



Fortescue Metals Group Ltd

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Our ref: E.00b.02.3.2007

The Director
Legislation Policy Section
Department of the Environment and Water Resources
GPO Box 787
CANBERRA ACT 2601

Dear Sir/Madam

RE: Review of Western Australia Impact Assessment Bilateral Agreement

Thank you for the opportunity to provide input into the review of the "Agreement Between the Commonwealth of Australia and the State of Western Australia under section 45 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* ("EPBC Act") Relating to Environmental Impact Assessment" (the "Agreement").

Fortescue Metals Group Ltd ("Fortescue") was formally assessed under the EPBC Act in 2006 for our Cloud Break Iron Ore Mine in the central Pilbara region of Western Australia. Detailed below are some of our observations of the operation of the bilateral process in practice.

1. Efficient and timely assessment

The bilateral agreement meant that the "Cloud Break Public Environmental Review" documents as required by the State were used for the Federal assessment process. This significantly reduced the duplication of documentation for the assessment. However, an additional 3 months was added to our assessment process waiting for the Federal Minister to issue his decision after the State Minister had made their decision. As the Federal agency had all the necessary information in which to make a decision for six months prior to a decision being made, greater coordination between the government agencies could reduce these timeframes.

2. Guidance

When undertaking our assessment, there was little guidance information provided to proponents to explain the Federal assessment system. Most information that we received was obtained due to the expertise of the officers within the DEH at the time, not through formal guidance documents prepared to assist proponents through the

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assessment process. Therefore, our experience and assessment was dependent upon the expertise of the officer involved in the assessment.

3. Opportunity for Public Consultation

Our assessment process provided a number of opportunities for public comment. During the assessment, there were no fewer than four different opportunities when the public could formally comment on our proposed project. In addition to this, we also conducted two separate field visits, one for general public and one for Federal government officers, to our proposed project site during the assessment process. We believe that sufficient opportunities for public comment and consultation are contained within the assessment process.

4. Adequate and Proper Assessment of Impacts

As previously stated, no guidelines existed when we were conducting our assessment. However, the State process is a very robust assessment, with a number of guidance statements, to ensure that all potential environmental impacts are considered during the assessment phase. If the Federal agency was to prepare guidance notices on aspects of impact assessment, coordination and consultation with the State of Western Australia, this would ensure that these documents are complimentary and reduce duplication for industry which is time consuming and costly and does not significantly add to environmental protection and sustainability objectives.

In summary, Western Australia has a very robust environmental impact assessment process. The Federal assessment process did not identify any environmental aspects that had not already been assessed and specially protected through the State process. Therefore, the delay that was experienced during our assessment process due to duplication in reviewing documentation that had already been considered, did impact on Fortescue's development timetables. However, our experience with officers in the Department of Environment and Water Resources was positive and they always assisted where they could to facilitate our assessment process.

If you require any further clarification on the information above, please contact Diane Dowdell on 08 6218 8847.

Yours sincerely

Fortescue Metals Group Ltd

Julian Tapp

Head of Government Relations

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