

Dr Richard Aldous
Executive Director
Minerals and Petroleum Resources
Department of Primary Industries
PO Box 4440
Melbourne, Vic, 3001

Dear Richard,

Re: Draft Work Plan Guidelines for Mining Licences

The Minerals Council of Australia welcomes the opportunity to comment on the draft “Work Plan Guidelines for a Mining Licence Exceeding 5 Hectares” dated 12 March 2008. This new draft of the guideline is much improved on earlier versions and we commend you and your staff for preparing a document that is generally clear and accurate. Our members have reviewed the draft and the comments we make below are intended to improve that clarity.

We make a number of specific comments and also suggest a number of changes that are editorial in nature.

Specific Comments

Buffer Zones

There are a number of references to “Buffer Zones” (Table 1 5(e) and 8(d), Glossary Page 18 and in Schedule 13). The use of the term buffer zone can create more problems than it is designed to prevent due to ill-founded expectations of their ability to protect something from adverse impact. We recommend that references to “Buffer Zones” be deleted in favour of specific action to manage the impact or project designs to address specific values (amenity, native vegetation, watercourses etcetera).

Planning Permits

Whilst not wishing to over complicate Figure 1 with what is a complex arrangement it is concerning that the Figure only refers to the Planning Permit approval. While it is acknowledged that the majority of mines are founded on a planning permit, there are many that are not (refer EES or s.42A approvals) and the flowchart and text needs to reflect this fact.

OHS Guidance

Item 9 of Table 1 under Design Phase Hazards and Risk Controls; asks the question “Has the licence holder identified all hazards (ie. all types of hazards in every aspect of the operation)? The regulations require mines to carefully assess and manage the specific “mining hazards”.

There is no mention of “all hazards”. The mines are not required to undertake a full safety case approach. Suggest “all hazards” be revised to “mining hazards”.

Appendix 15 on OHS references includes an MCA reference on Positive Performance Measures: A Practical Guide. This reference is an odd inclusion, as it cannot be expected that the operator will be required to determine the performance measures for reporting to a regulator.

Community Engagement Guidance

Item 11 of Table 1 proposes that a community engagement plan will be developed and implemented to “ensure best practice” in the management of social impacts of the operation. Best Practice is a very stringent requirement and who determines what Best Practice is? Suggest the use of a more appropriate term such as good practice or leading practice.

Editorial Changes

Formatting throughout the document is highly inconsistent and a distraction from the guideline itself. It needs a thorough review with respect to the use of upper/lower case (for terms such as work plan, planning permit and work authority), italics for the names of the Acts etc.

There are a number of suggested editorial changes that are included on the attached copy of the draft with the changes tracked. These are all relatively minor and presented with an aim to improve clarity.

Conclusion

As stated above, we are supportive of the draft guideline and encourage you to finalise and publish as a matter of priority.

Should you or your staff wish to discuss our comments I can be contacted on 03 8614 1851.

Yours faithfully,



Chris Fraser
Executive Director, Victoria

Cc: editorial changes.