

RER ADVISORY PANEL AGENDA

Date:	Fri 19 September 2014	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.	Cost Reflective Pricing Options	Chair
3.	DMP Environmental Regulation Strategy	ML
4.	Transparency Implementation Plan	KB
5.	Progress updates: RER Status Report	Chair/all
6.	Other Business:- Mining Rehabilitation Fund Status Report	ML
7.	Next meeting: Friday 5 December 2014	Chair

Supporting Papers:

1.	RER Advisory Panel Minutes 13 June 2014
2.	RER Status Report
3.	DMP Environmental Regulation Strategy
4.	Transparency in Environmental Decision Making: Implementation Plan
5.	Mining Rehabilitation Fund Status Report
6.	Cost Reflective Pricing Options http://www.dmp.wa.gov.au/20755.aspx

Scheduled Meetings:

- 19 September 2014, 09:30-11:30
- 5 December 2014, 09:30-11:30
- 13 March 2015, 9:30-11:30
- 19 June 2015, 9:30-11:30

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:	19 September 2014	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 (CHAIR)	Executive Director, Environment Division, Department of Mines and Petroleum (DMP)
Mr Simon Bennison	Chief Executive Officer, 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	Conservation Council of Western Australia (CCWA)
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 Alan Sands	Director, Environmental Regulation Division, Department of Environment Regulation (DER)
Mr John Connolly	Director Regulation, Department of Water (DoW)

Observers

Mr Steve Tantala	Director Operations, Environment Division, Department of Mines and Petroleum (DMP)
Dr Marnie Leybourne	General Manager Administration and Reform, Environment Division, Department of Mines and Petroleum (DMP)
Ms Kate Buckley	Senior Policy Officer, Administration and Reform, Environment Division, Department of Mines and Petroleum (DMP)
Ms Sue Shadbolt	Business Systems Coordinator, Administration and Reform, Environment Division, Department of Mines and Petroleum (DMP)

Apologies

Mr Mike Lucas	President, Amalgamated Prospectors and Leaseholders Association (APLA)
Mr Patrick Pearlman	Principal Solicitor, Environmental Defender's Office WA (EDOWA)
Mr Andrew Taylor	Senior Policy Advisor – WA/NT, Australian Petroleum Production and Exploration Association (APPEA)
Mr Gary Peacock	Chairman, Private Property Rights & Resources Sub-Committee Pastoralists and Graziers Association of WA (Inc) (PGA)



Agenda items discussed and actions to be taken

Item	Topic	Action
1.	Welcome, actions from previous meeting	
	<p>The Chair welcomed members to the seventh meeting of the Reforming Environmental Regulation Advisory Panel.</p> <p>Actions from previous meeting:</p> <ul style="list-style-type: none">• <i>DMP to amend Implementation Plan to add DPAW as stakeholder and include notes from petroleum duplication and overlap meeting. Updated Implementation plan to be sent to Panel.</i>	Completed
2.	Cost Reflective pricing	
	<p>The Panel discussed the Cost Reflective Pricing Options discussion paper.</p> <p>DMP has undertaken modelling on future resourcing requirements and identified a shortfall from known funding sources. DMP has released a Cost Reflective Pricing Options Discussion Paper which is open for comment until Monday 20 October 2014.</p> <p>DMP is seeking feedback on the options paper. It was noted the <i>Mining Act 1978</i> currently has provisions to charge fees for PoW and Mining Proposal applications, but not annual fees.</p> <p>The Panel identified other examples where government has modelled cost recovery and may provide useful background for DMP, such as water licensing and fishery licence fees. Industry members requested further information on the business case and the modelling of cost savings to industry.</p>	
3.	Environmental Regulation Strategy	
	<p>The Panel discussed the Environmental Regulation Strategy paper. The Environmental Regulation Strategy document provides a high level overview and context to DMP's supporting guidelines.</p> <p>The Panel requested further detail to be provided regarding how regulatory performance measures will be used to evaluate the effectiveness of the regulatory strategy. It was noted that there will be an RER project on regulatory performance measures which has commenced but is yet to be finalised.</p> <p>The Regulatory Strategy should include more information on how environmental objectives will be used. It was noted that more detail on environmental performance standards and outcomes will be provided in the statutory guidelines for Mining Proposals and Programmes of Work.</p> <p>The Panel suggested that the Regulatory Strategy clearly reference the context of Part 4 and 5 of the <i>Environmental Protection Act 1986</i> for DMP's environmental regulation. DMP will also work with Department of Water to ensure its objectives in regard to water management align.</p>	<p>ACTION:</p> <p>Include requested information in the Environmental Regulatory Strategy</p>



Item	Topic	Action
4.	Transparency Implementation plan	
	<p>The Panel discussed the Transparency Implementation Plan paper.</p> <p>Environmental survey reports will be made available; at this stage it is not likely to be raw data.</p> <p>The Panel discussed the matter of Commercial in Confidence information, and noted that different industries and commodities will have specific issues around confidentiality. For example, the quarrying industry was raised as an example where there is local industry and local markets versus those commodities that export globally. The Panel noted that operators will be able to request information to be kept confidential and these requests will be considered on a case by case basis as is currently the case.</p> <p>It was noted that Mining Proposals are currently made public with commercial in confidence information removed and this has worked effectively to date.</p>	
5.	Progress update	
	<p>The Panel reviewed the RER Status Report paper.</p> <p>The Panel noted the timing of the release of the Exposure Draft of the Mining Amendment bill will depend on PCO's drafting process. DMP is yet to receive a first draft of the bill.</p> <p>The Panel observed that the current progress update format does not provide clear measures of success on the delivery of the MAP recommendations. DMP should identify the current baseline of activities and identify the gains delivered by the RER program. The Panel noted that this will be provided in the RER Regulatory Performance Measures project, and in the meantime DMP will provide an audit report at the next Panel meeting.</p> <p>Panel members were invited to attend a workshop on Tuesday 7 October where DMP will present its proposals for Mining Proposal reform. Members are welcome to request a separate briefing if unable to attend.</p>	<p>ACTION:</p> <p>DMP provide an audit report on delivery of MAP recommendation s next meeting.</p>
6.	Other Business – Mining Rehabilitation Fund	
	<p>A review of bonds on dead tenements is underway.</p> <p>All MRF disturbance data is available on the DMP website. In future DMP intends to provide summarised information and key statistics to complement this provision of data.</p> <p>It was raised that the MRF levy calculation does not account for post closure land uses, ie. where infrastructure or disturbance will not be rehabilitated in the long term, such as roads or airstrips.</p>	
7.	Next meeting: 5 December 2014	