

**STANDING COMMITTEE ON  
ENVIRONMENT AND PUBLIC AFFAIRS**

**PETITION NO 7 —LEGACY OF MINING**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 27 NOVEMBER 2013**

**SESSION TWO**

**Members**

**Hon Simon O'Brien (Chairman)**  
**Hon Stephen Dawson (Deputy Chairman)**  
**Hon Brian Ellis**  
**Hon Paul Brown**  
**Hon Samantha Rowe**

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**Hearing commenced at 10.56 am**

**Mr RICHARD SELLERS,**  
**Director General, Department of Mines and Petroleum, sworn and examined:**

**Dr PHIL GOREY,**  
**Executive Director Environment, Department of Mines and Petroleum, sworn and examined:**

**The CHAIRMAN:** On behalf of the committee I would like to welcome you to the meeting. Before we begin I must ask you to take either the oath or the affirmation.

[Witnesses took the affirmation.]

**The CHAIRMAN:** You have all signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard and a transcript of your evidence will be provided to you. To assist the committee and Hansard please quote the full title of any document you refer to during the course of this hearing for the record. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Thank you for joining us for the hearing today. We have some quite specific and narrow range of questions we wanted to clarify with you in connection with our inquiries into a petition concerning, generally, the environmental legacy of mining in Western Australia. The questions we would like to put to you are these, in turn. Firstly, we note that the Mining Legislation Amendment Bill 2013 provides for regulations to deal with public disclosure of information relating to mining tenement documents. I ask: why remove the existing mandatory obligation to make information available and substitute a discretionary one via regulations?

**Mr Sellers:** Thank you. It is a matter of detail that Phil thought through over a period of time so I will ask Phil to answer this one.

[11.00 am]

**Dr Gorey:** There are various provisions existing at the moment under the Mining Act relating particularly to certain mining proposals and certain mine-closure plans. They tend to relate to those documents that are submitted at lease grant stage. Very briefly, there are two ways that mining leases tend to be granted under the Mining Act. One is where the lease application is accompanied by mineralisation reports—evidence where there is mineralisation potential—or a lease accompanied by a mining proposal. The strict provisions at the moment focus on the mine proposal accompanying a mining lease application. The act does not specifically capture mine proposals that might be submitted under condition or mine proposals that might be submitted through variation. Our experience with the administration of the Mining Act is where there has been specific prescription of actual documents at particular stages to be made publicly available, it has invariably

missed out some of the other areas where we think the intent of transparencies is wanted, but it does not actually capture. So we are proposing to remove those specific provisions and put a positive obligation and make regulations that list those types of information that the minister or the director general will be able to make publicly available.

**The CHAIRMAN:** Are the terms “mining lease” and “mining tenement” used interchangeably?

**Dr Gorey:** Yes. “Mining tenement” would be a generic term and under the Mining Act there are essentially about seven different forms of tenement.

**The CHAIRMAN:** You have already touched on this in your explanation but I will ask in these terms: we are noting that section 74(5) of the Mining Act recently requires mandatory disclosure of documents and that would include the mining proposal closure plan, mineralisation and resource reports, and the bill proposes to delete that provision and give a head of power for regulations to be made that will permit a discretionary disclosure. It seems at face value that release of information only at the director general’s discretion does not appear to improve transparency, particularly when we realise that the department has a dual role of developing the mining industry as well as regulating it. Can I invite you to comment on that proposition?

**Dr Gorey:** The experience we have had with the operation of the Mining Act is where it has been specific in listing certain documents specifically, it has, I suppose by exclusion, meant that other documents could not be released. An example is where a mining proposal is submitted at the start of a project, the provisions at the moment under the Mining Act would allow that to be made publicly available. If that is revised, then there is doubt as to whether the department can release that information because it is not an initial proposal; it is an updated mining proposal, so there is doubt. We are seeking to implement a regulatory structure that allows us to remove that doubt so that we can essentially make all mining proposals and other documents publicly available. The intention is that the regulation will point to all mining proposals, which would be an expansion of what is currently the case under the Mining Act, all mine closure plans. We are also consulting with stakeholders on exploration approvals, which are currently not made publicly available.

**Mr Sellers:** It might add some value if I give you a little bit of the history of why we have reached this point. Mr Gorey and I have been meeting with stakeholders now for nearly five years on how we might improve our transparency. Some of those very early meetings with the Conservation Council of Western Australia were to point out that once you got beyond the approval, it was very hard to see what was happening in the mine. You could see that there will be conditions on there that say that they are obligated to do this with the environment or that for the environment, but there was not the opportunity for the public reporting of what has happened on that minesite and, if something has gone wrong, what has been done to mitigate it. That was back in time at the point where we actually started to have a close look at our act and see what we could do with transparency. This has been a progression where we have taken some low-hanging fruit—things that we could do without major regulatory legislative change. We have taken the industry on a journey at the same time. That is what has led us to the point at which we are now actually trying to encapsulate all those concepts that have been worked on now for nearly five years to this outcome, which is the clear intent by regulation to specifically say that the things you do in terms of approval, monitoring and closure of a mine that are in the public interest will be made available on line. That has been agreed with industry through this consultative process. The nature of the legislation is that, as you are aware, we give our plain English drafting instructions and take advice from parliamentary counsel on where best it sits in the legislative and regulatory structure. Phil was just explaining that aspect of it.

**The CHAIRMAN:** Section 74(5) is in the Mining Act as it currently exists, apart from the problem you or Dr Gorey described, with further documents arriving that perhaps are not captured by it, is there a problem 74(5) itself that has prompted this change?

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**Dr Gorey:** The origin of this proposal was not necessarily initiated through a problem identified in 74(5). It more came from the point of view of what is the most efficient way to increase our level of transparency for approval documents and later documents.

**The CHAIRMAN:** By that phrase “improve our level of transparency of other documents”, we are talking about that problem where there may be further documents in the approvals process or variation to approvals processes that are not captured by section 74(5), I think. Am I correct in all that?

**Dr Gorey:** That is correct, so through the consultation process with the Parliament.

**The CHAIRMAN:** Then why would you not simply amend section 74(5) to include these other documents which reflect variations and so on?

**Dr Gorey:** There is certainly that option to do that. It was through the consultation including consultation with those that assist us with drafting is the inherent problem that arises with listing specific documents of needing to be absolutely complete. And if you are not complete, then documents that we might not have envisaged at this time will not be able to be made publicly available because they are not specifically listed. And that was the advice that we got at the time so that is the direction we went with our recommendation.

**The CHAIRMAN:** To move on, what documents would be available under the proposed regulation-making power, and if I could ask for the specifics if it is to be specific; and will all of the documents available under the existing act still be publicly available?

**Dr Gorey:** What I would like to do with your permission is just to distribute a document or table a document. Should I have done this at the start?

**The CHAIRMAN:** No, no. You can do it now. Would you like to identify the document for the record?

[11.10 am]

**Dr Gorey:** This is titled “RER Project 6: Discussion Paper: Transparency” and it is dated October 2013. The reason I want to table this is just to give the committee a sense of the ongoing consultation we are actually doing with stakeholders in respect to transparency. We discussed, I understand, at our previous attendance that the department has established a stakeholder reference group, an advisory group, called the Reforming Environmental Regulation Advisory Panel. We have been meeting about every two months throughout this year on a range of reform matters, and transparency is one of the reform matters that we have been dealing with. What I have just provided you with is a copy of a discussion paper that we put to the committee earlier in November or for the early November meeting, particularly around transparency. I table it because I think it points to both the changes under the regulations and points to those that there is a consultation but also points to the other areas of consultation that we have been having with stakeholders, and that includes industry stakeholders and it includes non-government and government stakeholders. There are a couple of things that are relevant in the document that relate to the point about what is likely to be in the regulations, and I preface this by saying that at the moment we are preparing to go out for consultation on what might appear in the draft regulations. The basis of that consultation is that the following documents would be made publicly available, and that includes approved exploration applications, what we call programs of work, and they are currently not made publicly available at all; all approved mining proposals; all approved mine closure plans; and consolidating where we can the annual environmental reports, those we may have touched on last time we were here. About a year ago we actually introduced public reporting of annual environmental reports.

**The CHAIRMAN:** Will all of the documents currently available under the existing provisions till be publicly available?

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**Dr Gorey:** That is the basis of our consultation with industry, and the consultation to date from all our stakeholders is that they support the current level of transparency and an extension of it, so that is the proposal we are taking.

**The CHAIRMAN:** I imagine legislators would be concerned that we do not go backwards here, so are you able to give a yes or no answer —

**Mr Sellers:** It is certainly our intent.

**The CHAIRMAN:** — that all of the documents currently available will continue to be available?

**Mr Sellers:** And extras.

**The CHAIRMAN:** You have extras?

**Mr Sellers:** Yes.

**Hon STEPHEN DAWSON:** I will just ask a quick question. Dr Gorey, you have mentioned that you have consulted with industry about these changes. My question relates to whether you have consulted with the non-government sector about those, and I have a specific question about who is on the ministerial advisory panel that has been looking into this transparency issue.

**Dr Gorey:** Certainly. The current members, and I will point out the exception, but all of these member organisations have been involved since the inception of the panel, so it includes what we would call industry stakeholders such as AMEC, the Association of Mining and Exploration Companies; the Chamber of Minerals and Energy; the Amalgamated Prospectors and Leaseholders Holders Association. It includes other government agencies such as the Department of Environment Regulation and the Department of State Development and the Office of the Environmental Protection Authority. It includes what we would refer to as non-government organisations and stakeholder groups including the Pastoralists and Graziers Association, the Conservation Council of Western Australia and the Environmental Defender's Office. And the Environmental Defender's Office joined shortly after the commencement. They are the only organisation that actually commenced shortly after the panel. It is quite a large committee by the way, but we feel that it is probably a fairly good cross-section of industry and non-industry stakeholders.

**The CHAIRMAN:** The committee has noted that the proposed new section 162(2)(x) adds "making available for public inspection".

**Dr Gorey:** I am sorry, is that clause 7 on page 3 of the bill?

**The CHAIRMAN:** Yes. It adds "making available for public inspection" to the regulation-making power. What is the purpose of that addition; and will documents be available for public inspection if they are not specifically named in the regulations?

**Dr Gorey:** I will just touch on the second question. The intent is to name the regulations to support the intent of broadly making information publicly available except where there are sound reasons such as confidentiality to not do so. The intent is to be specific in naming those particular ones I mentioned before, but also point to information associated with those applications as well. So, in that instance we would envisage things like base-line monitoring that might be attached, and fauna studies, which can be very useful for wider knowledge and understanding of what is happening in the region. We do not intend to list every possibility of attached information but we do want to capture it there, and that is the intent of the regulations.

Just on the point of making it available for public inspection, we sought specific advice on this clause to ensure that it captured and gave the agency the capacity to either disseminate through electronic means or through traditional hard-copy access means, which is why some of them would appear, I guess, in a lay way to be a repetition or tautology.

**Mr Sellers:** I might just be able to explain why that sits in here in this day and age when we can all access the internet. Unfortunately not everything we get at this stage is in an electronic format.

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There are still some things we achieve in hard copy and we are moving those through scanning and other things over time to be totally electronic. But that form of words there is clearly on advice so that we can promulgate this industrial through whatever is the best mechanism we can get.

**The CHAIRMAN:** I would like to take you back to the minister's letter to the committee back on 3 October this year, where he said that the Mining Act amendments will include a general power to enable regulations to be made to release environmental information. I would ask: why is the current regulating power in section 162 of the act considered inadequate?

[11.20 am]

**Dr Gorey:** I can probably provide a description based on the advice we receive, which is based on the legal advice. Having worked with stakeholders who were very supportive to deliver increased transparency and ensuring that what we are doing is in accordance with the legislation that we have been provided, we have had a number of examples of information which would seem to be captured within the spirit of 162 not being able to be released. An example of that is the annual environmental report regulations that we proposed and which were passed last year, which allow us to essentially report publicly the annual environmental reports. While they capture the majority of mining leases and exploration leases, which is where we get most of our AERs, even through that process we identified that 162 would not allow us to do the same thing for other types of tenements under the act. I suppose going through act amendments is not something that would necessarily have been initiated if we did not feel that we could have done it just through an existing reg, but the advice we have had up until now is that we cannot achieve this.

**The CHAIRMAN:** Again, in reviewing the transcript from today, if you wanted to flesh out that answer—we will not call it a question taken on notice, but if you wanted to provide some further information, upon reflection, to that question, we would welcome it, unless, Mr Sellers, you want to provide some now.

**Mr Sellers:** No. I just was seeking some advice and clarity around how we might do that, because we could provide a summary of the legal advice—when we do the legal advice, with a summary of that—and then a policy discussion around that that covers that topic, if you like.

**The CHAIRMAN:** I think that might be helpful. So, just for the record, I will phrase the question again: I am referring to the minister's letter to the committee dated 3 October 2013, which said that the Mining Act amendments will include a general power to enable regulations to be made to release environmental information. So the question that flows from that in the committee's mind is: why is the current regulating power in section 162 considered inadequate?

**Dr Gorey:** Thank you for that.

**The CHAIRMAN:** Moving on, the minister also advised the committee in that same letter that the removal of prescriptive legislative requirements will remove red tape and improve regulatory effectiveness. Our question is: how will that happen?

**Mr Sellers:** Separate to the processes we are discussing today, we started a process with the industry where we went through the 19 acts we administer and the various approvals and other things that industry have to comply with and provide us with information on and put it into a table form, and we have been going through with the industry to see which of those they think are problematic and give us some adjustment. Part of that process picks up our environmental work, so in that broad area we are looking to reduce any duplication, and we are also looking to do things in a more efficient way. So, back to your specific question, removing some of the prescriptive nature may well allow us, through future regulations, to join some of these reporting mechanisms together, and so companies provide the same information once that covers several of the aspects of our business. That is the intent of it, but we are still working through that separate piece of work.

**The CHAIRMAN:** I am just noting the time. It is a little bit against the committee at the moment. But it is important that I ask you this further question: if you could update the committee on your

progress in providing public access to annual environmental reports, mining proposals and closure plans. I would ask firstly: are these documents now available online for all mine sites; and, if not, which ones are not available?

**Dr Gorey:** The annual environmental reports are being made available from 1 July, and that is for all sites required to submit an annual environmental report. I make the point, though, that the annual environmental reports that are made public are a subsection of the complete annual environmental report that the department receives, and that is one of the products of specifying in detail, in a prescriptive form, what information can be made publicly available. But the summary information for an annual environmental report is being made publicly available for all sites from 1 July 2013, and that has actually been achievable through all sites being required to submit online; we now have an online system. Another point worth raising in that is because we are now being able to receive annual environmental reports online, and it is the tenements holder's information, they submit that information into our system, and essentially very quickly it goes up onto our website. It actually does not sit in a holding area; it does not have to be checked first; it does not sit there and wait for 60 days before an officer goes through it or checks it. It actually goes up almost immediately, just with loading times. So that is annual environmental reports.

Mining proposals, when they are approved, are being put on the department's website as well. Those mining proposals that are not being put up are those that are identified as having commercially sensitive information in them. They are at this stage not being put up on the website. Mine closure plans are being lodged, and the mine closure plans that are being approved are the ones that are being put up on the website. The requirement for mine closure plans only came in in 2010, with amendments to the Mining Act, so they became compulsory from 2011. The issue we have had is that the mine closure plans that have been approved have been loaded on the website. There is a requirement under the act that mine closure plans are reviewed every three years, so we have not actually got to that stage yet, so none of those are being published because we have not actually received any, but the provisions for transparency under the act at the moment do not actually relate to revised mine closure plans, and that is what those amendments under the Mining Amendment Bill would actually address.

**The CHAIRMAN:** With all mining proposals not necessarily being put up online because of commercial confidentiality considerations, would not any mining proposal have that aspect to it?

**Dr Gorey:** Not always. These are mining proposals for an environmental assessment, so some of those actually do not need to include—they certainly do not need to include financial information, because that is on the basis of our assessment. If it is a reasonably straightforward mining operation where they are not doing processing, then the chances of there being commercially sensitive information is limited. The fact that a company proposes to mine, and they are mining a particular ore, in our view, is not commercially sensitive information. How they might process a particular ore through their processing plant might be. So, if a company does not have that, then they will certainly have a harder time, I think, convincing us that it is commercially sensitive.

[11.30 am]

**The CHAIRMAN:** Would a company appeal to the department and say, "Please don't put this up because it's commercially sensitive"? Is that what happens?

**Dr Gorey:** Yes. When the companies submit their mine proposals, they have the opportunity to identify whether it includes confidential information. What we publish on our website is the fact that a mine proposal is there and if people try to look at it, it will not come up; it will show them that it is confidential but they can contact the department. If they contact the department, the department will then more fully investigate that mine proposal and consult with the proponent to identify whether it is a particular section of the mining proposal or whether it could be redacted for any particular section.

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**The CHAIRMAN:** That was my next question. When a mining company lodges its mine proposal for environmental assessment and the department makes those decisions about whether or not there is commercial confidentiality to be respected, why not, in the interests of transparency, see if an isolated element could be blanked out and the proposal still put up on the website?

**Dr Gorey:** Yes. I have described to you the way that mining proposals have been dealt with historically. We are rolling out—it still requires some refinement—a fully online mine proposal application system where people lodge the information online intelligently through a whole lot of wizards. They will have the opportunity in a confidential section to load confidential information and the computer system will track it. We will not make that particular bit publicly available. We still receive about half of our mine proposals in hard copy form, which makes it a bit more of a challenge. We still have that component.

**Mr Sellers:** It will please the group to know that we are going to set some deadlines for 100 per cent online approval and lodgement systems. It is an efficiency that we have to drive for the agency because we are not an agency that is going to grow in numbers. We have to meet the growth in industry with the same sort of stuff. This is an efficiency that we have to have as well as a sensible way of dealing with a range of other things to make it work. It takes some time to get these very complicated approval documents right. The last thing we want to do is create a 20-year problem because we did not have our approval systems working well. We are talking internally about a 2016 date to be online with most of our processes, and we intend to run that past industry in the near future.

**The CHAIRMAN:** Are reports prior to December 2012 available online?

**Dr Gorey:** Yes, mining proposals should be.

I might just add to the commentary. The department has made a conscious decision to pursue publishing of application documents and these assessment documents and keep an online library available to it, which is a bit different from what other agencies and jurisdictions do. Some jurisdictions require the proponent to put it on their own website for a short time, which means that they can pull it down at any time and the government only publishes the approval document or the licence or whatever it might be. We have gone through the process of saying that we are going to keep and maintain the applications and the mine proposals as a publicly available record, and have them in perpetuity. That will provide a resource that will probably not be available in many other areas. If a purchaser wants to acquire land or an interested person wants to look at a particular site, they will be able to access a record of all the different approvals that were given for that site over a decade, essentially. It is quite a substantial task but having these sorts of directions and principles in place to make them as available as possible allows us to do that.

**Hon STEPHEN DAWSON:** Dr Gorey, could we find the reports prior to 2012 on the environmental assessment and regulatory system? Would we go through the years to look at those? I have been looking through the years and I cannot see anything prior to 2012. Would they be somewhere else?

**Dr Gorey:** It is somewhere else. The page that says “view publicly available reports” takes you through to another system. It will take you to MINEDEX too, which is a different system where the mine proposals sit. I am happy to perhaps provide some separate guidance if that is helpful.

**Hon STEPHEN DAWSON:** That would be great.

**The CHAIRMAN:** Is that clear?

**Hon STEPHEN DAWSON:** Yes, it is just where we can access that on the website.

**The CHAIRMAN:** I do not think we will take that as supplementary information. If you could provide it informally to the committee office please.

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Have you had any feedback from the public about the ease or difficulty of accessing information that they are looking for?

**Dr Gorey:** We do not tend to have a lot of contact from the general public looking for information on mine sites. Having worked in a range of environmental regulatory areas, we do not have a large number. The feedback we do get is perhaps from some of the interest groups, some of the research associations, probably as much as anything—other jurisdictions looking for information.

**The CHAIRMAN:** What are they telling you?

**Dr Gorey:** Rather than just the environmental area, the other jurisdictions are looking a lot broader at what we are doing, particularly in the transparency area. Western Australia is one of the only jurisdictions in Australia where you can log in and download access data on historical abandoned mine sites. Western Australia has had a mapping proposal in place, led through the department, for nearly 15 years. Having developed that information and at least making it publicly available certainly puts us ahead. We hear that a fair bit. I think some of the advice we get, a bit like the committee members, when you go to the DMP website and you go to our online systems, we have something like 10 or 12 different online systems that you can go through. There is a massive amount of public access to our data systems. We did consult on the amendment bill and the transparency. We received submissions from industry stakeholders and NGOs but we did not receive any submissions from members of the public.

**The CHAIRMAN:** You provided a document earlier which addresses another question I was going to ask. Finally, I want to refer to the guidelines for preparing mine closure plans. We understand that there is a review of those guidelines happening. What prompted that?

**Dr Gorey:** We have, internally, within the department—this is actually not only the environmental regulatory area but across almost all of our regulatory areas—a quality management system, so our guidelines and publications sit in that quality management system. Each of those has a review date. Each of our guidance materials on the website has a review date. On this one, we identified a review date that was three years after its first publication because it was a first mining closure plan guideline we had in Western Australia. That was essentially the time when the system came up.

**The CHAIRMAN:** That is just a routine review through the effluxion of time?

[11.40 am]

**Dr Gorey:** Yes. We had some ideas internally about potential improvements. We have not had any massive reason or suggestion so far, which is why we have actually sought comments at this stage, which is the first stage, to say, “Do people have any ideas about how we can improve it?”

**The CHAIRMAN:** Are there any other questions?

**Hon STEPHEN DAWSON:** Two quick ones, Chair, if I can. I am sorry to harp on this, but I go back to the removal of section 74(5). You said that obviously the consultation has happened and that the groups were okay with the removal. Were the environmental groups okay with that removal too? Were all of the groups in unison, or was there a range of views in relation to that?

**Dr Gorey:** What I might do is table and leave with you the response to submissions, because the NGOs did provide comment into that. Broadly, the NGOs are supportive because we are consulting with them on the intent of what is actually going to be in the regulations. They are particularly keen, for instance, to look at exploration applications where there is no transparency, so —

**Hon STEPHEN DAWSON:** That will do me for the moment. Perhaps, for Hansard, you might read the title of that in.

**Dr Gorey:** This document is titled “Response to submissions on the DMP consultation paper — Proposed Amendments to Mining Legislation October 2013”.

**Mr Sellers:** That actually includes a submission, and our response; does it not?

**Dr Gorey:** It does.

**Hon STEPHEN DAWSON:** I have a second quick question. It relates to the consultation paper for proposed amendments to the mining legislation document, 27 August 2013. On page 12 it talks about provisions already existing in the Mining Act that allow for data or information provided to DMP to be released publicly if more than five years old. This measure will allow the transition of all environmental data information to be made publicly available over time. In relation to that paragraph, does this routinely happen and how does it happen? Is it an automatic thing that after you have a document for five years it becomes publicly available? Or does somebody simply have to ask you and you check if it is over five years and then you make it available to them? If you could explain that bit to me, that would be great.

**Dr Gorey:** It is intended that this provision will remain untouched in the Mining Legislation Amendment Bill. It is not an automatic process that documents over five years old are automatically uploaded. The department has a number of streams of work, including ensuring that those documents are electronic, so we have a document capture scanning process. We have the attachment to our spatial system because we want the information to be available spatially, and then for uploading. Essentially we run that as an ongoing work, as an ongoing task for a small unit we have. One of the tasks they do is to progressively do those. What we will do is, if we have particular inquiries about particular areas, which we sometimes do, large geographical areas or particular sites, we will just bring them to the top if there is a desire. But, rather, we are doing it, I guess, on an ongoing basis. Some of the documents there are —

**Hon STEPHEN DAWSON:** In that case, you do that work in a particular area or on a particular project. Do you then put it on the net and the person who asked about it is told that it is now available, or do you advertise? Do you have another section that says, “This information has been recently uploaded”?

**Dr Gorey:** Because all the mining proposal stuff is going on quite regularly, we do not send updates or feeds because it would be quite a bit of data going out. If people are individually asking for it, our tendency is to, as we put it up, we send it directly to the media as well, if they have asked for it.

**Mr Sellers:** What might be of interest, though, is that as Dr Gorey said, the moment it becomes spatially oriented on our system, if we go into our tenement system and hit “tenement”, it brings up the tenement with all the available information as a drop-down screen. The moment it is on our system, someone who is a familiar or interested in looking through the tenements on our GIS can go to any point in Western Australia and by hitting on that point, see what is available. If it is not available and they expected it to be, it is something they can ask us about.

**Hon PAUL BROWN:** Thanks, gentlemen. On page 5 of the discussion paper that you handed to us, under the ministerial advisory panel summary and the third dot point, it says that if non-compliance is reported publicly and the AERs are not addressed, the regulator and industry are exposed to risk. Can you clarify and comment on that proposition? It is the third dot point on page 5.

**Dr Gorey:** Just to recap, the ministerial advisory panel was established in mid-2012 and continued until the end of 2012. We had an independent chair, and industry and stakeholder representation on the committee, and they produced a report which they provided to government with a number of recommendations, which provided us with the mandate and direction of where we are going with a lot of our reforms now. Those three dot points are the summary of the points that actually came out of the ministerial advisory panel. The points are based on the discussions and conclusions that the ministerial advisory panel came to. That is to give it context. I suppose, in a very basic way, our view would be that if non-compliance is not responded to, there is a greater problem than just risk of reputation; there is a problem for the integrity of regulatory systems, so that is why we have a system where we are not scared of being transparent.

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**Mr Sellers:** In reading that I can understand what the panel were thinking at the time, and they are basically saying that if you are not doing your job, it is going to be immediately obvious when you put these things out and make them public. My response to that is that we are happy to put them out and make them public because I think we are implementing risk-based regimes that have been shown over time to work. Should there be an issue raised through transparency, then it would be our job to fix it.

**Hon PAUL BROWN:** Thank you; that is the answer I was looking for.

**The CHAIRMAN:** I think that will now bring us towards a close. Mr Sellers and Dr Gorey, I would like to again thank you on behalf of the committee for attending to assist in our inquiries, and I bid you good day.

**Hearing concluded at 11.48 am**

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