



16 July 2013

Dr Bill Freeland
Chair
Northern Territory Environmental Protection Authority
GPO Box 3675
Darwin NT 0801

Dear Dr Freeland,

NT EPA Environmental Guidelines – Public Consultation

The Association of Mining and Exploration Companies (AMEC) is the peak national industry body for mineral exploration and mining companies within Australia. The membership of AMEC comprises over 360 explorers, emerging miners and the companies servicing them; many are based or have operations in the Northern Territory.

AMEC's strategic objective is to secure an environment that provides clarity and certainty for mineral exploration and mining in Australia in a commercially, politically, socially and environmentally responsible manner. It is from this perspective that AMEC appreciates the opportunity to comment on the proposed Environmental Guidelines and assist in the efficient and effective assessment of environmental approvals in the Northern Territory.

Specific comments are outlined below and attributed to the various sections and guidelines provided for review. As a general comment, AMEC is concerned that these guidelines may not fulfil their objective of creating clarity for proponents and government through a more streamlined process.

AMEC understands these are draft documents; however, AMEC is concerned with the complexity of some of the guidelines (particularly Attachment A of the Mining Guideline).

AMEC is unclear on the approach the NT EPA has taken with regards to environmental assessments and the proponent guidelines. It would appear, in the way in which the guidelines are structured, that the approach is to default to the regulatory controls that exist in current pieces of legislation. Thus, the NT EPA would only undertake an assessment when those controls are deemed not appropriate to manage the risk to the environment. In AMEC's view the Guidelines should be a guide for the proponent to check existing regulatory obligations have been met. If each of these have been accounted for, then a referral to the NT EPA is not necessary.

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The guidelines should be structured in such a way that a full complement of yes's or no's, (depending on how the question is framed) dictates the appropriate action. The manner in which the questions are framed currently means the answer is unclear and therefore confuses the result of whether to refer to the NT EPA or not.

Please find AMEC's specific comments and recommendations to the Guidelines in Attachment A.

AMEC is pleased to be invited to comment on the Guidelines and should you have need of further input please contact Bernie Hogan, AMEC Regional Manager on 0402112367 or bernie.hogan@amec.org.au

Yours sincerely

A handwritten signature in purple ink, appearing to read 'Simon Bennison', with a long horizontal flourish extending to the right.

Simon Bennison
Chief Executive Officer

ATTACHMENT A

Recommendations for Environmental Assessment Guidelines Mining exploration or production proposals submitted under the *Mining Management Act*

The guideline encompasses exploration and mining in one, however does not show the diversity in these two very separate distinct activities. Whilst mining may have a long-term presence and impact, exploration is far more transitory in nature and this should be recognised in the guidelines.

SECTION	RECOMMENDATION / COMMENT
Attachment A - "The proposed development is unlikely to have potential to: <ul style="list-style-type: none">• cause pollution of freshwater/marine waterways, groundwater, soils and/or air;• cause detrimental impacts on aquatic fauna consumed as used for food consumption;• significantly obstruct or alter existing waterways or groundwater flows;• and/or involve significant ground or surface water extraction."	<p>This is not a question, but a statement.</p> <p>The construction of the topic is unwieldy and confusing. Should a proponent wish to indicate that their project will NOT impact they actually need to answer "YES" inferring it is unlikely.</p>
Attachment A - Noise and Dust management plans	<p>Needs more clarity. Particularly, are plans required only for exploration drilling or are they required for associated activities such as track clearing or maintenance.</p> <p>The guideline may need to point to an information source to determine the level of "satisfaction" needed by DME</p>
Attachment A - Flora and Fauna Studies	<p>Refers to "close proximity" to National Parks. This is ambiguous and does not serve its purpose of providing clarity. "Close Proximity" needs to be defined, and this will slow the assessment process for proponents.</p>
Attachment A – Weed Management Plans	<p>This comment may be beyond scope in that weed management plan need to be scalable to suit the exploration sector. Wash-down</p>

	bays are simply not available or economically constructed in remote areas.
Attachment A – Aboriginal Areas Protection Authority	Explorers have questioned whether legislation requires an Authority Certificate to be issued, as most simply engage the local Aboriginal population for advice as it is quicker and less costly. However, if they answer “no – it has not”, concern is that this triggers an assessment.
Attachment A – Work health and safety assessments	Is this applicable to exploration programmes that are governed under the MMA? There seems to be some confusion where drilling programmes are put under the same restrictions as mining proposals.
Attachment A – Social Impact Assessments	As above, AMEC members expressed concern that this could trigger EIA for a drilling programme for greenfield exploration.

Recommendations for Guideline for the Preparation of an Economic and Social Impact Assessment

SECTION	RECOMMENDATION / COMMENT
1. Stating that there is “strong industry support for a ‘social licence to operate’”	<p>This is a wide ranging comment that does not truly reflect the industry view, but the current community perception.</p> <p>Further, it is unlikely many companies accept that it is the Government’s role to enforce a “social licence” that has no legislated basis.</p> <p>Mentioning “social licence” is misleading, as a proponent that is granted an exploration licence, obtains agreement with traditional owners and is submitting to being assessed against relevant environmental regulations already is fulfilling their requirements.</p>

6.0 Regarding consultation with local community.	This paragraph expressly encourages additional costs to explorers, by requiring them to engage consultants. AMEC strongly recommends this reference be removed.
	On land covered by Aboriginal Land Rights Act, proponents are not to have direct contact with the land owners. The guidelines should reflect this.
	<p>Agreements and discussions with Land Councils and Traditional Owners are strictly confidential. AMEC suggests that proponents will be caught between negotiating with Land Councils, to be allowed to present contract details to the EPA.</p> <p>This section needs to be clarified.</p>
6.5 Economic & Social Impact Management Plan (ESIMP)	<p>The ESIMP process is totally out of step with small operators with small scope of operations.</p> <p>It should be noted that Queensland has repealed the need for SIMP within the EAS process in that state in July 2013. The SIMP has been incorporated within an environmental approval conditions where appropriate.</p> <p>AMEC recommends the Northern Territory undertake this reform and learn from the experiences of other jurisdictions.</p>

Recommendations for Guideline on Offsets and Associated Approval Conditions

SECTION	RECOMMENDATION / COMMENT
<p>2. Objective of the Offsets Policy</p> <p>With reference to the “voluntary application of the social licence to operate concept”</p>	<p>This comment implies a non-approval if there is not a voluntary acceptance on this subjective concept.</p> <p>AMEC recommends that application of an offsets policy must have a clear and defined purpose. Further to this, offsets must be based on sound science-based methodology to define project impacts, and at the last resort.</p>