



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 2011
<b>1. Define the Western Australian resource development policy</b>	<p>The Government is proceeding to enhance Western Australia’s status as an attractive investment destination through approvals reform and, where appropriate, clarification of conservation and mining policy arrangements. For example, announcement of the Governments conservation and mining reserves in the Mt Manning area of the Yilgarn has helped define conservation and mining policy in the region. Similar clarifying arrangements are being considered for other important conservation and mining areas of WA.</p>
<b>2. Establish a natural resources agency</b>	<p>The Ministerial Taskforce has agreed not to proceed with this recommendation.</p>
<b>3. Establish a “stand-alone” role for the Environmental Protection Authority (EPA)</b>	<p>This recommendation was endorsed by Government and implemented. An independent Office of the Environmental Protection Authority (OEPA) was established on 1 December 2009. The role of providing environmental impact assessment and advice to the Environmental Protection Authority (EPA) remains unchanged. It is independently resourced and is accountable for assessment outputs.</p>
<b>4. Establish an independent “Approvals Reform Office</b>	<p>The Department of the Premier and Cabinet (DPC) coordinate the implementation of approvals reforms, including recommendations of the Industry Working Group (IWG). To ensure a cross-portfolio approach, the Directors General Working Group (DGWG) provide advice and recommendations to the Ministerial Taskforce on Approvals, Development and Sustainability. The Ministerial Taskforce make decisions regarding approvals reform objectives and monitor implementation progress.</p>
<b>5. Reform Native Title and Aboriginal heritage processes</b>	<p>The Department of the Premier and Cabinet is leading negotiations on native title matters.</p> <p>The <i>Aboriginal Heritage Act 1972</i> is currently being reviewed. The aim of the review is to develop contemporary legislation that ensures protection for Western Australia’s rich Aboriginal heritage and facilitates State development initiatives.</p>
<b>6. Reform the <i>Environmental Protection Act 1986</i> appeals process</b>	<p>The <i>Approval and Related Reforms (No 1) (Environment) Bill 2009</i> was assented to on 28 October 2010. The bill amends the <i>Environmental Protection Act 1986</i> to remove duplicative or unnecessary appeal rights and align appeal periods across regulatory processes.</p>
<b>7. Reduce the objections backlog at the Warden’s Court</b>	<p>A full time Mining Warden has been appointed by Government. The Mining Warden formally commenced on the 1 July 2011.</p>

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<b>8. Reform the administration of environmental offsets</b>	A WA environmental offset policy has been drafted and will be released by the Minister for the Environment shortly. The policy establishes a publically available register of all offset agreements in Western Australia.
<b>9. Review policies of previous Government</b>	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. Other relevant policies are under review by the Directors General Working Group. Recommendations for change are submitted to the Ministerial Taskforce.
<b>10. Encourage use of external resources</b>	The Government supports industry-funded expert panels where 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.
<b>11. Improve cross agency access to technical information</b>	Government is working to expand the sharing of heritage, environment and land information across agencies.
<b>12. Review of internal approval processes and timelines</b>	The introduction of online lodgement of applications for key resource sector approvals has facilitated review of existing approval processes. Key approval processes have been reviewed for redundant or outdated requirements. Where identified, approval processes have been simplified and new application templates and supporting guidelines introduced. Online applications have reduced approval timelines by up to 20%. Agencies publish quarterly approval timelines performance reports on their websites.
<b>13. Establish a single decision-making authority.</b>	The implementation of the lead agency framework supports a more coordinated approach to project approvals.

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<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 <i>Environmental Protection Act 1986</i> to avoid the duplication of approval processes between the EP Act and the State Mining and Petroleum Acts.</b></p>	<p>The <i>Approval and Related Reforms (No 1) (Environment) Bill 2009</i>, assented to in October 2010, amended Section 41 of the <i>Environmental Protection Act 1986</i> such that constraints on decision makers would not apply if the Authority has consented to minor or preliminary works.</p> <p>The Native Vegetation Working Group was established by the Minister for Environment in June 2010 to consider the legislative amendments to the clearing provisions of the EP Act proposed in submissions to the Middle Review. The working group provided its report to the Minister for Environment in February 2011. Following the report of this group, and other relevant reviews since 2008, a legislative proposal is being developed for the Minister's consideration. The Minister stated in Parliament on 8 September 2011 that DEC is working on advice regarding possible options for legislative amendments for his consideration, with the aim of improving the practical operation and effectiveness of the clearing provisions.</p>
<p><b>15. Amend the <i>Mining Act 1978</i> to allow for railways in miscellaneous licences</b></p>	<p>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.</p>

*Developing a sustainable resources future*

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