



CEO 245/14



24 February 2014

Mr Jason Banks  
Acting Director General  
Department of Environment Regulation  
Locked Bag 33  
Cloisters Square  
PERTH WA 6850

Dear Jason

### REVIEW OF THE CONTAMINATED SITES ACT 2003 – DISCUSSION PAPER

The Chamber of Minerals and Energy of Western Australia (CME) welcome the opportunity to provide comment on the review of Western Australia's *Contaminated Sites Act 2003* (CS Act).

A number of CME's member companies have provided comment to specific aspects of the CS Act. CME's comments to this review highlight a concern amongst the resource sector to the ambiguity of the applicability of the legislation and duplication with various other legislative mechanisms regulating the resource sector.

Several aspects of the CS Act currently impose an administrative burden on both resources companies and the government.

Under the legislation, resource companies are required to identify each potential occurrence of contamination associated with their current and historical operations and report all known or suspected contamination identified. In the case of resource projects, many projects are likely to meet these wide thresholds for reporting.

Specifically, the CS Act creates an administrative burden for resource companies in the following areas:

- the definition of 'contamination' applies to many activities undertaken by the resources industry;
- resource companies are required to identify each occurrence of contamination associated with each operation. This could include each tailings dam and potentially, each drill hole;
- reports refer to land title details, not tenements. This is problematic where land titles do not exist or where an operation overlies a number of different land titles.

The resources sector is already significantly regulated for contaminated sites related issues under various legislative measures and licence conditions. This occurs through legislation such as:

- the Mining Act 1978, tenement conditions and specific mine closure requirements;
- environment legislation, both state and federal, eg pollution and environmental harm offences, and requirements to notify of discharges; and

- environmental authorisations including Ministerial approval under Part IV of the EP Act, works approvals and operating licences.

While the current discussion paper seeks to address a number of administrative issues relating to the operation of the CS Act, CME considers the legislation requires specific review in relation to resource projects, the overlap between the various legislative instruments and consideration of mechanisms to remove this duplication.

CME considers it is necessary to specifically examine the intersection of the CS Act as it relates to resource projects in conjunction with the review of the Mine Closure Guidelines being undertaken by Department of Mines and Petroleum and Office of Environmental Protection.

CME requests the opportunity to meet with the Department to discuss this further.

If you have any further queries regarding the above matters, please do not hesitate to contact Kane Moyle, Manager – Environment, on (08) 9220 8511 or [k.moyle@cmewa.com](mailto:k.moyle@cmewa.com).

Yours sincerely



**Reg Howard-Smith**  
Chief Executive