via the Environment Watch Hotline ([1300 784 782](tel:1300784782)). The hotline will receive and respond to reports or allegations within the scope of this AP (see section 1.2) and relating to potential non-compliance with the exemption order, the EP Act or RIWI Act or other subsidiary legislation administered by DWER. Third-party reports received via the hotline falling outside the scope of this assurance plan will be redirected to other relevant agencies where appropriate.

Appendices

1. Compliance Assessment Table
2. *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*

Appendix 1: Compliance Assessment Table

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
1	Terms used	Refer to Appendix 2: <i>Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023</i>	Noted and will be considered in all assurance activities.	Not applicable.
2	Limitations and maximum extent	<p>(1) In this clause —</p> <p>Darling Range exploration disturbance footprint means the areas measuring in aggregate 233,490 hectares (ha) that are shaded in blue and outlined in black on Figure 1;</p> <p>Huntly Mine disturbance footprint means the areas measuring in aggregate 39,047 ha that are shaded in red and outlined in black on Figure 2;</p> <p>Huntly Mine native vegetation disturbance footprint means the areas measuring in aggregate 3,538 ha that are coloured green on Figure 3;</p> <p>Willowdale Mine disturbance footprint means the areas measuring in aggregate 2,136 ha that are shaded in orange and outlined in black on Figure 4.</p> <p>(2) Mining activities associated with the Huntly Mine —</p> <p>(a) must not disturb land outside the Huntly Mine disturbance footprint; and</p> <p>(b) must not disturb native vegetation outside the Huntly Mine native vegetation disturbance footprint.</p> <p>(3) Mining activities associated with the Willowdale Mine —</p> <p>(a) must not disturb land outside the Willowdale Mine disturbance footprint; and</p> <p>(b) must not disturb native vegetation.</p> <p>(4) Exploration activities associated with the implementation of the Darling Range bauxite mining proposals must not disturb land outside the Darling Range exploration disturbance footprint.</p> <p>(5) The amount of bauxite extracted, conveyed, crushed or otherwise processed in the implementation of the Darling Range bauxite mining proposals must not exceed 38 mega tonnes (wet) in any calendar year.</p> <p>(6) In carrying out exploration activities in the implementation of the Darling Range bauxite mining proposals Alcoa and its associates must not bore more than 105,000 drill holes in any calendar year.</p>	Monitor clearing extent with satellite imagery	High-frequency each week. Subject to imagery availability and acquisition.
			Site inspection	High-frequency regular and random unannounced basis each week.
			Monitor clearing extent with drone	As required based on findings of satellite imagery monitoring and site inspections.
			Review of Alcoa reports required under clause 10.	Monthly
			Review and verification of reports by compliance monitor required under clause 11.	Monthly
			Review of production throughput	Annually
			Review of drill hole extent	Annually
3	Prohibited activities	<p>(1) In this clause —</p> <p>forest clearing advice area means an area coloured yellow on Figure 5.</p> <p>(2) In implementing the Darling Range bauxite mining proposals, Alcoa and its associates must not engage in clearing or other activities likely to disturb a forest clearing advice area.</p> <p>(3) Subclause (2) does not apply to —</p> <p>(a) rehabilitation; or</p>	Monitor clearing extent with satellite imagery.	High-frequency each week Subject to imagery availability and acquisition.
			Site inspection	High-frequency regular and random unannounced basis each week.

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
		(b) monitoring activities implemented in accordance with Division 3.	Monitor clearing extent with drone.	As required based on findings of satellite imagery monitoring and site inspections.
4(1)	Restricted activities	<p>(1) In this clause —</p> <p>black cockatoo nesting tree means a tree containing 1 or more hollows —</p> <p>(a) that appear to be, or have been, used as black cockatoo breeding habitat; or</p> <p>(b) that have a diameter of not less than 100 millimetres (mm) and a depth of not less than 500 mm;</p> <p>Huntly Mine black cockatoo significant tree means —</p> <p>(a) a jarrah tree with a diameter of not less than 2,000 mm at a height of 1,300 mm above ground level; and</p> <p>(b) a marri tree with a diameter of not less than 1,500 mm at a height of 1,300 mm above ground level;</p> <p>top water level margin, in relation to a water reservoir, means the margin of the surface of the water in the reservoir when the level of water in the reservoir is at the point above which water will spill;</p> <p>water reservoir means a dam, weir or reservoir for the storage of water for potable water supply service.</p>	Noted and will be considered in all assurance activities.	Not applicable.
4(2)	Restricted activities	<p>(2) In implementing the Darling Range bauxite mining proposals, Alcoa and its associates must not undertake any mining activities —</p> <p>(a) within one kilometre (km) of the top water level margin of any water reservoir; or</p> <p>(b) within the Serpentine Pipehead Dam Catchment Area (constituted under the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> section 13(a) by a proclamation of 9 November 1982 published in the Gazette on 3 December 1982 at p. 4678); or</p> <p>(c) in any area that —</p> <p>(i) is within the prohibited zone associated with any water reservoir; and</p> <p>(ii) has an average slope (based on the Landgate derived slope dataset) greater than 16 per cent;</p> <p>or</p> <p>(d) within 10 metres (m) of a black cockatoo nesting tree or a Huntly Mine black cockatoo significant tree; or</p> <p>(e) on or after 1 January 2027, within 50 m of a black cockatoo nesting tree.</p>	Monitor clearing extent with satellite imagery.	High-frequency each week Subject to imagery availability and acquisition.
			Site inspection	High-frequency each week Subject to imagery availability and acquisition.
			Monitor clearing extent with drone.	As required based on findings of satellite imagery monitoring and site inspections.
			Review of Alcoa reports required under clause 10.	Monthly
			Review and verification of reports by compliance monitor required under clause 11.	Monthly

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
4(3)	Restricted activities	<p>(3) Subclause (2) does not apply to —</p> <ul style="list-style-type: none"> (a) rehabilitation; or (b) monitoring activities implemented in accordance with Division 3; or (c) use and maintenance of existing mining infrastructure; or (d) modification of existing road infrastructure; or (e) construction of drainage control infrastructure; or (f) mining within 1 km of the top water level margin of any water reservoir within the Huntly Mine disturbance footprint carried out before 30 June 2024. 	Noted and will be considered in all assurance activities.	Not applicable
5	Activities requiring drainage control and stabilisation	<p>(1) In this clause —</p> <p>stabilisation date, in relation to an activity, means the earlier of —</p> <ul style="list-style-type: none"> (a) 12 months after the day on which the activity ceases; and (b) the first 30 April falling more than six calendar months after the day on which the activity ceases. <p>(2) If, in implementing the Darling Range bauxite mining proposals, an activity mentioned in clause 4(3) is undertaken in an area mentioned in clause 4(2), after the activity has ceased Alcoa must —</p> <ul style="list-style-type: none"> (a) implement drainage control until the area affected by the activity is stabilised; and (b) as soon as practicable, but in any event not later than the stabilisation date for the activity, stabilise the area; and (c) as soon as practicable, complete the rehabilitation of the area. <p>(3) Subclause (4) applies if, in implementing the Darling Range bauxite mining proposals, any mining activities are undertaken —</p> <ul style="list-style-type: none"> (a) in the prohibited zone associated with a water reservoir; or (b) within 1.5 km of the peak of Mount Solus. <p>(4) After the activity has ceased Alcoa must —</p> <ul style="list-style-type: none"> (a) as soon as practicable, but in any event not later than the stabilisation date for the activity, either — <ul style="list-style-type: none"> (i) commence stabilising the area affected by the activity; or (ii) implement drainage control until the area is stabilised; and (b) not later than 24 months after the activity has ceased, stabilise the area. 	Site inspection	High frequency each week Subject to imagery availability and acquisition.
			Monitoring with drone.	As required based on findings of satellite imagery monitoring and site inspections.
			Review and verification of reports by compliance monitor required under clause 11.	Monthly
			Review of satellite imagery.	High-frequency each week Subject to imagery availability and acquisition. End of April annually Subject to imagery availability and acquisition.

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
6(1)	Drainage incidents	<p>(1) In this clause —</p> <p>containment infrastructure means a basin, pond, sump, culvert or other structure on, or associated with, a disturbance area that —</p> <ul style="list-style-type: none"> (a) is designed or intended to contain liquids and sediment that may include environmentally hazardous material; and (b) is used — <ul style="list-style-type: none"> (i) to capture and temporarily store flood water to prevent excessive runoff and channel erosion in receiving environments; and (ii) to remove particulate-based contaminants and sediment; <p>drainage incident means —</p> <ul style="list-style-type: none"> (a) a runoff from a disturbance area to the surrounding environment of surface water that has a turbidity of at least 25 nephelometric turbidity units for a period of at least one hour; or (b) a discharge from containment infrastructure that includes or may include environmentally hazardous material; <p>environmentally hazardous material means material which by its characteristics poses a threat or risk to public health, safety or the environment, including but not limited to material that is —</p> <ul style="list-style-type: none"> (a) toxic; or (b) infectious; or (c) mutagenic; or (d) carcinogenic; or (e) teratogenic; or (f) explosive; or (g) flammable; or (h) corrosive; or (i) oxidising; or (j) radioactive. 	Noted and will be considered in all assurance activities.	Not applicable
6(2)	Drainage incidents	<p>(2) Upon becoming aware of a drainage incident arising from or associated with the implementation of the Darling Range bauxite mining proposals, Alcoa must —</p> <ul style="list-style-type: none"> (a) report the incident to the Chief Executive Officer (CEO) within 24 hours; and (b) investigate — <ul style="list-style-type: none"> (i) the cause of the incident; and 	Review of information provided in 24-hour report from Alcoa.	Following the receipt of a report.
			Site inspection	When required
			Review of report.	Following the receipt of a report.

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
		<ul style="list-style-type: none"> (ii) the environmental impacts of the incident; and (c) within 21 days, advise the CEO of — <ul style="list-style-type: none"> (i) the outcome of investigations made under paragraph (b); and (ii) the measures that have been, are being or will be implemented to rectify the incident; and (iii) other measures that have been, are being, or will be implemented to avoid or minimise the environmental impact of the incident. 		
7	Term used: compliance	In this Division — compliance means compliance by Alcoa and its associates with the requirements of Division 2.	Noted and will be considered in all assurance activities.	Not applicable.
8	Appointment of compliance monitor	<p>(1) In this clause — independent qualified expert means a person or body —</p> <ul style="list-style-type: none"> (a) that is not owned or controlled by Alcoa or its associates; and (b) that has appropriate expertise and experience to monitor and report on — <ul style="list-style-type: none"> (i) the implementation of the Darling Range bauxite mining proposals; and (ii) compliance. <p>(2) With the prior written approval of the Minister, Alcoa must appoint and retain an independent qualified expert —</p> <ul style="list-style-type: none"> (a) to undertake continuous monitoring, by means of inspections and measurements made not less frequently than weekly, of — <ul style="list-style-type: none"> (i) the implementation of the Darling Range bauxite mining proposals; and (ii) compliance; and (b) to make the reports required by clause 11. <p>(3) Alcoa must make the first appointment under subclause (2) not later than 60 days after commencement day.</p> <p>(4) If an appointment made under subclause (2) terminates, Alcoa must —</p> <ul style="list-style-type: none"> (a) as soon as practicable, notify the CEO of the termination; and (b) not later than 30 days after the termination, make a new appointment under subclause (2). 	Review appointment of independent qualified expert and Minister approval.	Following appointment of independent qualified expert.
9	Compliance assessment plan	<p>(1) Alcoa must —</p> <ul style="list-style-type: none"> (a) prepare a plan for assessing compliance; and (b) no later than 60 days after commencement day, submit to the CEO — <ul style="list-style-type: none"> (i) the plan; and 	Review of compliance assessment plan.	Following submission of the compliance assessment plan

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
		<p>(ii) a statement in writing signed by or on behalf of the compliance monitor to the effect that, in the compliance monitor's opinion, the plan will be sufficient, if implemented, to enable a failure in compliance to be detected and identified.</p> <p>(2) The compliance assessment plan must —</p> <p>(a) state the name, qualifications, address and other contact details of the compliance monitor; and</p> <p>(b) include an up-to-date professional resume for each member of staff of the compliance monitor who will be engaged in monitoring implementation of the Darling Range bauxite mining proposals or compliance; and</p> <p>(c) state what information will be collected and recorded to assess compliance, and when and how the information will be collected; and</p> <p>(d) state what methods the compliance monitor will use to assess compliance.</p> <p>(3) Alcoa must ensure that the compliance assessment plan is kept up-to- date by submitting to the CEO a revised plan whenever a change is made to —</p> <p>(a) any of the particulars required by subclause (2) to be included in the plan; or</p> <p>(b) any other particulars included in the plan.</p> <p>(4) A revised plan submitted under subclause (3) must be accompanied by a new statement in the terms required by subclause (1)(b)(ii) relating to the revised plan.</p>		
10	Reports by Alcoa	<p>(1) In respect of each calendar month after the calendar month in which commencement day occurs, Alcoa must give to the CEO a report in writing that complies with subclause (2).</p> <p>(2) Alcoa's report must —</p> <p>(a) specify the calendar month to which it relates; and</p> <p>(b) set out the results of any monitoring (including raw monitoring data) undertaken by the Alcoa during the specified month; and</p> <p>(c) set out —</p> <p>(i) the activities carried out to implement the Darling Range bauxite mining proposals during the specified month; and</p> <p>(ii) the activities mentioned in clause 4(3), undertaken in an area mentioned in clause 4(2), that have ceased during the specified month and the date on which each activity ceased; and</p> <p>(iii) the activities proposed to be undertaken to implement the Darling Range bauxite mining proposals during the two calendar months following the specified month.</p>	<p>Review of Alcoa reports required under clause 10.</p> <p>To assist with monthly reporting, Alcoa is expected to provide a digital vector file containing polygons of the geographical boundary of the activities carried out, and proposed during the next consecutive monthly period.</p>	Monthly

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe
		(3) Alcoa must give the report to the CEO not later than 15 days after the end of the specified month.		
11	Reports by compliance monitor	<p>(1) In respect of each calendar month after the first calendar month in which a compliance monitor is appointed under clause 8(2), the compliance monitor must give to the CEO a report in writing that complies with subclause (2).</p> <p>(2) The compliance monitor's report must —</p> <ul style="list-style-type: none"> (a) specify the calendar month to which it relates; and (b) outline the activities undertaken by the compliance monitor during the specified month to assess compliance; and (c) set out the results of any monitoring (including raw monitoring data) undertaken by the compliance monitor during the specified month; and (d) say whether, in the compliance monitor's opinion, the results of the monitoring, together with any additional information provided to the compliance monitor by Alcoa or its associates, is sufficient to enable the compliance monitor to detect and identify a failure in compliance; and (e) in respect of each condition included in Division 2 — <ul style="list-style-type: none"> (i) state the compliance monitor's opinion as to the extent of compliance during the specified quarter; and (ii) identify any incidents of failure of compliance occurring during the specified month that the compliance monitor has detected. <p>(3) The compliance monitor must give the report to the CEO no later than 15 days after the end of the specified month.</p>	Review and verification of reports by compliance monitor required under clause 11.	Monthly
12	Provision of information	<p>(1) Alcoa must give the Minister or the CEO information relating to the implementation of a Darling Range bauxite mining proposal as requested by the Minister or the CEO, as the case may be.</p> <p>(2) A request for information under subclause (1) —</p> <ul style="list-style-type: none"> (a) must be in writing; and (b) must specify the information that Alcoa is to provide; and (c) may specify the form in which Alcoa is to provide the information; and (d) may specify a date by which Alcoa is to provide the information. 	Review of information received following Minister or CEO request.	When required.
13	Publication of information	<p>(1) In this clause —</p> <p>mining and management programme means a mining and management programme submitted by Alcoa and agreed by the State Development Minister under commitment two of Schedule 2 to Ministerial Statement 728 published on 14 September 2006 under s45 of the EP Act;</p>	Review of the public availability of the specified documents.	Following the specified time frames in column two of the Table.

Clause	Subject	Requirement ¹	Assurance Activity	Frequency Timeframe										
		<p>sensitive information means confidential information that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published.</p> <p>(2) Subject to subclause (3), Alcoa must publish on its website each document or item of information listed in column one of the Table to this subclause at or within the time specified in relation to that document or item of information in column two of the Table to this clause.</p> <p style="text-align: center;">Table</p> <table><tr><th>Document or item of information</th><th>Time limit for publication</th></tr><tr><td>All geospatial data in the possession or procurement of Alcoa that is relevant to the conditions in Division 2.</td><td>Within 30 days after commencement day.</td></tr><tr><td>A report given to the CEO under clause 10(1).</td><td>Within 60 days after the day by which the report is required by clause 10(3) to be given to the CEO.</td></tr><tr><td>If the Minister gives Alcoa notice in writing requiring publication of a report given to the CEO under clause 11(1) — the report.</td><td>Within seven days after the notice is given.</td></tr><tr><td>If the State Development Minister gives Alcoa notice in writing requiring publication of an MMP — the mining and management programme.</td><td>Within seven days after the notice is given.</td></tr></table> <p>(3) If a document or item of information required by subclause (2) to be published includes sensitive information Alcoa may, with the approval in writing of the Minister, omit the sensitive information when publishing the document or item of information.</p>	Document or item of information	Time limit for publication	All geospatial data in the possession or procurement of Alcoa that is relevant to the conditions in Division 2.	Within 30 days after commencement day.	A report given to the CEO under clause 10(1).	Within 60 days after the day by which the report is required by clause 10(3) to be given to the CEO.	If the Minister gives Alcoa notice in writing requiring publication of a report given to the CEO under clause 11(1) — the report.	Within seven days after the notice is given.	If the State Development Minister gives Alcoa notice in writing requiring publication of an MMP — the mining and management programme.	Within seven days after the notice is given.		
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If the State Development Minister gives Alcoa notice in writing requiring publication of an MMP — the mining and management programme.	Within seven days after the notice is given.													
14	CEO may authorise people to perform functions	<p>(1) The CEO may, by written instrument, authorise an officer or member of staff of the Department (an authorised person) to perform all or any of the functions of the CEO under this Schedule, other than this power of authorisation.</p> <p>(2) This clause does not limit the ability of the CEO to perform a function through an officer or agent.</p>	Noted and will be considered in all assurance activities.	Not applicable.										

¹ Requirements to be read in conjunction with Appendix 2; *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*

Glossary

Alcoa	Refers to Alcoa of Australia Limited
DWER	Refers to the Department of Water and Environmental Regulation
EP Act	Refers to the <i>Environmental Protection Act 1986</i>
EPA	Refers to the Environmental Protection Authority
Exemption Order	Refers to the <i>Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023</i>
Minister	Refers to the Minister for Environment
ML1SA	Refers to Mineral Lease 1SA (ML1SA) within which Alcoa undertakes bauxite mining activities within the Darling Range
MMP	Refers to a Mining and Management Program
MMPLG	Refers to the Mining and Management Program Liaison Group
Proposals	Refers to the Mining and Management Programs for the period 2022 to 2026 and from 2023 to 2027 referred to, and currently under assessment by, the Environmental Protection Authority
RIWI Act	Refers to the <i>Rights in Water and Irrigation Act 1914</i>