

RER ADVISORY PANEL AGENDA

Date:	Fri 13 March 2015	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 updates: <ul style="list-style-type: none"> • Legislative amendments • Reduce duplication – Tailings storage facility • Regulatory performance measures • RER Status Report 	ML ST ST Chair
3.	Draft Transparency Regulations – comments close 17 March 2015	Chair/all
4.	Other Business:- The future of RERAP	ML
5.	Next meeting: Friday 19 June 2015	Chair

Supporting Papers:

1.	RER Advisory Panel – minutes and actions from 5 December meeting
2.	RER Status Report – 9 March 2015
3.	Memo – The future of RERAP

Scheduled Meetings:

- 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: A2107/201301

RER ADVISORY PANEL MEETING MINUTES

Date:	13 March 2015	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)
Mr Andrew Taylor	Senior Policy Advisor – WA/NT, Australian Petroleum Production and Exploration Association (APPEA)
Mr Nic Woolfrey	Manager, Environmental Management Branch, Department of Parks and Wildlife (DPAW)
Mr Chris Stanley	Representing Mr Anthony Sutton, Office of the Environmental Protection Authority (OEPA)
Mr Adrian Parker	Representing Mr John Connolly, Department of Water (DoW)
Mr Les Lowe	Representing Mr Mike Lucas, Amalgamated Prospectors and Leaseholders Association (APLA)
Mr Ian McLeod	Representing Mr Patrick Pearlman, Environmental Defender's Office WA (EDOWA)
Mr Milan Zaklan	Representing Mr Gary Peacock, Pastoralists and Graziers Association
Mr Paul Platt	Representing Mr Richard Riordan, Department of State Development (DSD)
Ms Ruth Dowd	Representing Ms Kelly Faulkner, Department of Environment Regulation (DER)

Observers

Mr Kevin Price	Representing Mr Mike Lucas, Amalgamated Prospectors and Leaseholders Association (APLA)
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 Julie Mahony	Policy Officer, Administration and Reform, Environment Division, Department of Mines and Petroleum (DMP)
Ms Jodie Hipper	Policy Officer, Administration and Reform, Environment Division, Department of Mines and Petroleum (DMP)
Ms Clare Grosser	Team Leader, Environment Division, Department of Mines and Petroleum (DMP)
Ms Kate Darby	Executive Assistant, Environment Division, Department of Mines and Petroleum (DMP)

Apologies

Mr Anthony Sutton	Director, Assessment and Compliance Division, Office of the Environmental Protection Authority (OEPA)
Mr John Connolly	Director Regulation, Department of Water (DoW)
Mr Mike Lucas	President, Amalgamated Prospectors and Leaseholders Association (APLA)



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

"Reforming Environmental Regulation Advisory Panel"

Mr Patrick Pearlman	Principal Solicitor, Environmental Defender's Office WA (EDOWA)
Mr Gary Peacock	Chairman, Private Property Rights & Resources Sub-Committee, Pastoralists and Graziers Association of WA (Inc.) (PGA)
Mr Richard Riordan	General Manager Project Facilitation, Department of State Development (DSD)
Ms Kelly Faulkner	Executive Director Licensing and Approvals, Department of Environment Regulation (DER)
Dr Nic Dunlop	Conservation Council of Western Australia (CCWA)



Agenda items discussed and actions to be taken

Item	Topic	Action
1.	Welcome, apologies, actions from previous meeting	
	<p><u>Welcome</u></p> <p>The Chair welcomed members to the meeting of the Reforming Environmental Regulation Advisory Panel.</p> <ul style="list-style-type: none"> The Chair introduced Dr Nic Woolfrey to a new position on the RER Advisory Panel, representing Department of Parks and Wildlife. The Panel and proxies in attendance introduced themselves. <p><u>Actions from previous meeting:</u></p> <p>a.) DMP to provide MAP Recommendations Progress Audit Report in June 2015 (Action: Develop report)</p> <ul style="list-style-type: none"> On track for completion in June 2015. <p>b.) DMP to provide decision making process for how the Director General will have regard to non-environmental factors (Action: Provide)</p> <ul style="list-style-type: none"> DMP has commenced work on a process and will distribute it upon completion of a draft. <p>c.) DMP to provide timeline for development of guidelines (Action: Provide timeline)</p> <ul style="list-style-type: none"> A timeline is provided in the indicative consultation schedule in the March 2015 RER Status Report (Agenda Paper), along with other documents supporting the RER implementation that will be released for comment. <p>d.) DMP to reevaluate timeframe for removal of redundant tenement conditions (Action: Provide status update)</p> <ul style="list-style-type: none"> 17 redundant environmental tenement conditions have been identified for removal. Step 1 of this process is to determine how many of the approximately 22,000 tenements will need the conditions removed. A pilot project is identifying an efficient way to remove these conditions. DMP will report at next Panel meeting progress with the removal of have redundant environmental conditions. <p>e.) DMP to restructure the RER status report based on discussions (Action: Provide timeline)</p> <ul style="list-style-type: none"> As the MRF program is fully operational, the securities section in the RER Status Report is reporting solely on petroleum securities. 	<p><i>On track</i></p> <p><i>Commenced</i></p> <p><i>Complete</i></p> <p><i>Underway</i></p> <p><i>DMP to report on progress through standing status update report</i></p> <p><i>Complete</i></p>



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2.	Progress Updates	
	<p>Legislative Amendments</p> <p>There are a number of separate legislative amendments currently being prepared, and these are all at various stages;</p> <ol style="list-style-type: none"> I. The Mining Amendment Bill 2015 is expected to be shortly endorsed by Government and introduced into Parliament as early as April 2015. II. There are separate amendments to the Mining Regulations for the introduction of assessment fees for programmes of work and mining proposals. These draft regulations will be circulated prior to their proposed introduction on 1 July 2015. III. DMP has recently circulated draft amendments to the Mining Regulations to enable broader transparency for applications and environmental approvals under the Mining Act. The due date for comments was set at 17 March, however some stakeholders advised that their submissions may not be received until the 19th March. IV. DMP will shortly commence consultation on the definition of low impact activities, and standard deemed conditions, that could apply after the Mining Amendment Bill 2015 is passed by Parliament. DMP advised that the low impact notification system cannot come into force until the 2015 Bill and relevant supporting Regulations are in effect. In the meantime, when assessment fees are introduced on 1 July 2015, DMP will not be charging assessment fees for Programmes of Work for less than 0.25 hectares. It was noted that approximately 24% of Programme of Work applications in the last year were below this 0.25 ha threshold. Alternatives to the 0.25 ha criterion were discussed, including use of activity-based criteria (instead of area-based). DMP will provide a discussion paper for comment. <p>Reduce Duplication – Tailings Storage Facility</p> <p>DMP is preparing an options paper on regulating tailings storage facilities and is working with DER on the detail prior to release of the draft of the paper for comment. The paper should be available to be released for Panel review out of session before the next Panel meeting.</p> <p>DMP is considering introducing the requirement for an independent third-party</p>	<p><i>DMP will fast-track the release of the proposed low impact activities and standardized conditions.</i></p> <p><i>Industry association to advise DMP on whether they would like specific workshops or forums on the definitions.</i></p> <p><i>DMP to issue TSF</i></p>



Item	Topic	Action
	<p>assessment of Tailings Storage Facility designs as part of streamlining assessment and compliance processes. This follows on from the recent outcome-based code of practice. A discussion paper on the third-party TSF review process has been drafted and it should be ready for Panel review in March 2015.</p> <p>Regulatory Performance Measures</p> <p>See RER Status Report item 9 below.</p> <p>RER Status Report Review</p> <ol style="list-style-type: none">1. See above for legislative reform progress update.2. Risk-based regulatory framework – a discussion paper was presented during 5 December 2014 Panel meeting. No comments were received from Panel members. This paper will inform development of the new Mining Proposal Guidelines which will be ready for Panel review at the next meeting in June. <p>An Industry Working Group meeting was held on 15 February 2015. Draft papers on Risk Assessment Performance Measures and Environmental Management Systems were accepted for the next stage of drafting. Incident Reporting Guidelines and Consultation guidelines are also being drafted to be provided to the Panel out of session. Mining Proposal Guidelines should be available for Panel review in July 2015.</p> <ol style="list-style-type: none">3. Duplication – See above for TSF duplication review.4. Transparency – Awaiting comments back on the draft regulations by 19 March 2015. DMP is also holding a specific 'petroleum' related information session with industry representatives on 20 March 2015.5. Tenement conditions – refer also to Actions update from the previous meeting. 55 environmental conditions have been identified as needing to stay in effect in some form, either as title conditions, regulations or approval conditions. This review will be complete by the end of June 2015.6. Securities – MRF is now fully implemented, with assessments on all unconditional performance bonds being completed. DMP will be undertaking a regional roadshow in May 2015 to assist tenement holders with the MRF lodgements. DMP has drafted a petroleum securities paper which is undergoing internal review before being available externally within the next four weeks.7. Documents – refer to the Indicative Consultation Schedule for a list of documents to be developed in the next 18 months. This list will be refined as work progresses.8. IT systems – The systems will be developed in line with new and revised Guidelines that are in development. DMPs goal is for all lodgements to be via online systems in 2016, including a spatial lodgement process.9. Regulatory Performance Measures – a discussion paper has been drafted and is undergoing internal review. The paper will be available for the next Panel meeting.	<p><i>compliance options paper for Panel review.</i></p> <p><i>DMP to issue draft petroleum securities paper to Panel for comment</i></p> <p><i>DMP to advise</i></p>



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	<p>10. Relinquishment and Abandonment – A query was raised as to whether there are guidelines for rehabilitation for petroleum activities. DMP advised that these are being developed. The Mine Closure Plan Guidelines are being finalised. DMP will advise the Panel when these will be published.</p>	<p><i>when the MCP Guidelines will be published.</i></p>
3.	Draft Transparency Regulations	
	<p>The draft Regulations were issued to the Panel on 17 February 2015 for comment. Comments are to be submitted to Julie Mahony by 19 March 2015.</p>	<p><i>Panel to submit review comments on the draft Transparency Regulations by 19 March 2015.</i></p>
4.	Other Business	
	<p>The Future of RERAP</p> <p>Refer to agenda paper. The bulk of legislative reform will be complete by mid-2015, after which the DMP will shift to a 'business-as-usual' continuous improve phase. This will follow almost three years of intensive organizational, policy, legislative and systems reform. The Panel discussed whether there is an ongoing need to continue meeting beyond mid-2015. DMP is keen to maintain the forum for ongoing engagement.</p> <p>It was agreed that the Panel is a good forum for industry and regulatory agencies to share information and keep industry informed. It was agreed that the Panel would review the terms of reference at the June 2015 meeting and consider whether to amend them to reflect that the role is ongoing during implementation of the reforms.</p> <p>The RER Status report should be maintained as a communication tool for the Panel.</p> <p>Department of Water working group</p> <p>DOW informed the Panel that they are establishing a working group to assess duplication in Part V Environmental Protection Act licenses and RIWI Act disposal licenses. DOW will keep the Panel informed of the outcomes of the working group.</p>	
5.	Next meeting: Friday 19 June 2015	