



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



Approvals reform for mining and petroleum projects  
– a response to the Industry Working Group Report recommendations.

IWG recommendation	Status of work as at September 2010
<b>1. Define the Western Australian resource development policy</b>	<p>Work has commenced on preparing background information for a mineral and petroleum resources development policy. The Government has set policy directions and has sought input from key stakeholders. The policy is planned to be finalised in the second half of 2010. The draft policy will be considered by the Ministerial Taskforce.</p>
<b>2. Establish a natural resources agency</b>	<p>The Ministerial Taskforce has agreed not to proceed with this recommendation.</p> <p>Recommendation 2 proposes that a natural resources agency be established. The Government established the Office of the Environmental Protection Authority (OEPA) to support the EPA, leaving the Department of Environment and Conservation (DEC) to focus on their responsibilities under Part V of the <i>Environmental Protection Act 1986</i>, and biodiversity conservation and land management functions. The Ministerial Taskforce is currently focussing on developing and strengthening the ability of the public sector.</p>
<b>3. Establish a “stand-alone” role for the Environmental Protection Authority (EPA)</b>	<p>A stand alone EPA was established as of 1 December 2009 and it is expected that a General Manager, responsible for the operation of the Office of Environmental Protection Authority (OEPA), will be appointed shortly.</p>
<b>4. Establish an independent “Approvals Reform Office</b>	<p>The Department of the Premier and Cabinet (DPC) is overseeing the implementation of approvals reforms, including recommendations of the IWG. To ensure a cross-portfolio approach, implementation is being steered by the Directors General Working Group (DGWG). In this regard the DGWG advises the Ministerial Taskforce on Approvals, Development and Sustainability, who are directing continuous review and the implementation of revised practices for approvals.</p>
<b>5. Reform Native Title and Aboriginal heritage processes</b>	<p>Guidelines on the operation of the <i>Aboriginal Heritage Act 1972</i> and Section 18 consents and the interaction of the <i>Aboriginal Heritage Act 1972</i> with Part IV of the <i>Environmental Protection Act 1986</i> was released in December 2009.</p> <p>A draft paper on the operation of the Register of Aboriginal Sites was released in early 2010, calling for submissions. Submissions have closed and the Department of Indigenous Affairs (DIA) are currently determining options for moving forward with the Register. Submissions were made by various industry and indigenous bodies.</p> <p>It is envisaged that targeted consideration will be undertaken on the draft guidelines for the Register during the latter part of 2010.</p> <p>DPC is leading negotiations on native title matters.</p>

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<b>6. Reform the Environmental Protection Act 1986 appeals process</b>	<p>The <i>Approval and Related Reforms (No 1) (Environment) Bill 2009</i> streamlines some environmental appeal and assessment processes. The Bill is currently being considered by the Legislative Council.</p> <p>Other environmental measures are being considered as part of longer term reforms.</p>
<b>7. Reduce the objections backlog at the Warden's Court</b>	<p>The Department of Mines and Petroleum (DMP) implemented a three month trial (22 February - 21 May 2010) of a full time Mining Warden position in 2010, and is now examining funding options for a full time Mining Warden position.</p>
<b>8. Reform the administration of environmental offsets</b>	<p>The DGWG is currently steering a review of the State's environmental offset policy, being led by the OEPA and DEC. A offset policy framework will be considered by the Ministerial Taskforce in the latter part of 2010.</p>
<b>9. Review policies of previous Government</b>	<p>On 1 September 2010 the State Government announced new nature conservation and mining arrangements for the Mt Manning area of WA. This clarification of Government policy in the banded iron formation ranges of the Yilgarn region addresses a key element of this recommendation.</p> <p>The OEPA released its Environmental Assessment Guideline for protection of Benthic Primary Producer Habitat on 9 December 2009.</p> <p>Other policies will be considered as necessary.</p>
<b>10. Encourage use of external resources</b>	<p>The Ministerial Taskforce considered this recommendation, and agreed that where industry-funded expert panels are used, this does not compromise the integrity or effectiveness of the approvals process. In August 2010, the Minister for Mines and Petroleum appointed an independent expert panel (UWA, Curtin University and CSIRO) to provide high level advice to government to ensure world's best practice regulation of the State's new uranium sector.</p>
<b>11. Improve cross agency access to technical information</b>	<p>The Ministerial Taskforce is considering mechanisms for the sharing of technical information. It is currently focussed on developing an electronic tracking system for all applications (STATS). It is considering how this can be expanded to include technical information (heritage, environment and land). The sharing of environmental assessment knowledge is currently being considered by the Shared Environmental Assessment Knowledge Taskforce (SEAK), established by the Minister for Environment in May 2009. A report will be considered by the Ministerial Task Force in September 2010.</p>

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<b>12. Review of internal approval processes and timelines</b>	The DGWG is monitoring approval timeline information. Some agencies have been publishing quarterly approval performance measures on their external websites.
<b>13. Establish a single decision-making authority.</b>	The Ministerial Taskforce is considering this as part of longer term reforms. The announcement of the lead agency framework supports a more coordinated approach to approvals.
<p><b>14 (a) Amend Section 41 of the EP Act to clarify requirements.</b></p> <p><b>(b) Amend Schedule 6 (Clearing Permits) of the Environmental Protection Act 1986 to avoid the duplication of approval processes between the EP Act and the State Mining and Petroleum Acts.</b></p>	<p>This issue is being addressed through longer term reform of the approval process and the <i>Approval and Related Reforms (No 1) (Environment) Bill 2009</i>. In addition, the <i>Aboriginal Heritage Act 1972</i> guideline on its interaction with Part IV of the <i>Environmental Protection Act 1986 (Interaction between Section 18 of the Aboriginal Heritage Act 1972 (WA) and Part IV of the Environmental Protection Act 1986 (WA))</i> clarifies this issue through its support for parallel processing. The guideline was issued December 2009.</p> <p>On 22 February 2010, the Minister for Environment announced the establishment of a working group to look at legislative improvements and Government policy related to native vegetation clearing. It is anticipated that the working group will submit its findings to the Minister in late 2010.</p>
<b>15. Amend the Mining Act 1978 to allow for railways in miscellaneous licences</b>	While the Government considers longer term solutions, it intends to use State Agreements to ensure that current resource projects have a legal basis to construct private railways.

*Developing a sustainable resources future*

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