



Ref CTS 08206/11

Department of  
Environment and Resource  
Management

1 July 2011

Mr Ralph De Lacey  
President  
NQMA  
395 Lake Street  
NORTH CAIRNS QLD 4870

Dear Mr De Lacey

Thank you for your email dated 17 March 2011 concerning the provision of a transitional period for amalgamation of environmental authorities for level 2 mining projects. I apologise for the delay in you receiving a reply.

Following the meeting between DERM, DEEDI and QSMC on Friday 3 June 2011 in Brisbane, I am pleased to confirm that all of the outstanding matters relating to the *"Checklist: Assessment of eligibility for a single project environmental authority for a mining project"* have been resolved. A copy of the final Checklist is attached for your reference and distribution. A copy has also been sent to the QSMC for its reference and distribution.

The department noted the QSMC's comments, and has taken them into account in finalising the Checklist. The following matters covered by the Checklist were modified or removed.

The wording of section 1, point 2 of the Checklist was changed by replacing "daily supervision of the same person" with "managed on a day to day basis as a single integrated operation by the same supervisor". A note with additional explanation has been included in the Checklist.

Section 1, point 4 of the proposed checklist has been deleted.

For section 1, point 4 of the Checklist, the department has agreed with the QSMC that to be considered as a single integrated operation, the boundaries of all included mining tenures must be completely located within the boundary of a circle 500 km in diameter. This is consistent with the requirement that the supervisor be capable of responding to an incident on any included tenure on the day that the incident occurs.

The department will now distribute the Checklist to staff and brief them on its application as an assessment tool when dealing with applications for the amalgamation of environmental authorities, or for new mining tenures that are part of a single mining project. It will also be appended to the application forms for an environmental authority for a new level 2 mining project or to amend an environmental authority for an existing level 2 mining project.

I would like to take this opportunity to also re-affirm the advice that was given to the QSMC in the course of the meeting on the 3 June 2011 about progress with the changes to the regulations that will implement the commitments given by the department to ensure that

annual fees are not payable until tenure is granted, and that there is a transitional period during which the amalgamation of eligible environmental authorities into a single environmental authority for a level 2 mining project will attract a refund of annual fees paid as from the 1 January 2009.

The planned amendments to the regulation are well advanced, and they are expected to be given effect in mid-July, subject of course to the priority of government business. As soon as there is a definite date for the making of the regulation amendments I will ensure that you are advised.

In relation to annual fees, the regulation is to be amended to provide that the annual fee is not payable at the time an application for an environmental authority is made, and only becomes payable on the anniversary day of the authority after tenure is granted. These arrangements will apply after the regulation is amended and there will be no refund of annual fees already paid. Where tenure is yet to be granted, there will be no further annual fees payable until that tenure is granted.

Where the holder of an existing environmental authority applies for a new tenure that is to be amalgamated into that authority, an application fee will have to be paid and the annual fees for the existing authority will continue to apply.

In relation to the amalgamation of multiple environmental authorities into a single environmental authority for a level 2 mining project, the regulation is to be amended to provide that for a period of twelve months from the date on which the regulation is amended, the department will refund the annual fees that have been paid for each year back to 1 January 2009, for the environmental authorities that are extinguished in this process.

Following discussions at the meeting on the 3 June 2011, the department gave a further undertaking that, provided the annual fees had been fully paid for the environmental authority that is the continuing authority, the department would adjust any outstanding fees in the course of calculating the refund that may be due. In this regard, if people have current applications for amalgamation of environmental authorities before the department, and the amalgamations have been lodged in anticipation of the refund arrangements, the department committed to facilitating the withdrawal of those applications and the refund of application fees. The applications can then be resubmitted after the regulation amendments come into effect and the department is able to lawfully refund the annual fees. Applications that have already been processed can not now be withdrawn.

It would be appreciated if the North Queensland Miner's Association (NQMA) could inform its members that when applying for the amalgamation of multiple environmental authorities into a single authority for a level 2 mining project, that the application will need to comply with all of the requirements set out in the Checklist. This is to say that the combined activities covered by the environmental authority will still need to meet all of the criteria to be a level 2 mining project, and the criteria to be a single integrated operation.

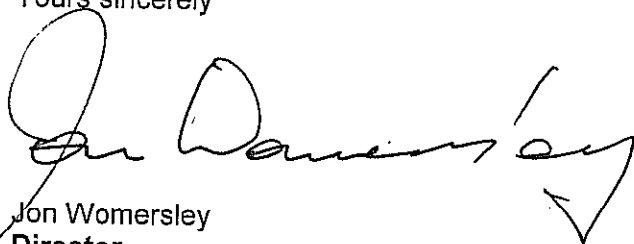
The department is committed to a smooth transition to these new arrangements, and will be undertaking briefings for DERM and DEEDI staff, and workshops for the small mining community to facilitate the early operation of these arrangements. The department has accepted an invitation to attend the regular meeting of the NQMA in July 2011. In that respect the department will be briefing those attending about the *Greentape Reduction*

Project and will be happy to discuss other matters of interest to those attending. Your advice as to any specific matters that people may wish to raise will allow the department to come prepared for those conversations.

Separately the department is conducting a program of consultation about its *Greentape Reduction Project* about which it briefed the QSMC at the meeting on the 3 June 2011. As part of that consultation the department has written to every holder of an environmental authority advising that it has issued a Discussion Paper and Regulatory Assessment Statement about proposed changes to the *Environmental Protection Act 1994* designed to make consistent and streamline the administrative requirements for environmental approvals. This work is being undertaken in close consultation with the streamlining work being undertaken by DEEDI with respect to the *Mineral Resources Act 1989*. The department welcomes comments on the Discussion Paper and Regulatory Assessment Statement. The department is undertaking a formal round of briefings in major centres, and undertook to attend meetings in other localities if invited, to brief stakeholders on these documents. Attendance at the regular meeting of the NQMA in July 2011 will in part serve that purpose.

The department looks forward to continuing to work with the NQMA as a regular forum between DERM, DEEDI and QSMC evolves over the coming months. If you have any further enquiries, please do not hesitate to contact Mr Jon Womersley, Director Regulatory Support and Practice, on telephone (07) 3330 5749.

Yours sincerely



Jon Womersley  
**Director**  
**Regulatory Support and Practice**