



18 December 2015

GS Annual Audit Compliance Reports
Department of Environment Regulation
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Dear Mr Jason Banks

CONSULTATION ON ANNUAL AUDIT COMPLIANCE REPORT GUIDANCE

The opportunity to review and comment on the Department of Environment Regulation (DER) draft *Guidance Statement on Publication of Annual Audit Compliance Reports required under Part V licence (Guidance Statement)* and the draft *Guideline: Annual Audit Compliance Reports and report form (Guideline)* is welcomed by the Chamber of Minerals and Energy of Western Australia (CME).

CME supports in-principle the move by DER and other government agencies to facilitate greater transparency to build community confidence in the environmental regulatory system and in the industry more broadly.

In doing so, the DER should ensure the *Freedom of Information Act 1992* (FOI Act) which is in place to provide for public access to State and local government documents while protecting commercially sensitive information, is considered when making information publicly available. Importantly, the FOI Act includes a mechanism to ensure certain matters are exempt from disclosure (such as personal information) and licensees are consulted prior to release of documents.

The draft Guideline states "*if the licensee considers that some information is confidential and should not be published, the information proposed to be redacted from the AACR is to be marked as confidential for consideration of the CEO of DER*". The ability for the licensee to mark sensitive information as confidential is an important addition. However, the release of such information is at the final discretion of the CEO of DER.

In the event the CEO of DER makes the decision to publish information marked as "*confidential*", CME considers the licensee should be consulted prior to publishing the Annual Audit Compliance Report (AACR). In these circumstances, licensees should be provided the opportunity to submit a request to DER for the decision to be reviewed and information redacted where appropriate.

Further, personal information such as name and position should be removed from *Section C – Declaration* prior to publishing the AACR on the website.

As the resources sector transitions from the construction to production phase, government departments should seek to minimise compliance costs through the reduction in reporting requirements. Unnecessary reporting diverts already limited resources and overall impedes the productivity of the resources sector.

The DER's draft licence template¹ proposes to remove the requirement for licensees to attach an annual environmental report (AER) to the AACR which is supported by CME. However, the Guidance Statement states "*The AACR forms part of the licensee's AER*". To ensure consistency with the new approach, all references to AER's should be removed from the Guidance Statement.

Further streamlining of AERs is also required as unnecessary duplication still exists with the DER reporting obligations and AER obligations required for other environmental approvals under the *Mining Act 1978*, the *Contaminated Sites Act 2003*, *Environmental Protection Act 1986* and State Agreements.

CME considers DER should consult with industry, the Environmental Protection Authority and the Department of Mines and Petroleum to develop a cross government approach to AERs to enable lodgement of one consolidated report.

CME welcomes the opportunity to discuss any of the above in further detail should you have any further queries, please do not hesitate to contact Kirrillie Caldwell, Policy Adviser – Environment, on (08) 9220 8507 or k.caldwell@cmewa.com.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicole Roocke', written in a cursive style.

Nicole Roocke
Deputy Chief Executive

¹ DER, Consultation Paper – Licence Documentation, September 2015