



File No: A1439/201201

RER ADVISORY PANEL AGENDA

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|---------------|---|--------------|------------------|
| Date: | Fri 26 July 2013 | Time: | 9:30am – 11:30am |
| Venue: | Director General's Conference Room Level 8, Mineral House, 100 Plain Street, East Perth | | |

Agenda

| Item | Topic | Who |
|------|--|------------------------|
| 1. | Welcome, apologies, actions from previous meeting | Chair |
| 2. | Progress update: a. Status Report – for noting b. Duplication and overlap project – verbal update c. Regulatory gaps – discussion on approach to be undertaken | Chair/all |
| 3. | Environmental Objectives – discuss feedback received and consider next steps | All |
| 4. | Legislative framework – verbal update | Chair |
| 5. | Programme of Work period of validity review – discussion paper | Chair/all |
| 6. | Other business a. Productivity Commission draft report on mineral and energy resource exploration: DMP alignment notes - for noting b. Panel out-of-session correspondence protocol - discuss | Chair/all A. Sutton |
| 7. | Next meeting | Chair |

Supporting Papers:

1. RER Advisory Panel – minutes and actions 17 May 2013
- 2a. RER Status Report
3. Environmental objectives discussion paper
5. Programme of Work period of validity review discussion paper
- 6a. Productivity Commission draft report on mineral and energy resource exploration: DMP alignment notes

Scheduled Meetings:

- Fri 20 Sep 2013, 9:30-11:30am
- Fri 15 Nov 2013, 9:30-11:30am

NOTE: All meetings are audio-recorded for the sole purpose of producing accurate written Minutes of the meeting. Recordings are deleted once the Minutes are confirmed as the official record of the meeting.



File No: A1439/201201

RER ADVISORY PANEL MEETING MINUTES

| | | | |
|---------------|---|--------------|----------|
| Date: | 17 May 2013 | Time: | 9am 11am |
| Venue: | Director General's Conference Room – Level 8, Mineral House, 100 Plain St | | |

Members present, observers and apologies

Present

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| Dr Phil Gorey (CHAIRPERSON) | Executive Director, Environment Division, Department of Mines and Petroleum (DMP) |
| Mr John Plummer | Vice President, Amalgamated Prospectors and Leaseholders Association (APLA) (<i>proxy for Mr Kevin Price</i>) |
| Mr Simon Bennison | Chief Executive Officer, Association of Mining and Exploration Companies (AMEC) |
| Mr Andrew Taylor | Senior Policy Advisor – WA/NT, Australian Petroleum Production and Exploration Association (APPEA) (<i>proxy for Mr Damien Hills</i>) |
| Mr Kane Moyle | Manager – Environment, Chamber of Minerals and Energy WA (CMEWA) |
| Mr Harry Backes | State Director Western Australia, Cement Concrete & Aggregates Australia (CCAA) |
| Mr Milan Zaklan | Policy Director - Resources, Pastoralists and Graziers Association of WA (Inc) (PGAWA) (<i>proxy for Mr Gary Peacock</i>) |
| Dr Nic Dunlop | Environmental Science & Policy Coordinator, Conservation Council of Western Australia (CCWA) |
| Mr Alan Sands | Director, Environmental Regulation Division, Department of Environment and Conservation (DEC) |
| Mr Anthony Sutton | Director, Assessment and Compliance Division, Office of the Environmental Protection Authority (OEPA) |
| Mr Richard Riordan | General Manager Project Facilitation, Department of State Development (DSD) |
| Mr John Connolly | Director Regulation, Department of Water (DoW) |
| Mr Simon Skevington | Project Director, Reform, Department of Mines and Petroleum (DMP) |

Observers

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| Mr David Eyre | Project Manager, Reform Group, Department of Mines and Petroleum (DMP) |
| Ms Kate Buckley | A/Project Manager, Reform Group, Department of Mines and Petroleum (DMP) |
| Ms Trish Edgar | A/Project and Policy Officer, Reform Group, Department of Mines and Petroleum (DMP) |
| Mr Richard Smetana | Environmental Officer, Reform Group, Department of Mines and Petroleum (DMP) |

Apologies

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| Mr Damien Hills | Associate Director Environment, Australian Petroleum Production and Exploration Association (APPEA) (<i>Mr Andrew Taylor attending as proxy</i>) |
| Mr Kevin Price | Secretary, Amalgamated Prospectors and Leaseholders Association (APLA) (<i>Mr John Plummer attending as proxy</i>) |
| Mr Gary Peacock | Chairman - Property and Resources Committee, Pastoralists and Graziers Association of WA (Inc) (PGAWA) (<i>Mr Milan Zaklan attending as proxy</i>) |



Agenda items discussed and actions to be taken

| Item | Topic | Action |
|-----------|---|---|
| 1. | Welcome and introductions | |
| | <p>The Chairperson welcomed members to the first meeting of the Reforming Environmental Regulation Advisory Panel.</p> <p>In May 2012, DMP announced the Reforming Environmental Regulation program. The Minister established a Ministerial Advisory Panel (MAP) to provide advice on identifying and prioritising the reforms, and the Panel produced a report at the end of 2012, including 14 recommendations and six priorities, which were signed off by the Minister. The RER Advisory Panel will provide advice to DMP on the detailed development of the MAP recommendations and how they should be implemented.</p> <p>Reform Group project team are assigned to the RER projects as follows:</p> <ul style="list-style-type: none"> • Environmental objectives: Richard Smetana and Trish Edgar • Outcomes-based performance measures: David Eyre & Kate Buckley • Reduce duplication and overlap: Trish Edgar & Richard Smetana • Legislative framework for environmental regulation of mining: Kate Buckley • Transparency strategy: David Eyre & Trish Edgar • Communications strategy: David Eyre & Trish Edgar • Compliance framework: Kate Buckley • Risk-based methodology: Kate Buckley • Programme of Work validity period: Trish Edgar & David Eyre • Review of environmental tenement conditions: Kate Buckley | |
| 2. | Chairperson for RER Advisory Panel | |
| | <p>The Executive Director of Environment Division, Dr Phil Gorey, was selected as interim Chairperson for the first meeting of the RER Advisory Panel, until the Panel could meet and discuss who should chair future meetings.</p> <p>The Panel supported Dr Phil Gorey to continue as the Chairperson.</p> | |
| 3. | Terms of Reference | |
| | <p>The Draft Terms of Reference for the Panel were discussed.</p> <p><i>Role:</i> Need to add in the four priorities identified through the MAP process.</p> <p><i>Scope:</i> Scope is appropriate in providing advice to DMP, but reforms at other agencies should also be discussed, if they may impact on DMP and vice versa - particularly in relation to duplication and overlap issues. Extractive industries approvals under local government also need to be considered.</p> <p><i>Governance:</i> DMP also report to Minister quarterly.</p> <p><i>Reporting Structure and Process:</i> Some matters may need to be considered out of session due to timelines. Volunteer and remote-working Panel members may require additional time to respond. Sometimes consensus may not be reached or there may be a few options proposed to DMP for consideration.</p> <p><i>Term:</i> The Panel will operate until December 2014, though this is dependent upon how long it takes to develop the reforms. As reform tasks are completed, they will</p> | <p>Reform Group to amend Terms of Reference:</p> <p>Role: Add four operational priorities from MAP process</p> <p>Scope: Add: <i>Stakeholders to ensure reforms do not have negative impacts on other agencies and that extractive industries approvals under local government are considered</i></p> <p>Governance: Add that DMP also</p> |



| Item | Topic | Action |
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| | <p>be implemented during the term of the Panel.</p> <p><i>Frequency of Meetings:</i> Meetings will be scheduled well in advance. Meeting schedule changes should be avoided, but if required, Panel members should be advised well in advance, to minimise inconvenience.</p> <p><i>Workshops:</i> Rather than using a Working Group process, Workshops will be conducted to focus on specific topics, perhaps also in regional areas, if required.</p> <p><i>Recording of proceedings:</i> Agendas and minutes need to be sent as early as possible, due to some Panel members working at remote sites. Meetings are recorded solely for the purpose of producing minutes, and recordings are later deleted. Minutes should reflect the agreed positions or options rather than covering all of the discussion. Agenda papers and minutes are uploaded to the DMP website, after being endorsed by the Panel.</p> | <p>reports to Minister</p> <p>Reporting Structure and Process: Put second sentence first. Replace "approve" with "provide advice".</p> <p>Frequency of Meetings: Cancellations to be advised with sufficient notice.</p> |
| 4. | Overview of RER process, projects and priorities | |
| | <p>The Panel discussed the Priorities and Projects Diagram. The MAP report included 14 recommendations, and a covering letter to the Minister included six priorities.</p> <p>Two of the priorities have already been addressed: ongoing stakeholder involvement is occurring via the RER Advisory Panel; and appropriately resourced reforms through the Reform Group project team. The other four priorities are included in the diagram.</p> <p>The recommendations and priorities are grouped into projects, and background work is already underway on most of these. The projects need to be prioritised.</p> <p>The Panel discussed the legislation and industry sectors impacted by the reforms. The main reform areas are identified relate to the <i>Mining Act 1978</i> within DMP, but issues such as duplication and overlap will involve legislation administered by other agencies. Safety-related environmental issues such as noise, dust and abandoned mines will also need to be considered.</p> <p>One of the first priorities is environmental objectives, which underpins many of the other projects, and internal planning meetings have already commenced.</p> <p>The review of environmental tenement conditions is also underway, and the department has also decided to examine conditions for other activities and where there are standard conditions, move these into regulations. This project is a precursor to setting the appropriate legislative framework.</p> <p>Programme of Work validity period was extended to two years, and MAP recommended that further extensions should be considered. Duplication and overlap and remedial actions are being identified in more detail, prior to being prioritised and implemented. Regulatory gaps will be addressed under the legislative framework project. Interim changes may be required in the short term.</p> <p>It was proposed that a project status report will be provided at each Panel meeting, with status update comments and a traffic light system to indicate whether each project is on track. The Panel endorsed this approach, commenting that there is a need to measure success in each project to ensure that it has delivered the expected outcomes by the end of the project. The project status report should also mention the legislation and industry sectors affected.</p> | <p>Panel to ensure that safety-related environmental issues are considered</p> <p>Project team to ensure project status report includes legislation and industry sectors affected; project manager names; and measures of success.</p> |
| 5. | Workshops | |
| | Panel members to nominate representatives for four workshops: | |



| Item | Topic | Action |
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| | <ul style="list-style-type: none"> • Environmental objectives • Duplication and overlap • Risk-based regulatory framework • Programme of Work validity period <p>CCWA highlighted that there are three components for environmental objectives:</p> <ul style="list-style-type: none"> • We need to confirm that the environmental objectives are reasonable and that they accurately represent the interests of the community as a whole. To be legitimate, wider consultation should occur – environmental objectives should not be decided by the Panel or its representatives alone. We need to determine, perhaps through surveys, the community's expectations for environmental objectives, and whether there are gaps between the <i>perceived</i> outcome and the <i>actual</i> outcome. • There are environmental objectives in other agencies, such as Department of Environment and Conservation, Office of the EPA, and Department of Water, and we need to ensure that any environmental objectives developed for DMP sit appropriately in the whole-of-government objectives framework. • Environmental objectives need to be clear, meaningful and measurable, so that it can be determined whether they are being met. Objectives set at an operational level for individual mining and exploration projects need to be aggregated so that they can be reported against as a performance measure for the agency which is regulating the industry. <p>The environmental objectives discussion paper needs to be finalised before the next Panel meeting, or it will delay the reform process. The discussion paper should be circulated for feedback before proceeding.</p> <p>CCWA requested that the duplication and overlap workshop also examine gaps where it is unclear which agency is responsible for particular aspects of environmental regulation. <i>[NOTE: There was conflicting feedback on how to address this issue. It is to be discussed at the next meeting.]</i></p> | <p>Project Team to email Panel members to request representatives for each workshop</p> <p>Panel members to nominate reps to attend workshops</p> <p>Project Team to send environmental objectives paper to panel members, and include CCWA comments.</p> <p>Panel members to provide feedback by 7 June 2013, and decide on whether DMP can proceed with the workshop.</p> <p>Project Team to add regulatory gaps to next RER Advisory Panel meeting agenda</p> |
| 6. | Other business | |
| | <p>Other groups are considering reform issues, such as the Government's Parliamentary Stakeholder Reference Group (run by the Department of Premier and Cabinet), which has a strong interest in the outcomes from the RER Panel. Groups such as these should communicate their outcomes with the Panel and vice-versa.</p> <p>The Panel requested that project discussion papers include an overview of what other Government groups are doing in relation to that issue, to ensure that their advice is appropriate and prevent overlap. However, the RER Panel should work in parallel with the other groups and not be dictated or delayed by them.</p> <p>APPEA noted that as petroleum has different legislation, petroleum-specific issues may be better dealt with through other consultative arrangements with DMP. This would enable the Panel to focus on mining-specific issues.</p> | <p>Project team to identify other government groups which may need to liaise with the Panel and discussion papers to include overview of what the other groups are doing in relation to each project.</p> <p>APPEA & DMP to discuss consultative arrangements</p> |
| 7. | Schedule of meetings | |
| | <p>Meetings to be bimonthly on Fridays at 9.30am, and need to tie in with DEC and EPA reform meetings.</p> | <p>Project team to send proposed dates for meetings to Panel members</p> |



| Actions | ✓ | Notes |
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| Reform Group to amend Terms of Reference. | ✓ | Amended & uploaded to DMP website. |
| Panel to ensure that safety-related environmental issues are considered. | ✓ | Noted. |
| Project team to ensure project status report includes legislation and industry sectors affected; project manager names; and measures of success. | ✓ | <p>These are static factors of the RER program; they will not be added to the report:</p> <ul style="list-style-type: none"> • Legislation - is primarily under the Mining Act; industry sector directly affected is 'resources'. • Measures of success will be developed in the Performance Measures project. Success will be measured through improvement on <i>efficiency</i> indicator results and better outcomes through <i>effectiveness</i> indicators. <p>• Names of Project Managers have been added to the Status Report.</p> |
| Project Team to email Panel members to request representatives for each workshop. | - | Will be actioned as required. |
| Project Team to send Environmental Objectives paper to panel members & include CCWA comments [comments were minuted at last RERAP meeting]. | ✓ | Sent 20 June 2013, comments were required by 9 July 2013. Feedback received from: CCAA; DoW; AMEC; OEPA CCWA comments were minuted at the last RERAP meeting. |
| Project Team to add regulatory gaps to next RER Advisory Panel meeting agenda. | ✓ | CCWA requested that gaps be addressed in duplication and overlap workshop [There was conflicting feedback on how to address this issue. To be discussed at this meeting.] |
| Project team to identify other government groups which may need to liaise with the Panel and meeting discussion papers need to include overviews of what these other groups are doing in relation to each project. | ✓ | Noted. |
| APPEA & DMP to discuss consultative arrangements. | ✓ | <ul style="list-style-type: none"> • APPEA continues to be a member of RERAP and attend meetings where it sees that it can add value; • Reforms that address petroleum as well as mineral issues continue through the current process and APPEA provide input as appropriate; and • DMP and APPEA identify reforms that are petroleum only (if any) and these are developed with APPEA and then bought back to RERAP for endorsement. |
| Project team to send proposed dates for meetings to Panel members. | ✓ | Completed for 2013. Awaiting DoER & OEPA availability to set 2014 dates. |



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| Completed | |
| In progress/on track | |
| Delayed | |
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| STATUS REPORT | | Updated: 12 July 2013 | |
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| Reforming Environmental Regulation (RER) Program | | | |
| 1. Environmental objectives | | Contacts: Richard Smetana; Trish Edgar | |
| Recommendation | RER MAP recommendation 1: Establish clear and appropriate environmental objectives. | | |
| Project objective | Clear and appropriate environmental objectives. | | |
| Description | Environmental objectives are a fundamental component of the RER Program and underpin risk-based, outcomes-focused environmental regulation and compliance activities. This project will develop and publish an Environmental Objectives Policy Statement with the input of stakeholders and departmental staff. | | |
| Milestones | Internal consultation completed | 24 May 2013 | |
| | RER Advisory Panel endorsement of environmental objectives | 26 Jul 2013 | |
| | Stakeholder workshop or other consultation method completed (if applicable) | TBA | |
| | Ministerial endorsement of environmental objectives | 16 Aug 2013 | |
| | Communication of environmental objectives policy | 6 Sept 2013 | |
| Milestone status notes | <i>Draft environmental objectives have been developed in consultation with Environment Division; distributed (20 June 2013) for review out-of-session by the RER Advisory Panel. Agenda item for next RER Advisory Panel meeting: 26 July 2013.</i> | | |
| 2. Risk-based regulatory framework (development phase) | | Contacts: Simon Skevington; Trish Edgar | |
| Recommendation | RER MAP recommendation 5: Implement a full risk-based assessment and compliance methodology for environmental regulation. RER MAP recommendation 6: Revise timelines and efficiency performance indicators in line with risk-based regulation. | | |
| Project objective | <ul style="list-style-type: none"> Regulatory effort and resource allocation is targeted and proportionate according to evidence of risk to environmental objectives, such that regulation is effective, efficient and timely. Assessments and decision making by DMP is based upon a formalised risk assessment methodology recognising both approvals risk and operational risk. | | |
| Description | This project will identify and articulate a risk-based framework for DMP's environmental regulation and develop a plan for implementation. This project is a significant realignment for the department, especially for the regulation of mining, and requires considerable communication and extension work to ensure stakeholder and operational understanding and support. | | |
| Milestones | Draft Framework Risk-based Regulation completed for consultation with stakeholders and RER Advisory Panel | 24 May 2013 | |
| | Initial consultation with internal and external stakeholders completed | 5 Jul 2013 | |
| | Update DMP Framework for Risk-based Regulation for RER Advisory Panel | 12 Jul 2013 | |
| | Consideration for endorsement at RER Advisory Panel meeting | 26 July 2013 | |
| | Implementation Project Plan developed | 16 Aug 2013 | |
| | Internal endorsement of Implementation Project Plan | 30 Aug 2013 | |
| Milestone status notes | <i>Draft framework completed and currently being considered by the Environment Division management team. An important element of the risk-based framework is the development of environmental objectives, which are yet to be finalised. Revised milestone dates will be set for the risk-based framework project due to resources being re-directed to address the ministerially prioritised legislative amendments. Project planning for piloting a risk-based framework for PoW's will commence soon.</i> | | |



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| 3. Legislative framework for mining regulation | | Contacts: Simon Skevington; Anika Moore | |
| Recommendation | <p>RER MAP recommendation 3: Establish clear and enforceable environmental obligations for mining activities</p> <ul style="list-style-type: none"> Priority: Review of tenement conditions <p>RER MAP recommendation 11: Establish an appropriate framework for the environmental regulation of mining</p> <p>RER MAP recommendation 12: Investigate the feasibility of implementing an external review mechanism for enforcement decisions of environmental compliance matters</p> | | |
| Project objective | <ul style="list-style-type: none"> Clear and enforceable environmental obligations to manage the risks of mining activities. Access to proportional enforcement tools to promote and enforce compliance with those obligations and maintain the integrity of the regulatory regime. | | |
| Description | This project will review the current system of environmental obligations and compliance tools under the Mining Act and design a framework to clearly and effectively impose environmental obligations with access to appropriate and proportional compliance tools. | | |
| Milestones | *Endorsement of Legislative Reform Actions and Implementation Strategy | 14 Jun 2013 | * |
| | *First draft of White Paper of required legislative amendments for consultation | 30 Jun 2013 | * |
| | *Consideration at RER Advisory Panel meeting | 26 Jul 2013 | * |
| | Final Amendments drafted in preparation for introduction to Parliament | Sep 2013 | |
| | Legislation amendments introduced into Parliament in Spring Session | Nov 2013 | |
| Milestone status notes | <p><i>Work is progressing on reviewing tenement conditions.</i></p> <p><i>Legislative amendments for DMP will occur through stages – 1 & 2 for compliance and process improvement matters; stage 3 for the risk-based framework.</i></p> <p><i>*Consultation activities continue in view of the requirement for DMP to align with the package of reforms/legislation being put forward by the Environment portfolio (OEPA and DER).</i></p> | | |
| 4. Reduce duplication and overlap | | Contacts: Trish Edgar; Richard Smetana | |
| Recommendations | RER MAP recommendations 7 & 8: DMP will work with other agencies to improve efficiency and eliminate duplication; Improvements in cross-agency policies, such as the Lead Agency Framework, will be addressed in appropriate inter-governmental forums. | | |
| Project objective | To eliminate the duplication and overlap between State government agencies to provide more efficient environmental regulation without compromising effectiveness. | | |
| Description | This project will establish a stakeholder reference group with relevant government agencies to develop an implementation plan to reduce/remove duplication and overlap. | | |
| Milestones | RER MAP priorities addressed by OEPA, DER & DMP senior group. | 31 May 2013 | |
| | *Consultation with regulators and industry representatives completed | 28 Jun 2013 | * |
| | Workshop for potential remedial measures completed | 26 Jul 2013 | |
| | Final report drafted for RER Advisory Panel review | 30 Aug 2013 | |
| Milestone status notes | <p><i>DoW/DMP meeting 21 June 2013 – it was agreed that tenement conditions regarding water should be removed. In a subsequent meeting, a modified process was agreed to with that will significantly reduce the number of mining applications that need to be referred to DoW – expected reduction of around 70 per cent. This will speed up the approval process. The primary objective is to reduce duplication – where DoW has already granted approval (for example for mine dewatering, or for water allocation), DoW does not need to see the proposal for a second time.</i></p> <p><i>A meeting of senior officers from OEPA, DER and DMP was held on 11 July 2013 to further the discussion on specific priority items raised by MAP.</i></p> | | |



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| 5. Performance Measures | | Contact: David Eyre | |
| Recommendations | RER MAP recommendation 2: Develop meaningful outcomes-based performance indicators RER MAP recommendation 6: Revise timelines and efficiency performance indicators in line with risk-based regulation | | |
| Project objective | A system of regulatory performance measures will inform continuous improvement of DMP's environmental regulation. External reporting of meaningful measures will improve transparency, accountability and community confidence. | | |
| Description | Consultation with stakeholders will identify a broad range of performance measures needed for reporting and accountability. Internal consultation will establish performance measures required for ongoing management, evaluation and improvement of regulation. Online systems will capture the required information to facilitate monitoring and reporting. On completion of this project a pilot project will be undertaken to test the system. | | |
| Milestones | Commence project planning | Aug 2013 | |
| | Finalise draft performance measures | Oct 2013 | |
| | Department and RER Advisory Panel review and endorsement | Nov 2013 | |
| | Implementation planning completed | Nov 2013 | |
| Milestone status notes | | | |
| 6. Transparency strategy | | Contacts: Trish Edgar; Danielle Brown | |
| Recommendation | Recommendation 9: Implement a formal transparency strategy for DMP. | | |
| Project objective | To develop and implement a strategy to improve transparency in DMP regulatory processes; to improve community and industry confidence. | | |
| Description | Evaluate feasibility/issues for publication of: <ul style="list-style-type: none"> DMP's regulatory assessment reports for all Mining Proposals and Mine Closure Plans. Approvals/granting instruments. Annual Environmental Reports (excluding commercially sensitive information). DMP's audit activity Develop the draft Transparency Strategy including: <ul style="list-style-type: none"> Consider procedural fairness, accountability, resourcing, and timeliness. An appeals process for DMP environmental decisions (noting there are differing views and expectations as to which, if any, new appeal mechanisms are to be implemented). Review and enhance EARS online tracking system: <ul style="list-style-type: none"> Include a post-approvals compliance monitoring system. Provide information on approvals referred to other agencies. Consult with stakeholders. This project will need to coordinate with the Departmental Transparency strategy. | | |
| Milestones | Planning, priorities and draft transparency discussion paper completed | 15 Mar 2013 | |
| | Internal reference group meetings completed | 30 Aug 2013 | |
| | Legal advice taken, revision of discussion paper | Oct 2013 | |
| | External consultation | Oct 2013 | |
| | Internal and external endorsement of recommendations paper | Nov 2013 | |



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| Milestone status notes | <p><i>Discussion paper completed for internal consultation. Approvals Group commenced an overarching DMP Transparency Project. It was agreed that the two project teams will maintain communications between each other whilst remaining independent.</i></p> <p><i>DMP internal reference group met on 27 June 2013 to review approvals documents to identify specific transparency opportunities and issues for referral for legal advice. A discussion paper will be prepared and distributed out-of-session to the RER Advisory Panel.</i></p> |
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| 7. Communications activities | Contacts: David Eyre; Trish Edgar |
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| Recommendation | Recommendation 10: Implement improved stakeholder consultation and communication. | | |
| Project objective | The development of the RER program is well informed by stakeholder input, and reforms are communicated and understood by stakeholders. | | |
| Description | This project will develop and implement a strategy to ensure stakeholder input, consultation and communication for all RER projects, facilitating the acceptance and adoption of reform outcomes. | | |
| Milestones | RER and Mining Rehabilitation Fund briefing tour completed | 29 Mar 2013 | |
| | RER Advisory Panel first meeting | 26 Apr 2013 | |
| | DMP finalise RER Communications Strategy (DMP Communications Branch) | 14 Jun 2013 | |
| | Environmental objectives for public comment | 6 Sept 2013 | |
| | PoW policy announcement | TBA | |
| Milestone status notes | <p><i>RER Advisory Panel first meeting held on 17 May 2013 (delayed due to unavailability of panel members). The next meeting of the RER Advisory Panel is scheduled for 26 July 2013.</i></p> <p><i>RER update presentation to Environment Division 28 June 2013.</i></p> | | |

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| 8. PoW validity period review | Contacts: Trish Edgar; David Eyre |
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| Recommendation | (One of the expected outcomes of) Recommendation 6. Revise timelines and efficiency performance indicators in line with risk-based regulation | | |
| Project objective | To determine if the validity period of PoWs should be extended beyond two years. | | |
| Description | The validity period of Programmes of Work (PoW) was increased from 12 months to two years in December 2012. The RER Ministerial Advisory Panel recommended that further extensions should be contemplated through consultation and in consideration of the risk-based approach. | | |
| Milestones | Internal consultation complete | 14 Jun 2013 | |
| | External consultation or workshop complete | 26 Jul 2013 | |
| | Communication of project outcomes complete | 2 Aug 2013 | |
| Milestone status notes | <p><i>The validity period of PoWs was to be addressed through the Performance Measures project, however the timelines around the delivery of that will not suit the commitment made by the Minister and the department.</i></p> <p><i>The outcomes of this process will feed back into the Performance Measures project and/or the review of exploration guidelines being undertaken by Environment Division.</i></p> <p><i>DMP internal reference group meetings occurred 23 May & 20 June 2013. A paper has been prepared; currently for consultation with the RER Advisory Panel.</i></p> | | |



RER Advisory Panel Submission/Decision Sheet

AGENDA NO: 3
MEETING DATE: 26 July 2013
SUBJECT: ENVIRONMENTAL OBJECTIVES

ISSUES / BACKGROUND

- DMP's current environmental outcomes are stated in broad terms as 'minimising and management of ground disturbance, leading towards mine closure and rehabilitation and establishment of safe, stable and non-polluting post-mining landforms capable of supporting self-sustaining ecosystems in the long term'.
- The Ministerial Advisory Panel on Reforming Environmental Regulation recommended that DMP 'Establish clear and appropriate environmental objectives'.
- An Environmental Objectives paper was drafted through consultation with DMP Environment Division and sent to RER Advisory Panel members for feedback on 20 June 2013 (for comment by 9 July 2013).

RECOMMENDATION(S)

For the Panel to discuss the feedback received and indicate their support for the objectives, or agree if further consultation is required.

ATTACHMENTS

- RER – Environmental objectives paper

DECISION

- Supported
 Not Supported
 Noted
 Other

Signature (Chair)

Date



Environmental Objectives Paper

*Discussion paper on implementing environmental objectives into DMP
for RER Advisory Panel*

1. Introduction

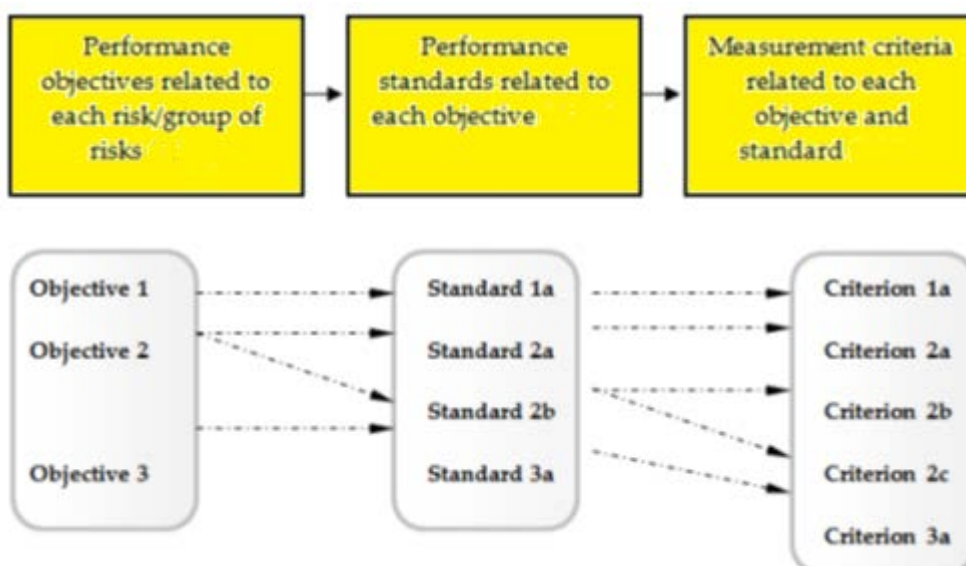
The rapid growth and development of the resources sector in Western Australia has put pressure on government to adequately resource the regulation of environmental approvals and compliance. As supported by independent and industry reviews of Western Australia's environmental regulation, the Department of Mines and Petroleum (DMP) will implement a resourced and consultative Reforming Environmental Regulation (RER) program to fully integrate a risk based approach to achieve best practice in its regulatory services.

The RER program commenced in June 2012, with the Minister establishing a Ministerial Advisory Panel (MAP) to provide advice to him, with the Hon. Cheryl Edwardes as the independent Chair. In December 2012, MAP released the Reforming Environmental Regulation in the WA Resources Industry paper, outlining fourteen key recommendations under four themes: Clear Environmental Objectives; Efficient Environmental Regulation; Improved Transparency and Communication; and Effective Compliance Framework.

This discussion paper will focus on Objective 1: Establishing clear and appropriate environmental objectives.

In order to establish clear and appropriate objectives, auditable and measurable criteria must be identified. In this way, the criteria will be linked to the identified impacts and risks associated with the activity and will allow performance against the objectives and standards to be measured.

The figure below is a conceptual diagram of linkages between performance objectives, standards and measurement criteria in an environment plan.



2. Current situation

The *Mining Act 1978* does not specify any goals or objectives. It follows that there are no statutory goals or objectives that apply to or impinge upon the environmental compliance and enforcement (ECE) function of the Department's Environment Division and no basic statutory guidelines to assist the implementation of the ECE function in the DMP.

A fundamental component of the RER Program is to establish risk-based and outcomes-based environmental regulation within DMP. This is unachievable without clear, overarching environmental objectives setting the outcomes to be delivered. Environmental objectives underpin risk-based, outcomes-based environmental regulation and compliance activities. Currently DMP does not have clear environmental objectives to define the purpose, or measure the success of, its environmental regulatory functions. The establishment of clear environmental objectives will enable DMP to develop outcomes-based KPIs, improve the clarity of the environmental obligations it imposes and inform relinquishment and mine closure processes.

3. MAP review and observations

After analysis of information provided by DMP (including four papers produced at the Working Group's request), two significant gaps with respect to the Department's environmental regulatory role were identified:

- There are no clear statutory or policy objectives in terms of environmental regulation for DMP
- There is no formalised framework for KPIs relating to environmental outcomes.

In addition to these significant information gaps, the Working Groups and MAP observed that overarching measurable environmental outcomes are needed throughout the life cycle of a project. This is from approval stage through construction, operational stage and closure. It is recommended that proponents be required to document how they are going to use environmental best practice throughout the project life cycle. Outcomes need to allow for improvements in technologies so that the best methods and technology can be implemented for rehabilitation. The adaptive management framework of the Mine Closure Plan Guidelines allows proponents to update their closure plans to reflect best practice.

Environmental outcomes/objectives need to be linked to the regulators' Mission Statement or Vision. A holistic approach to the development of environmental outcomes/objectives would be a good starting point.

DMP's vision and mission:

OUR VISION

Western Australia is the destination of choice for responsible resource exploration and development.

OUR MISSION

Growth of the resource sector which maximizes long term benefits to the Western Australian community.

4. Internal consultations

Discussions within the DMP for the development of Environmental Objectives began in March 2013. Initial meetings were held between the RER team and the Environment Directorate to determine the scope and direction. During these meetings, it was agreed upon that the objectives would include:

- Leading/High Level Objectives;
- Guiding/Low Level Objectives;
- Clear and measurable outcomes;
- The 'As Low as Reasonably Practicable' (ALARP) principle; and
- Incorporate 'Ecologically Sustainable Development' (ESD) strategies.

Further discussions and workshops were undertaken to identify themes that the objectives will be focused into, and to develop leading and guiding principles.

Four themes have been developed to shape the Environmental Objectives; these are:

- Responsible development of resources
- Continuous improvement
- Risk management; and
- Effective regulation

The themes were developed keeping in mind that the environmental regulatory process is moving towards a risk/outcomes based framework, and away from being a prescriptive approvals process. The table displaying these themes and the Environmental Objectives can be found in Appendix 1.

The internal reference group has considered the roles of other agencies and jurisdictions in developing DMP's Environmental Objectives, and has recognised the requirement for a whole of government approach to environmental regulation. Guidance material, such as OEPA's ['Environmental Assessment Guidance for Environmental Factors and Objectives'](#) have also been taken into account to ensure that any developed objectives are aligned with these other agencies whilst still promoting DMP's vision and mission.

5. Where to now?

The RERAP panel is to now review the proposed Environmental Objectives in preparation for the meeting on the 26th July, 2013. At this meeting the Panel will discuss the feedback received and indicate their support for the objectives, or agree if further consultation is required.



Draft Environmental Objectives

| Themes | Leading Objectives | Guiding Objectives |
|---|--|---|
| Responsible Development of Resources | Maximise the efficient extraction of the State's mineral and petroleum resources in accordance with the principles of ecologically sustainable development | Maximise access to the State's mineral and petroleum resources whilst minimising the impact to the natural environment |
| | | Maximise the economic, social and ecological benefits arising from the development of mineral and petroleum resources |
| | | Enhance the protection and management of important natural and cultural places |
| Continuous Improvement | To develop a culture of best practice environmental management through continuous improvement and innovation in the mining and petroleum sector | Develop best practice environmental management and awareness through continual development of expertise in environmental disciplines |
| | | Minimise the impact of the resources industry on the environment, through a process of continual improvement in environmental performance |
| | | Encourage continual improvement through the provision of procedures for implementation, enforcement, evaluation, and review |
| | | Encourage ongoing effective consultation between stakeholders |
| Risk Management | Require industry to assess and manage the risks to avoid and mitigate environmental impacts | Ensure that premises/sites are closed and decommissioned in a manner that is consistent with agreed outcomes |
| | | Eliminate as far as reasonably practicable risk of significant long term environmental damage |
| | | Encourage operators to employ innovative and effective environmental protection measures to manage risks associated with their activities |
| | | Ensure proponents establish project specific performance objectives against which an operator must measure, monitor and report |
| Effective Regulation | Enhance the efficiency, effectiveness and transparency of environmental regulation of the mineral and petroleum sector | Undertake enforcement action in a consistent, transparent and effective manner |
| | | Maximise transparency in DMP's decision making process |
| | | DMP will report on the effectiveness and efficiency of the regulatory process |

Draft Environmental Objectives – DoW Comments and Recommendations for Change

| Themes | Leading Objectives | Guiding Objectives |
|---|---|---|
| Responsible Development of Resources <u>Comment only: This theme does not seem to recognise impact on neighbouring or wider community? Is this part of the definition of “environment”</u> | Maximise the efficient extraction of the States mineral and petroleum resources in accordance with the principles of ecologically sustainable development | Maximise access to the State’s mineral and petroleum resources whilst minimising the any adverse impact to the natural environment |
| | | Maximise <u>Support</u> the economic <u>growth</u> , social and ecological benefits arising from the development of mineral and petroleum resources |
| | | Enhance the p <u>Protection</u> and management of important natural and cultural places |
| Continuous Improvement | To develop a culture of best practice environmental management through continuous improvement and innovation in the mining and petroleum sector | Develop <u>Promote</u> best practice environmental management and awareness through continual development of expertise in environmental disciplines |
| | | Minimise <u>Promote</u> the impact of the resources industry on the environment, through a process of continual improvement in environmental performance |
| | | Encourage <u>Promote</u> continual improvement through the provision of procedures for implementation, enforcement, evaluation, and review |
| | | Encourage ongoing effective consultation between stakeholders |
| Risk Management | Require industry to assess and manage the risks to avoid and mitigate <u>unacceptable</u> environmental impacts | Ensure that premises/sites are closed and decommissioned in a manner that is consistent with agreed outcomes |
| | | Eliminate as far as reasonably practicable <u>Minimise</u> risk of significant long term environmental damage |
| | | Encourage operators to employ <u>Promote</u> innovative and effective environmental protection measures to manage risks associated with their mining activities |
| | | Ensure <u>Require</u> proponents to establish project specific performance objectives <u>and contingency actions which can be against which an operator must monitored, measured, monitor and</u> report |
| Effective Regulation <u>Comment: This theme seems to focus on enforcement rather than compliance and enforcement. It does not capture compliance efforts, while acknowledging efforts in promoting education to support voluntary compliance.</u> | Enhance the efficiency, effectiveness and transparency of environmental regulation of the mineral and petroleum sector | Undertake <u>Target</u> enforcement action in a consistent, transparent and effective manner |
| | | DMP’s decision making processes will be transparent <u>Maximise transparency in DMP’s decision making process</u> |
| | | DMP will report on the e <u>Effectiveness</u> and <u>efficiency efficient reporting for of the</u> regulatory process |

Draft Environmental Objectives – AMEC comments and recommendations for change from the meeting held on 5/7/2013

| Themes | Leading Objectives | Guiding Objectives | |
|---|---|---|---|
| Responsible Development of Resources | Maximise the efficient extraction <u>Minimise the environmental footprint</u> of the State's mineral and petroleum resources in accordance with the principles of ecologically sustainable development | Maximise access to the State's mineral and petroleum resources whilst minimising the impact to the natural environment | |
| | | Maximise the economic, social and ecological benefits arising from the development of mineral and petroleum resources | |
| | | Enhance the protection and management of important natural and cultural places | |
| Continuous Improvement <u>Comment: Should this theme be removed as continuous improvement should be expected</u> | To develop <u>Further/Continuously enhance</u> a culture of best practice environmental management through continuous improvement and innovation in the mining and petroleum sector | Develop best practice environmental management and awareness through continual development of expertise in environmental disciplines | Example of a measurable: How many fines in a year? |
| | | Minimise the impact of the resources industry on the environment, through a process of continual improvement in environmental performance | |
| | | Encourage continual improvement through the provision of procedures for implementation, enforcement, evaluation, and review | |
| | | Encourage ongoing effective consultation between stakeholders | |
| Risk Management | Require industry to assess and manage the risks to avoid and mitigate environmental impacts | Ensure that premises/sites are closed and decommissioned in a manner that is consistent with agreed outcomes | Need to spell out industry's and DMP's role |
| | | Eliminate as far as reasonably practicable risk of significant long term environmental damage | |
| | | Encourage operators to employ innovative and effective environmental protection measures to manage risks associated with their activities | |
| | | Ensure proponents establish project specific performance objectives against which an operator must measure, monitor and report | |
| Effective Regulation | Enhance the efficiency, effectiveness and transparency of <u>Environmental regulation of the mineral and petroleum sector is efficient, effective and transparent</u> | Undertake enforcement action in a consistent, transparent and effective manner | |
| | | Maximise transparency in DMP's decision making process | |
| | | DMP will report on the effectiveness and efficiency of the regulatory process | |

AMEC Questions: Do we need external workshops? And how should these workshops be undertaken?
How do we achieve clear measurable outcomes?
Needing clarification on which objectives are for the Department, and those for industry.



RER Advisory Panel Submission/Decision Sheet

AGENDA NO: 5
MEETING DATE: 26 July 2013
SUBJECT: Programme of work period of validity review

ISSUES / BACKGROUND

- In the past, the rationale for the one year PoW validity period included:
 - Efficiency in data capture for compliance purposes.
 - Inspections programming.
 - Reluctance by DMP to impose annual reporting.
- Recent developments:
 - With the commencement of the Mining Rehabilitation Fund on 1 July 2013, assessment information submitted to DMP provides annual disturbance data.
 - A major component of the RER program is the intention for DMP to develop and implement a full risk-based assessment and compliance methodology for environmental regulation.
- Where the scope remains unchanged, it is proposed that approved PoWs are valid for a period of four years. It is expected that rehabilitation of all activities approved under a PoW is completed within six months from the date of the ground disturbing activity occurring.
- The proposed four year PoW validity period endeavours to provide increased flexibility for proponents to manage exploration work, as well as enhance efficiency for both Industry and DMP.

RECOMMENDATION(S)

For the Panel to support the proposed increase to the PoW validity period to four years.

ATTACHMENTS

- Programme of Work period of validity review discussion paper.

DECISION

- Supported
 Not Supported
 Noted
 Other

Signature (Chair)

Date



Government of **Western Australia**
Department of **Mines and Petroleum**



Programme of work

PERIOD OF VALIDITY REVIEW



Reforming Environmental Regulation

Contents

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Programme of Work

Period of validity review

Background

When a mining company or prospector wants to explore for minerals in Western Australia, they are required by the *Mining Act 1978* to submit a Programme of Work (PoW) application to the Department of Mines and Petroleum (DMP). Besides the applicant and tenement details, the PoW describes:

- The extent (tonnage and area) and type of exploration/prospecting being undertaken.
- Proposed commencement and completion dates.
- Existing land use.
- Aboriginal heritage clearances sought.
- Description of the existing area and native vegetation.
- Environmental management and rehabilitation methods to be employed.
- Whether water is being used and whether Department of Water clearances are being sought.
- Estimated cost of the exploration work (as an indication of the level of the work) and details of the financial/technical ability of the applicant in relation to the proposed work.
- Justification (in terms of the geological and geophysical information available).

In response to feedback from industry and other stakeholders on the draft *Guidelines for Environmentally Responsible Mineral Exploration and Prospecting in Western Australia*, DMP extended the standard Programme of Work period of validity from one year to two years. This was announced in Edition 4 of the DMP Environment Newsletter in December 2012.

In parallel, the Reforming Environmental Regulation (RER) Ministerial Advisory Panel (MAP) also made a recommendation to increase the approval validity period of PoWs to two years. Additionally, MAP recommended that potential for a further extension to the PoW validity period be reviewed through consultation with stakeholders and in consideration of what is occurring in other jurisdictions.

In both processes, it was highlighted that the timeframe for completing rehabilitation remains at six months of ground disturbing works.

The decision to increase the validity period to two years recognises Industry's view that greater flexibility is required to manage exploration work around unforeseen events such as weather, drilling crew availability and funding.

Issues

- Industry is seeking a further extension of the validity period - from two years to five years (in line with other jurisdictions), or for the life of the identified drilling program, whichever is longer.
- The programme ('Plan of Operation') period of validity in Queensland is nominated by the proponent – generally five years is selected. Other features of the Queensland policy include more stringent reporting requirements.
- During the RER MAP process, Industry highlighted that a reduction in the number of PoWs requiring annual review could deliver considerable efficiencies.
- Potential concern over the diminishing relevance of stakeholder engagement over longer time periods has been expressed.
- Any alterations or expansion of the approved activities requires a new PoW application to be lodged and approved.
- For licences applied after 10 February 2006, the term of an exploration licence in Western Australia is five years plus possible extension of five years and further periods of two years thereafter; 40 per cent of ground to be surrendered at the end of year six. Exploration approvals may therefore be complicated where approved PoWs extend over tenement areas which have been 'dropped off'.

Discussion

In the past, the rationale for the one year PoW validity period included:

- Efficiency in data capture for compliance purposes.
- Inspections programming.
- Reluctance by DMP to impose annual reporting.

Recent developments:

- With the commencement of the Mining Rehabilitation Fund on 1 July 2013, assessment information submitted to DMP provides annual disturbance data.
- A major component of the RER program is the intention for DMP to develop and implement a full risk-based assessment and compliance methodology for environmental regulation.

Proposal

Where the scope remains unchanged, it is proposed that approved PoWs are valid for a period of four years. It is expected that rehabilitation of all activities approved under a PoW is completed within six months from the date of the ground disturbing activity occurring.

The proposed four year PoW validity period endeavours to provide increased flexibility for proponents to manage exploration work, as well as enhance efficiency for both Industry and DMP.

Implementation

If the proposed PoW period of validity of four years is supported, the new policy will be appropriately communicated through announcements, administrative changes to guidelines and updates to web material.

Further reform opportunities through the risk-based framework

Project planning for a risk-based framework for Programmes of Work will commence soon:

- Stakeholder consultation will help inform how approval of PoWs could be assessed against the level of risk (through risk factor multipliers) to ensure that the amount of effort from industry and the regulator is commensurate with the level of risk for the State.
- An online lodgement system using identified risk-based criteria could be developed to determine the level of assessment needed on a case-by-case basis (e.g. categories of complexity would drive the level of attention).
- The aim is to reduce the approval time and the cost of approval for the majority of PoWs, enabling an increased focus on compliance.



RER Advisory Panel Submission/Decision Sheet

AGENDA NO: 6a

MEETING DATE: 26 July 2013

SUBJECT: **Productivity Commission draft report on mineral & energy resource exploration: DMP alignment notes**

ISSUES / BACKGROUND

- The Productivity Commission released its draft report on mineral and energy resources exploration on 31 May 2013.
- The theme of the report was for greater coordination across governments to reduce burden and achieve stronger and simpler coordination, transparency and accountability of exploration licence approval processes.
- Recommendations relating to environmental management and other relevant areas are provided in the attached document, along with notes on alignment with RER projects.

RECOMMENDATION(S)

For the Panel to note the areas of alignment to the RER program.

ATTACHMENTS

- Productivity Commission draft report on mineral & energy resource exploration: DMP alignment notes paper.

DECISION

- Supported
- Not Supported
- Noted
- Other

Signature (Chair)

Date



PRODUCTIVITY COMMISSION DRAFT REPORT ON MINERAL & ENERGY RESOURCE EXPLORATION: DMP ALIGNMENT NOTES

ENVIRONMENTAL MANAGEMENT

DRAFT RECOMMENDATION 6.1

The Commonwealth should accredit the National Offshore Petroleum Safety and Environmental Management Authority to undertake environmental assessments and approvals under the Environment Protection and Biodiversity Conservation Act for petroleum activities in Commonwealth waters.

DRAFT RECOMMENDATION 6.2

The Commonwealth should improve the efficiency of environmental assessment and approval processes under the Environment Protection and Biodiversity Conservation Act by strengthening bilateral arrangements with the states and territories for assessments and establishing bilateral agreements for the accreditation of approval processes where the state and territory processes meet appropriate standards. The necessary steps to implement this reform should be properly scoped, identified and reviewed by jurisdictions and a timetable for implementation should be agreed.

DRAFT RECOMMENDATION 6.3

State and territory governments should reconsider the option of conferring their existing petroleum-related regulatory powers in state and territory waters seaward of the low tide mark, including islands within those waters, to the National Offshore Petroleum Safety and Environmental Management Authority.

DRAFT RECOMMENDATION 6.4

Governments should ensure that their environment-related regulatory requirements relating to exploration:

- are the minimum necessary to meet their policy objectives*
- proportionate to the impacts and risks associated with the nature, scale and location of the proposed exploration activity.*

RER Program projects:

- **Risk-based regulatory framework – project objectives:**
 - Regulatory effort and resource allocation is targeted and proportionate according to evidence of risk to environmental objectives, such that regulation is effective, efficient and timely.
 - Assessments and decision making by DMP is based upon a formalised risk assessment methodology recognising both approvals risk and operational risk.
- **Legislative framework for mining regulation – project objectives:**
 - Clear and enforceable environmental obligations to manage the risks of mining activities.
 - To have access to proportional enforcement tools to promote and enforce compliance with those obligations and maintain the integrity of the regulatory regime.



- **Reduce duplication and overlap – project objective:**

- To eliminate the duplication and overlap between State government agencies to provide more efficient environmental regulation without compromising effectiveness.

DRAFT RECOMMENDATION 6.5

Governments should ensure that their environment-related regulation of exploration activities should be focused towards performance-based environmental outcome measures and away from prescriptive conditions, in order to better manage risk and achieve environmentally sound outcomes.

RER Program projects:

- **Environmental objectives – project objective:**

- Clear, appropriate and measureable environmental objectives in place to define the purpose of DMP's environmental regulatory role and target regulatory and industry efforts.

- **Regulatory performance measures – project objectives:**

- A system of regulatory performance measures will inform continuous improvement of DMP's environmental regulation.
- External reporting of meaningful measures will improve transparency, accountability and community confidence.

- **Risk-based regulatory framework – project objectives:**

- Regulatory effort and resource allocation is targeted and proportionate according to evidence of risk to environmental objectives, such that regulation is effective, efficient and timely.
- Assessments and decision making by DMP is based upon a formalised risk assessment methodology recognising both approvals risk and operational risk.

DRAFT RECOMMENDATION 6.6

Governments should ensure that when there is scientific uncertainty surrounding the environmental impacts of exploration activities, regulatory settings should evolve with the best-available science (adaptive management) and decisions on environmental approvals should be evidence-based.

RER Program projects:

- **Environmental objectives – project objective:**

- Clear, appropriate and measureable environmental objectives in place to define the purpose of DMP's environmental regulatory role and target regulatory and industry efforts.

- **Risk-based regulatory framework – project objectives:**

- Regulatory effort and resource allocation is targeted and proportionate according to evidence of risk to environmental objectives, such that regulation is effective, efficient and timely.
- Assessments and decision making by DMP is based upon a formalised risk assessment methodology recognising both approvals risk and operational risk.

- **Regulatory performance measures – project objectives:**

- A system of regulatory performance measures will inform continuous improvement of DMP's environmental regulation.
- External reporting of meaningful measures will improve transparency, accountability and community confidence.



DRAFT RECOMMENDATION 6.7

Governments should clearly set out in a single location on the internet environment-related guidance on the range of approvals that may be required.

RER Program projects:

- **Reduce duplication and overlap – project objective:**
 - To eliminate the duplication and overlap between State government agencies to provide more efficient environmental regulation without compromising effectiveness.
- **Transparency strategy – project objective:**
 - To develop and implement a strategy to improve transparency in DMP regulatory processes, to improve community and industry confidence.
- **Communications strategy – project objective:**
 - The development of the RER program is well informed by stakeholder input, and reforms are communicated and understood by stakeholders.

DRAFT RECOMMENDATION 6.8

Governments should ensure that their authorities responsible for assessing environmental plans and environmental impact statements (and equivalent documents) should make archived industry data publicly available on the internet.

RER Program projects:

- **Transparency strategy – project objective:**
 - To develop and implement a strategy to improve transparency in DMP regulatory processes, to improve community and industry confidence.
- **Communications strategy – project objective:**
 - The development of the RER program is well informed by stakeholder input, and reforms are communicated and understood by stakeholders.

EXPLORATION LICENSING AND APPROVALS

DRAFT RECOMMENDATION 3.4

Where not already implemented, governments should ensure that at a minimum their lead agencies responsible for exploration; coordinate exploration licensing and related approvals (such as environment and heritage approvals). This should include the provision of guidance on the range of approvals that may be required, and on how to navigate the approvals processes. [As to guidance on navigating approvals process, you may be interested in EPA Vic's recent [Approvals Review Report](#).]

RER Program projects:

- **Reduce duplication and overlap – project objective:**
 - To eliminate the duplication and overlap between State government agencies to provide more efficient environmental regulation without compromising effectiveness.



DRAFT RECOMMENDATION 3.5

Governments should ensure that their regulators publish target timeframes for approval processes, including exploration licensing and related approvals (for example environmental and heritage approvals). The lead agency for exploration should publish whole-of-government performance reports against these time frames on their website.

RER Program projects:

- **Transparency strategy – project objective:**
 - To develop and implement a strategy to improve transparency in DMP regulatory processes, to improve community and industry confidence.
- **Reduce duplication and overlap – project objective:**
 - To eliminate the duplication and overlap between State government agencies to provide more efficient environmental regulation without compromising effectiveness.
- **Performance measures – project objectives:**
 - A system of regulatory performance measures will inform continuous improvement of DMP's environmental regulation.
 - External reporting of meaningful measures will improve transparency, accountability and community confidence.

LAND ACCESS

DRAFT RECOMMENDATION 4.3

Governments should ensure that the development of coal seam gas exploration regulation is evidence-based and is appropriate to the level of risk. The regulation should draw on the guiding principles of the Multiple Land Use Framework endorsed by the Standing Council on Energy and Resources to weigh the economic, social and environmental costs and benefits for those directly affected as well as for the whole community, and should evolve in step with the evidence.

Western Australia currently has no known, potentially commercial, coal seam gas resources because of the State's geology and character of its coals.

HERITAGE PROTECTION

DRAFT RECOMMENDATION 5.2

Governments should ensure that their heritage authorities:

- *require that resource explorers or other parties lodge all heritage surveys with that authority*
- *maintain registers which map and list all known Indigenous heritage*

[Lead Agency Working Arrangements between DMP and DIA](#)



File No: A1439/201201

RER ADVISORY PANEL MEETING MINUTES

| | | | |
|---------------|---|--------------|----------------|
| Date: | 26 July 2013 | Time: | 9:30am 11:30am |
| Venue: | Director General's Conference Room Level 8, Mineral House, 100 Plain St, East Perth | | |

Members present, observers and apologies

Present

| | |
|--------------------------------|---|
| Dr Phil Gorey (CHAIRPERSON) | Executive Director, Environment Division, Department of Mines and Petroleum (DMP) |
| Mr Justin Fromm | Association of Mining and Exploration Companies (AMEC) |
| Mr Kane Moyle | Manager – Environment, Chamber of Minerals and Energy WA (CMEWA) |
| Mr Harry Backes | State Director Western Australia, Cement Concrete & Aggregates Australia (CCAA) |
| Dr Nic Dunlop | Environmental Science & Policy Coordinator, Conservation Council of Western Australia (CCWA) |
| Mr Patrick Pearlman | Principal Solicitor, Environmental Defender's Office WA (EDOWA) |
| Mr Mike Lucas | President, Amalgamated Prospectors and Leaseholders Association (APLA) |
| Mr Milan Zaklan | Policy Director – Resources, Pastoralists and Graziers Association of WA (Inc.) (PGAWA) |
| Mr Steve Tantala | Director Operations, Environment Division, Department of Mines and Petroleum (DMP) |
| Mr Alan Sands | Director, Environmental Regulation Division, Department of Environment and Conservation (DER) |
| Mr Anthony Sutton | Director, Assessment and Compliance Division, Office of the Environmental Protection Authority (OEPA) |
| Mr Paul Platt | Senior Project Manager, Project Facilitation Management, Department of State Development (DSD) (<i>proxy for Richard Riordan</i>) |
| Mr John Connolly | Director Regulation, Department of Water (DoW) |

Observers

| | |
|-----------------|---|
| Richard Smetana | Environmental Officer, Reform Group, Department of Mines and Petroleum (DMP) |
| Anika Moore | Graduate Officer, Reform Group, Department of Mines and Petroleum (DMP) |
| Danielle Brown | A/Project and Policy Officer, Reform Group, Department of Mines and Petroleum (DMP) |

Apologies

| | |
|---------------------|--|
| Mr Simon Skevington | Project Director, Reform, Department of Mines and Petroleum (DMP) |
| Mr Richard Riordan | General Manager Project Facilitation, Department of State Development (DSD) (<i>Paul Platt attending as proxy</i>) |
| Mr Simon Bennison | Chief Executive Officer, Association of Mining and Exploration Companies (AMEC) (<i>Justin Fromm attending as proxy</i>) |
| Mr Kevin Price | Secretary, Amalgamated Prospectors and Leaseholders Association (APLA) (<i>Mike Lucas, attending as proxy</i>) |
| Mr Damien Hills | Associate Director Environment, Australian Petroleum Production and Exploration Association (APPEA) |
| Mr Gary Peacock | Chairman - Property and Resources Committee, Pastoralists and Graziers Association of WA (Inc) (PGAWA) |



Agenda items discussed and actions to be taken

| Item | Topic | Action |
|------|---|--|
| 1. | Welcome, apologies, actions from previous meeting | |
| | <p>The Chairperson welcomed members to the second meeting of the Reforming Environmental Regulation Advisory Panel.</p> <p>The department considered that it would be beneficial to have a representative from the Environmental Defender's Office of WA on the Panel, and the Chair welcomed Mr Patrick Pearlman, Principal Solicitor as the EDO's representative. The Chair also welcomed Mr Mike Lucas as the new representative from the Amalgamated Prospectors and Leaseholders Association.</p> <p>Apologies</p> <p>Richard Riordan from DSD was an apology; Paul Platt attended as his proxy.</p> <p>Simon Bennison from AMEC was an apology; Justin Fromm attended as his proxy.</p> <p>Simon Skevington is away until 2 September 2013.</p> <p>Actions from previous meeting</p> <p>Minutes are open for Panel members' comment for a specified time period and are then made available on the DMP website.</p> <p>The amended Terms of Reference is available on the DMP website.</p> <p>The Chairperson advised the Panel that other government agencies and industry groups may need to liaise with the Panel, where appropriate. These include:</p> <ul style="list-style-type: none"> • Department of Regional Development • Department of Lands • Department of Parks and Wildlife • Department of Health • Environmental Consultants Association • Australian Centre for Geo-mechanics • Australian Mine and Petroleum Law Association <p>In addition, a Ministerial Taskforce on Approvals, Development and Sustainability has been established, with the first meeting on Monday 29 July 2013.</p> <p>APPEA continues to be a member of the RER Advisory Panel, and will raise petroleum issues with DMP out of session. APPEA will attend Panel meetings, when it sees that it can add value.</p> <p>Panel meeting dates in 2014 will be advised once DER and OEPA confirm their availability dates.</p> | <p>Project team to update Terms of Reference to add EDO membership on the Panel.</p> <p>Open to Panel members for any further suggestions via email</p> <p>DER and OEPA to advise project team of proposed availability dates for 2014</p> |
| 2. | Progress update | |
| | <p>The Panel discussed the duplication and overlap project and noted that in absence of stakeholder input, a systematic approach is the best option to achieve an appropriately streamlined regulatory system that delivers environmental outcomes. The process must be focused, to ensure industry and community gain value from the outcome.</p> <p>A one day workshop was agreed upon, with an opportunity for case studies involving relevant stakeholder organisations. CME conducted a similar activity on the imposition of cost to industry, which may be of use. Discussions already underway with agencies will continue, and will provide feedback to the workshop.</p> | <p>Project team to develop a 1 day workshop</p> <p>CME to provide cost to industry activity paper to project team</p> |



| Item | Topic | Action |
|------|---|--|
| | <p>The Environmental Objectives discussion paper was released on 20 June 2013, and formal feedback was received from: CCWA; DoW; AMEC; and OEPA, with emails from DSD and CCWA. The Panel discussed the feedback received.</p> <p>The government will determine how it ensures that industry is undertaking</p> <p>This consultation on the proposed environmental objectives was intended to enable the Panel to indicate support for the objectives or agree to further amendments if required.</p> <p><i>Legislative framework:</i> The Panel noted the lack of a legislation within the Mining Act or in the broader context, to 'anchor' DMP's environmental objectives. DER and OEPA proposed that the department use the EP Act as an umbrella for DMP environmental objectives. A whole-of-government approach was supported by the</p> <p>Paper. OEPA noted that DMP already has an environmental role under EP Act and there is scope to be broader in DMP's approach on environmental objectives. DER commented that the proposed broader objectives may not reduce</p> <p>objects under Mining Act to allow for the creation of environmental objectives. There may be advantages to developing environmental objectives without being</p> <p><i>Measurability:</i> The Panel asked how DMP would measure achievement of the objectives. CCWA sees environmental objectives as a matter for community to oversee. The Chairperson advised that the proponent may propose criteria, but it is the regulator's role to ascertain whether the criteria are appropriate.</p> <p><i>Definitions and terminology:</i> CCWA considers that the proposed environmental objectives in the discussion paper are process-based, rather than outcomes-based. The Chairperson noted that the Panel had differing views on this matter.</p> <p>The Chairperson acknowledged the Panel's comments and the Panel supported the department writing environmental objectives into a broader risk-based</p> <p>EPA will soon finalise a report that clearly defines what might be done under the Mining Act and what might be done under the EP Act with regard to mine closure.</p> | <p>DER and CME to</p> <p>associated KPIs</p> |
| | | |
| | | |



| Item | Topic | Action |
|-----------|---|--|
| 5. | Programme of Work period of validity review | |
| | <p>The Programme of Work (PoW) validity period review was identified as a priority by the Ministerial Advisory Panel. RER Advisory Panel members are invited to comment on the proposed extended time frame of 4 years.</p> <p>As the Mining Rehabilitation Fund now requires industry to provide annual reporting of land disturbance, there is a reasonable case to extend the validity period of PoWs. Annual Environmental Reports are also publically available and accessible to land managers.</p> | Panel members to provide comment by 23 August 2013 on proposed 4-year PoW validity |
| 6. | Other business | |
| | <p>a. Productivity Commission draft report on Mineral and Energy Resource Exploration: DMP alignment notes – Noted</p> <p>b. Out of session Panel correspondence: Yammer (a web sharing application designed for collaboration, file sharing and knowledge exchange) was suggested to assist alignment and clarity.</p> | Project team to establish Yammer network and email details to Panel |
| 7. | Next meeting | |
| | Fri 20 Sep 2013, 9:30-11:30am | |