

29th June 2023

Attn: The Hon. Madeleine King MP,
Minister for Resources and Northern Australia

cc. The Hon Chris Bowen MP, Minister for Climate Change and Energy
The Hon Tanya Plibersek MP, Minister for the Environment and Water
The Hon Linda Burney MP, Minister for Indigenous Australians
The Hon Penny Wong MP, Minister for Foreign Affairs
The Hon Catherine King MP, Minister for Infrastructure, Transport and Regional
Development

CLIMATE AND ENVIRONMENT RESPONSE TO FEDERAL GOVERNMENT'S CRITICAL MINERALS STRATEGY 2023-2030

Dear Ministers,

Together as climate and environment advocates we welcome the government's efforts on the release of its Critical Minerals Strategy 2023 - 2030. In the face of the climate emergency, we recognise the importance of transitioning from fossil fuels and also taking full advantage of forward-thinking and innovative approaches to the new economies of the climate age.

Our abundance of transition mineral deposits could well-position Australia to play a crucial role in delivering clean energy for generations to come. The government has made clear its ambition for Australia to not just be an extractor of these minerals, but to create an industry to recycle, re-use, process and refine these minerals into the infrastructure of the future. We applaud the government's efforts in turning this vision into reality.

The Critical Minerals Strategy is a positive first step for the work ahead, however we believe there is significant further reform required to ensure extraction of transition minerals on Australian soil is conducted in the smartest and least damaging way possible, to our biodiversity and communities. The federal government has already demonstrated its desire to bring together business, workers and state governments to catalyse change. We are urging the government to exercise its power to establish a robust, sustainable transition minerals policy framework that integrates all relevant stakeholders as participants in environmental decision making to ensure communities have a fair say and we avoid over-extraction and the environmental and social harm that inevitably accompanies it. There is an opportunity to improve public participation in decision making and access to transparency, accountability and integrity in decision-making and we look forward to working with the government to achieve this goal.

Environmental Protection

The government's current reform of the EPBC Act, as referenced in the Strategy, must be designed and implemented to dramatically strengthen the integrity of environmental decision-making through improved environmental governance and protection. This should include companies taking full responsibility and building into their cost projections an end of life mine restoration plan for any new mine being planned. The Strategy rightly identifies the market advantages of Australia being perceived as an ethical supplier of transitional minerals.

We note the strategy's reference to ensuring "fast, efficient and certain federal environmental approvals" for priority minerals, however if Australia is truly going to be a leader in ESG, the emphasis needs to be on improved environmental protection, not simply streamlining approvals. We need new national nature laws which protect threatened species and communities and have a proactive focus on protecting, conserving, recovering and enhancing Matters of National Environmental Significance, not just an efficient approvals system. Impacts on critical habitat and other areas of high environmental value, including intact cultural landscapes, should be prevented. While the EPBC reforms may make approvals more efficient, maintaining integrity means avoiding measures that erode important elements of regulation and not giving certain sectors a free pass. The EPBC reforms should apply the Standards to all decisions and functions under the Act from the outset, with no exceptions to the application of the Standards across government agencies, industries, sectors, jurisdictions or tenures. Stronger environmental protections will also aid proponents and their investors' ESG efforts, aiding them to better identify and mitigate biodiversity risk.

Respecting Indigenous Peoples' Rights

The Strategy's acknowledgement of the importance of cultural heritage protections and benefits sharing is welcome. However, in order to ensure transition mineral mining happens responsibly the government must align Australia's mining and regulatory landscape with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The foundation of a sound transition minerals policy should be that it provides protections and safeguards in areas where First Nations' peoples are participants in decisions, and have themselves pro-actively and freely decided that they want these industries, and under what conditions. Equally, the government and mining proponents must wholly respect and integrate into law and practice First Nations' peoples right to Free, Prior and Informed Consent (FPIC). This also means respecting when consent is not given, hearing and listening to refusals for project consent.

Reforming State Legislation

There is mention of the importance of working with states and territories, but we need a stronger commitment to reform these jurisdictions' legislation to enable robust environmental assessment and enshrine best practice FPIC. Likewise, the Strategy's commitment to "work with states and territories" should not result in the devolution of federal environmental oversight functions to those jurisdictions

Australia's Voice in International Diplomacy

There is discussion on Australia's engagement in international diplomacy on clean energy standards through technical standards setting committees and international principles for clean energy supply chains in the Pacific. This is a great start, though we believe Australia must do more on the world stage to advocate for critical ecosystems, for human rights compliance and demand reduction to minimise damage to biodiversity and the natural environment.

Interrogating Demand Projections

We particularly welcome the Strategy's reference to the circular economy and are eager to see further detail from the government on how Australia could become a leading innovator in the recycling and re-use of transition minerals, implementing these principles - in regulations - both Australia and worldwide will significantly reduce the need for new extraction. We strongly encourage the government to review transition mineral demand projections to ensure they have a strong evidence-based approach. We would like to see that extraction is not just sustainable in terms of social and environmental impacts but that there is some sort of relationship between exploration, extraction and the policy choices we face as a national and global community.

As the government looks to usher in a new era of mining in Australia we must see reform across these policy areas. Doing so will not only establish Australia as a leader in renewable energy, but as a leader in sustainable, innovative and respectful resources extraction.

We would love the opportunity to share further findings with the government to bring this to fruition.

Yours sincerely,



Nillumbik Climate Action Team