OPERATIONS PROTOCOL
BETWEEN
DEPARTMENT OF MINES AND PETROLEUM
AND
DEPARTMENT OF STATE DEVELOPMENT
ON CO-OPERATIVE WORKING ARRANGEMENTS
IN ENVIRONMENTAL MANAGEMENT OF STATE AGREEMENT
PROJECTS

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INTRODUCTION

The Department of Mines and Petroleum (DMP) and Department of State Development (DSD) in working cooperatively, aim to ensure that the environmental performance of the mining and petroleum industry sectors in Western Australia reflect world’s best practice.

This Protocol maintains a framework for collaboration and communication between the two Parties concerning the provision of advisory services for the ongoing management of State Agreement projects with particular regard to project approvals, operation, compliance monitoring and reporting to meet Government and community expectations.

This Protocol is a review and update of the previous arrangements which has existed between the two agencies for some time.

1. PURPOSE

   1. The purpose of this Protocol is to establish an effective working relationship between the two Parties with clear responsibilities for agency involvement in environmental regulation, provision of technical advice and formalising operational arrangements for the delivery of outcomes.

2. OBJECTIVES

   The objectives of this Protocol are:
   - To clarify and quantify the roles of DMP and DSD in terms of advice each agency will provide to the other agency.
   - To ensure that best practice environmental standards are applied to State Agreement projects.
A work program will be developed and implemented for planned activities.
To develop improved working relationship at the operations level with establishment of regular meetings to identify, discuss and address environmental management issues.

3. SCOPE OF COOPERATION

- **Input to ongoing management of State Agreement projects**

Most State Agreements have a proposals mechanism as well as an additional proposals mechanism which covers expansions of current activities. In addition there are annual and triennial environmental reporting obligations to the Agreement Minister, which seek to address a wide range of matters and regulatory requirements.

Where an Agreement proponent submits either an Additional Proposal (draft or final) or an annual or triennial environmental report, the relevant DSD Project Manager will circulate this to a range of State regulatory agencies, including the Environment Division, DMP, for review and technical comment on specific matters.

All such approaches to DMP will be directed in the first instance to the Director Operations, Environment.

- **Participation in inter-agency review mechanisms and site visits to Agreement projects (State Agreement AER reviews)**

DSD chairs several inter-agency groups that have a coordinating role in assessing and making recommendations in respect of specific State Agreement projects, such as those of Alcoa, Worsley Alumina, Iluka Resources, Tronox, Wesfarmers Premier Coal and Griffin Coal.

Some of these groups are assigned formal responsibilities under Ministerial conditions or procedures set by the Minister for Environment in approving expansions of certain projects under the *Environmental Protection Act 1986*.

Where the Environment Division, DMP is a member of such inter-agency groups because of its particular expertise and/or general responsibilities, the Director Operations, Environment will ensure that an appropriate Environmental Officer is able to participate in meetings and site visits by the group, and to provide comment on proposals and plans under review by the group.
Should that specific officer be unavailable or otherwise unable to participate or to provide the requested input, then the Director Operations where he is reasonably able to, having regard to workloads, resourcing and other priorities, will nominate an alternative officer to attend meetings or site visits, or to provide such comment within the requested timeframe, where possible.

**Specific Roles and Responsibilities of Agencies under the Protocol**

**DMP will:**

- Provide advice to DSD on new proposals, amendments, additions to proposals, technical submissions provided by proponents related to proposals
- Appoint contacts for State Agreement operations
- Provide advice to DSD on MRF and bond policy, specific projects and associated environmental performance
- Provide advice to DSD on inspection planning requirements
- Accompany DSD on inspections where required as outlined in the Inspection Schedule
- Provide inspection reports on compliance to DSD as well as the company
- Respond to DSD by designated KPI timelines
- Provide advice, including written responses to DSD on environmental performance reports (annual environmental reports, tri-annual environmental reports)
- Attend and participate in meetings with State Agreement companies on environmental matters
- Participate formally on environmental committees established by providing advice in respect to environmental reporting obligations within State Agreements.

**DSD will:**

- Advise DMP on State Agreement sites proposed for inspections to be undertaken annually
- Coordinate other agencies input into inspections if needed
- Update and confirm an inspection schedule annually (which is likely to vary year to year)
- Give notice of meetings on State Agreement projects
- Advise DMP on DSD officer contacts for State Agreement operations
- Address all correspondence to the Director Operations, Environment, DMP
- DSD will provide DMP with any relevant advice or information in relation to State Agreement operations, where DMP attendance is required.
**Specific Key Performance Indicators**

Timeframes for providing advisory services to DSD will include:

- Technical advice to be provided by Environment Division officers within 15 working days for proposals upon receiving the initial written request
- An agreed inspection schedule for 2015/16 to be in place no later than 30 June 2015, and June of each subsequent year. The inspection schedule will include projects being managed by these committees:
  - Mining and Management Program Liaison Group
  - Environmental Management Liaison Group
  - Mineral Sands Agreement Rehabilitation Coordinating Committee
  - Collie Coal Mines Environmental Committee
- Desktop reviews of State Agreement AERs to be completed within 20 working days of request
- DMP providing to DSD where applicable, timely and considered advice on assessment requirements when required.

4. OPERATIONAL ARRANGEMENTS

DMP/DSD Environment Operations Working Group

**Purpose**

To establish a working relationship between both agencies based on overall reciprocity and mutual benefit to implement the objectives of this Protocol.

**Working Group Representation**

The Working Group will comprise representatives from both agencies including:

**DSD**
- Executive Director Project Facilitation
- General Managers Project Facilitation
- General Manager Strategic Projects

**DMP**
- Director Operations, Environment
- General Managers Operations, Environment

For specific operational issues other departmental Officers may be invited to attend meetings.
Frequency of Meetings
Quarterly meetings will be adopted with each agency hosting a meeting alternately at their offices with agenda and minutes prepared by the host agency.

Resources
The implementation of this Protocol will be supported by Environmental Officers from DMP to provide specific advisory services to DSD for the environmental management of State Agreement projects.

DMP will maintain records for KPI reports and officer resourcing.

Reporting
An annual report will be prepared outlining the scope of cooperation between the two agencies in administering this Protocol.

5. KEY CONTACTS

Key contacts for this Protocol are:

Department of State Development

Ms Milka Klobucar, Executive Director, Project Facilitation
Tel: 9222 0904
Email: milka.klobucar@dsd.wa.gov.au

Department of Mines and Petroleum

Dr Phil Gorey, Executive Director, Environment
Tel: 9222 3290
Email: phil.gorey@dmp.wa.gov.au

Mr Steve Tantala, Director Operations, Environment
Tel: 9222 3447
Email: steve.tantala@dmp.wa.gov.au

6. DURATION AND RENEWAL

This Protocol shall become effective on the date of its endorsement by both Parties and shall subject to clause seven remain in place for three (3) years unless extended or terminated by mutual agreement of the Parties.
7. TERMINATION

Either Party may terminate this Protocol by giving the other notice six (6) months' notice.

8. SCHEDULE

Schedule 1: List of Current State Agreements and Relevant Agency Key Contacts