



# Guidance Statement: Regulation of Mine Dewatering

*Consultation Paper*

**Version: Final**

November 2015

**Produced and published by**

Department of Environment Regulation  
168 St Georges Terrace, Perth, Western Australia

November 2015

**Copyright © State of Western Australia 2015**

All material is the copyright of the State of Western Australia. Permission is not given for any commercial use or sale of this material. No part of the contents of the publication may be reproduced by any process, electronic or otherwise, distributed, adapted, broadcast, performed in public or communicated to the public without the written consent of Department of Environment Regulation, except as permitted under the *Copyright Act 1968*.

**Disclaimer**

The information contained in this document is provided by Department of Environment Regulation in good faith. However, there is no guarantee of the accuracy of the information contained in this document and it is the responsibility of users to make their own enquiries as to its accuracy, currency, relevance and correctness.

The State of Western Australia and Department of Environment Regulation and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document, or for any incident or consequential loss or damage of such act or omission.

The State of Western Australia is committed to providing quality information and has made every attempt to ensure the accuracy, currency, reliability and correctness of the information contained in this document. However, changes in circumstances and legislation after the time of publication may impact on the correctness or quality of this information.

In addition the accuracy, currency, reliability and correctness of links or references to information sources referred to or provided by third parties is outside the control of State of Western Australia and it is therefore the responsibility of the user to make their own decisions on information found on those external sites. Confirmation of any of the information provided in this document may be sought from the relevant originating bodies or the Department providing the information; however, users of this material should verify all relevant representations, statements and information with their own professional advisers.

The State of Western Australia and Department of Environment Regulation reserve the right to amend the content of this document at any time without notice.

The information contained in this document is general. It does not constitute, and should be not relied on as, legal advice. The State of Western Australia recommends that users of this information seek advice from a qualified lawyer on the legal issues affecting them before relying on this information or acting on any legal matter.

**Questions regarding this report should be directed to:**

Department of Environment Regulation  
Locked Bag 33 Cloisters Square  
PERTH WA 6850  
Phone: +61 8 6467 5000  
Fax: +61 8 6467 5562  
Email: [info@der.wa.gov.au](mailto:info@der.wa.gov.au)  
Web: [www.der.wa.gov.au](http://www.der.wa.gov.au)

**Accessibility**

This document is available in alternative formats and languages upon request.

## About this consultation

**Topic of this consultation**

Reduction of red tape by administratively removing the duplication of the regulation of mine dewatering operations and the disposal of surplus mine dewater, between the Department of Environment Regulation (DER) and the Department of Water (DoW).

**Scope of this consultation**

Industry and the community.

**Geographical scope**

Western Australia

**Consultation duration**

11 November 2015 to 5 February 2016

**After the consultation**

The responses to this consultation will assist in finalising DER's *Guidance Statement: Regulation of Mine Dewatering*.

When the consultation period has ended all responses will be reviewed and made available on DER's website. A document summarising the responses and how they have been considered will also be made available on DER's website at [www.der.wa.gov.au](http://www.der.wa.gov.au).

## About public consultation

DER carries out public consultation to canvass the views of all stakeholders and interested parties and to inform a transparent and accountable decision-making process. By making a submission, you are consenting to the submission being treated as a public document and being published on the Department's website. Your name will be included but your contact address will be withheld for privacy.

If you do not consent to your submission being treated as a public document, you should mark it as *CONFIDENTIAL*, specifically identify those parts which you consider should be kept confidential, and include an explanation. The Department may request that a non-confidential summary of the material is also provided. It is important to note that even if your submission is treated as confidential by the Department, it may still be disclosed in accordance with the *Freedom of Information Act 1992*, or as required by law.

The Department reserves the right not to publish any submission, or to remove prior to publication any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

Your comments are requested by **5 February 2016**. No late submissions will be accepted.

Please direct comments or any questions about this paper:

By email: [info@der.wa.gov.au](mailto:info@der.wa.gov.au) with the words “GS Regulation of Mine Dewatering” in the subject line.

By post:

GS Regulation of Mine Dewatering  
Licensing and Approvals  
Department of Environment Regulation  
Locked Bag 33  
CLOISTERS SQUARE WA 6850

## Background

Peak industry bodies and industry participants have requested that consideration be given to reducing regulatory duplication, by enabling the process of dewatering to be regulated by a single agency. DoW regulates the extraction of water under the *Rights in Water and Irrigation Act 1914* (RIWI Act) and DER regulates the discharge of dewater under the *Environmental Protection Act 1986* (EP Act).

Category 6 of the *Environmental Protection Regulations 1987* (the Regulations) manages only the discharge of mine dewater. DER has 94 current EP Act licences that regulate discharge of mine dewater. The majority are located within the Pilbara and Goldfields regions. Of the 94 licences, 13 manage mine dewater only (9 within the Goldfields region), while 81 have been issued for multiple categories.

Other types of mine site water which are more likely to become contaminated (e.g. process water or potentially contaminated stormwater) are managed under other licence categories.

The taking / extraction of water from an aquifer to dewater a mine requires a licence under s 5C of the RIWI Act if the bore field is in a proclaimed groundwater area. The majority of the State’s mineral rich areas have been proclaimed, and include the highly EP Act licensed Pilbara and Goldfield regions.

The Minister for Water is required to have regard to several matters in determining a licence application, including whether the proposed taking and use of water is ecologically sustainable or environmentally acceptable.

The draft Guidance Statement was developed in consultation with DoW and is proposed to reduce the regulatory burden of mine dewatering.

## How the draft *Guidance Statement* will be applied

The draft *Guidance Statement* will apply to applications for works approvals and licences as well as to existing licensed prescribed premises.

DoW has strong technical expertise in hydrogeology, hydrology, assessing environmental water regimes for water dependent ecosystems, and water resource planning. Such expertise is highly relevant to the management of discharge of dewater to another water resource.

Where dewatering discharge is being regulated by DoW in accordance with the *Guidance Statement*, DER will exercise its discretion in the public interest in relation to enforcement action for dewatering.

## Impact on industry

The *Guidance Statement* will reduce regulatory duplication by enabling the process of dewatering to be regulated by a single agency.

Licence holders that meet the criteria under the *Guidance Statement* to have dewatering discharge regulated by DoW, will be directly invited to voluntarily choose to migrate to regulation under the RIWI Act. Operators holding licences with multiple categories would continue to require an EP Act licence if the mine dewater discharge category were removed.

Subject to the successful migration of licence holders from regulation by DER under the EP Act, DER will look to remove or modify the prescribed categories to remove dewatering that meet the criteria under this *Guidance Statement* from regulation under the EP Act.

## Responding to this consultation

DER seeks your input on any aspect of the draft *Guidance Statement: Regulation of Mine Dewatering*. Feedback received during consultation is important to DER and will be considered in the finalisation of the *Guidance Statement* after the consultation period has ended.

**Responses must be received by 5 February 2016.**

Please return comments:

by email: [info@der.wa.gov.au](mailto:info@der.wa.gov.au) with the words “GS Regulation of Mine Dewatering” in the subject line

by post:

GS Regulation of Mine Dewatering  
Licensing and Approvals  
Department of Environment Regulation  
Locked Bag 33  
CLOISTERS SQUARE WA 6850