



Your Ref: Petition 143
Our Ref: 26-11978-2

Hon Brian Ellis MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr Ellis

PETITION NO. 143 - ENVIRONMENTAL LEGACY OF MINING

I refer to your letter dated 21 March 2012 requesting information on the submission provided by the Hon Robin Chapple MLC to the Standing Committee on Environment and Public Affairs.

My responses to each of the questions raised by the Hon Robin Chapple MLC in his submission are attached (Attachment 1).

Yours sincerely

NORMAN MOORE MLC
MINISTER FOR MINES AND PETROLEUM

30 APR 2012

PUBLIC

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STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

TRANSPARENCY

1. **Are annual environmental and monitoring reports and inspection reports publicly available?**

At present, the annual environmental and monitoring reports and inspection reports are not publicly available. The Department of Mines and Petroleum (DMP) is undertaking, as one of its many transparency improvement measures, changes to make these reports publicly available. This process has already commenced with developing the necessary systems for making annual environmental reports publicly available. This is expected to be in place in this calendar year.

2. **Is it correct that annual environmental and monitoring reports and inspection reports are deemed commercial in confidence? If yes, please explain why.**

No. Annual environmental reports and inspection reports are not commercial in confidence by their nature. These reports are prepared by the mine operators and submitted to DMP each year for its assessment. These reports address key environment matters to be managed as stated in DMP's conditions of approval and may contain information affected by commercial-in-confidence and intellectual property rights. For similar reasons, DMP's inspection reports can contain commercial-in-confidence information and information affected by intellectual property rights.

It is DMP's intention to make reports available for public information, as stated in its Strategic Paper on Transparency in Environmental Regulatory Decision Making, which is available on its webpage. This strategy paper states "...DMP requires operators and tenure holders to provide reports such as annual performance reports and monitoring reports. DMP is progressing towards making publicly available reports that are required by DMP as a result of statutory obligations or requirements of condition of authorisation. The processes, timing and nature of reports released by DMP will be determined through consultation with industry, taking into account the criteria detailed in this strategy. **Annual reports from tenement holders published by DMP would not include commercially sensitive or confidential material...**" [my emphasis]. DMP is implementing changes so that as far as practicable, commercially sensitive information or confidential material is not included in these reports (without compromising the integrity of the reports). In this way, DMP will be confident in being able to make these reports publicly available within the confidential information control obligations with which DMP must adhere.

3. **What, if any, information does the Department make publicly available that enables an assessment of:**

- **compliance with conditions for current mine sites; and**
- **the current environmental condition of closed mines.**

All approved mining proposals lodged with DMP after 10 February 2006 are being made publicly available on the website through DMP's MINEDEX query system. This process is also being mirrored for approved Mine Closure Plans.

DMP is also subject to the provisions of the *Freedom of Information Act 1992*, and any application under that process is assessed in accordance with the provisions of that Act.