

**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
10.30 – 11.15am on Wednesday 23 October 2019
with Rob Heferen (a/g Sec) and Dean Knudson (Dep Sec)**

EC: EC19-000649

CME met with the Minister in February 2019 and September 2018 to discuss the EPBC Act statutory review, assessment timeframes, offsets in the Pilbara and climate change policy. The Department most recently met with CME (and other Minerals Council members) in late July 2018. The Department re-committed to regularly meeting with the sector to progress regulatory improvements and to stay across industry reform priorities.

Key points

- CME has expressed concern at delays in the EPBC Act assessment and approval process and view the water trigger as duplicative of state and territory regulatory regimes.
- CME raised concerns mid last year about the Australian Government's level of engagement with the WA Government's development of the Pilbara Environmental Offset's Fund. The fund aims to facilitate the coordinated delivery of environmental offset projects in the Pilbara region required under State and Commonwealth approval conditions.

What we want

- To understand CME's views on regulatory reform, offsets, and GHG emissions.

What they want

- CME may wish to discuss progress relating to the EPBC Act Review; EPBC Act assessment delays; the consideration of scope 3 greenhouse gas (GHG) emissions under the Act; and the development of the Pilbara Environmental Offset Fund.

Talking points

- EPBC Act Review
 - The independent review is expected to commence this month and the full process is likely to take up to 12 months to complete.
 - The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy, and that it is becoming increasingly unwieldy to administer.
 - The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.
 - The independent reviewer will ultimately decide the detailed approach and timing for the review, including approaches to stakeholder engagement.
 - The Department is in the process of setting up a website for the review, where key information such as the terms of reference, reports and engagement opportunities will be published.

- EPBC Act Assessment Timeframes
 - The Department’s ability to meet statutory timeframes is a continuing challenge. We are currently experiencing time delays on assessments, as we have a large volume of projects under assessment.
- EPBC Act and the consideration of Scope 3 GHG Emissions under the Act
 - EPBC Act assessments include consideration of all adverse impacts an action is likely to have on protected matters. This includes impacts directly resulting from the action and may also include assessment of indirect impacts associated with the action. For some circumstances, impacts may include GHG emissions. This has always been the case for EPBC Act assessments.
 - For scope 3 emissions to constitute an ‘impact’ those emissions must be a foreseeable consequence of the action being assessed and must be facilitated to a major extent by that action.
 - The Department is currently assessing the Browse to North West Shelf Project (EPBC 2018/8319).
- Offsets in the Pilbara
 - The Australian Government understands the value that the Western Australian Government’s Pilbara Environmental Offset Fund could provide.
 - The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Fund is consistent with the provisions of the EPBC Act and that it meets the Department’s offset policy requirements.
 - The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
 - In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.

	<p>Paul Everingham</p> <p>Chief Executive Officer since June 2018. Prior to joining CME, Paul held numerous senior and executive roles, including Chief Executive of Marketforce Australia; Founding Principal and Managing Director of GRA Everingham Advisory; State Director of the Liberal Party of Australia (WA) and Senior Adviser for the Commonwealth Treasury.</p>
	<p>Rob Carruthers</p> <p>Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.</p>

**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
3:30pm on Wednesday 12 February 2020
with Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)**

EC: EC20-000055

CME regularly engages with the Department, most recently in October 2019 to discuss the EPBC Act Review; EPBC Act assessment delays; and the development of the Pilbara Environmental Offset Fund. CME also met with the previous Minister for the Environment in September 2018.

Key points

- The CME has recently reasserted its concerns regarding timeframes for environmental approvals for major resource projects, including perceived duplication with state and territory regulatory processes,
- CME, along with companies including Rio Tinto, have expressed support for the development of a bilateral 'approval agreement' with Western Australia which would see WA accredited and responsible for making environmental approval decisions under the EPBC Act.
- CME is also supportive of other environmental streamlining initiatives such as the recently announced development of a digital environmental assessment program and Commonwealth participation in the Pilbara Environmental Offset Fund (PEOF).
- The Department is not supportive of the development of an approval bilateral agreement with WA at this time because of its potential to undermine the outcomes of the EPBC Act review, its limited scope of coverage and legal risk unless legislative amendments to the EPBC Act can be secured.
- The Department is, however, committed to a range of other environmental assessment streamlining measures including its congestion busting initiatives to improve decision making timeframes, remaking of the bilateral assessment agreement with WA, development of the digital environmental assessment program and participation in the Pilbara Environmental Offsets Fund.
- Background information on assessment and approval bilateral agreements and other environment streamlining measure being pursued with WA are at **Attachment A**.

What we want

- To understand CME's policy priorities for 2020.
- To explain the limitations of any EPBC approval bilateral agreement and the benefits of other initiatives already underway to reduce environmental regulatory burden in Western Australia.

What they want

- CME wish to discuss its policy priorities for 2020 which is likely to include the development of a bilateral approval agreement with Western Australia, desired outcomes from the

review of the EPBC Act, progression of the digital environmental assessment program and Commonwealth participation in Pilbara Environmental Offsets Fund.

Talking points

EPBC Act Review

- The Australian Government is committed to reducing regulatory burden to support growth and jobs.
- A key focus for this work will be the statutory review of the EPBC Act led by Professor Graeme Samuel AC.
 - Professor Samuel's first round of engagement was focused on national-level environmental, industry, legal and science organisations, as well as state and territories.
 - Professor Samuel has indicated that ahead of his draft report mid-year, he intends to engage with those stakeholders that provided substantive submissions to explore solutions to priority areas of reform.
 - I encourage CME to provide a submission as early as possible to enable your views to be considered.

Assessment and Approval Bilateral Agreements

Approval agreements

- While I understand CME's interest in the development of approval bilateral agreement, the Department is not supportive at this time.
- This is because pursuing an approval agreement has the potential to undermine opportunities for more substantive reform through the EPBC Act review process.
- Without legislative amendment to the EPBC Act, decisions made under an approval bilateral are also at significant legal risk and based upon operation of the existing bilateral assessment agreement, an approval bilateral is also likely to provide coverage for only a limited number of projects referred.
- This is due to the limitations of state processes relative the requirements of the EPBC Act.

Assessment agreements

- Work is underway between my Department and WA Government officials to renew the assessment bilateral agreement with Western Australia under the EPBC Act.
- Updating this agreement will ensure the Commonwealth continues to reduce the burden of the assessment process through a single process, including for projects in the resources sector.

Other Environmental Streamlining measures in WA

- Despite reservations about pursuing approval bilateral agreements, the Department is actively seeking to speed up environmental approvals in WA and across the country.


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- The Government has invested an extra \$25 million over the next two years to help speed up the assessment process for projects currently awaiting environmental approval, while continuing to ensure our environment is protected.
 - The Department is identifying major projects that are important to the Australian community and will focus on ensuring that these assessments are completed in line with timeframes critical to proponents.
 - The Department is also seeking to more than quadruple the number of projects that are assessed within statutory timeframes through a substantial increase in assessment officers.
- The Government has also announced a package to support the digital transformation of environmental assessments, to be developed jointly with the Western Australian Government.
- This will enable the establishment of a single online portal for proponents to engage with the environmental approval process.
- It will streamline assessment processes for proponents and assessors and provide a biodiversity data repository to store and share information collected by proponents.

Pilbara Environmental Offset Fund

- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
- The Department remains committed to supporting the effective implementation of the Fund in order to achieve a more strategic approach to administering offsets in the Pilbara.
- The Department is working closely with the WA Government to assist them with addressing EPBC Act requirements through the design and operation of the Fund.
- The Department will brief the Minister in relation to adoption of the fund by the Commonwealth as soon as possible after the legislative requirements have been met.
- In anticipation of the Fund becoming available to proponents with approvals under the EPBC Act in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.
- For those projects recently approved, the Department continues to work with approval holders to ensure they have the option to enter the fund to meet their offset requirements.

Western Australia Chamber of Minerals and Energy representatives

	<p>Paul Everingham</p> <p>Chief Executive Officer since June 2018. Prior to joining CME, Paul held numerous senior and executive roles, including Chief Executive of Marketforce Australia; Founding Principal and Managing Director of GRA Everingham Advisory; State Director of the Liberal Party of Australia (WA) and Senior Adviser for the Commonwealth Treasury.</p>
	<p>Rob Carruthers</p> <p>Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.</p>

Background on policy priorities for CME

EPBC Act Review

- The independent review commenced in October 2019 and the full process is likely to take up to 12 months to complete.
- The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy and that it is becoming increasingly unwieldy to administer.
- The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.

Congestion Busting

- The government committed an additional \$25m through MYEFO 2019 to enhance the Department's performance against statutory timeframes for environmental assessment and approval decisions.
- Measures being pursued include more specialist assessment staff to clear the backlog of environmental assessments and ensure more projects are approved within statutory timeframes and better information for business to help them meet their environmental obligations. To provide the community with more information about the status of environmental assessments the Department has also created a dashboard to report on its performance as a regulator (see <http://www.environment.gov.au/protection/environment-assessments/quarterly-performance-report>).

Digital Environmental Assessment Program

- The Digital Environmental Assessment Program's goal is to speed up the delivery of major projects by upgrading systems used for environmental assessments and approvals under the EPBC Act and parallel legislation in Western Australia. The program includes the following two projects:
 - A digital environmental assessment system developed in partnership with Western Australia. This will provide a single online portal for proponents to submit environmental assessment applications and an end-to-end workflow system to enable them to track the progress of their projects through the approvals process.
 - A Biodiversity Data Repository to store and share environmental information such as wildlife surveys between proponents, regulators and the community.
- Work on these projects commenced in January 2020 and is expected to yield significant improvements in the overall timeframe required to realise an environmental approval.

Bilateral Agreements and One Stop Shop

- Assessment bilateral agreement

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- Bilateral agreements with the states for the assessment of projects referred under the EPBC Act have been in place since initial development of the Government's One Stop Shop agenda.
 - Assessment bilateral agreements provide for a single assessment of a proponent's project by the state or territory to support both state and commonwealth approval decisions.
 - Changes to administrative procedures under WA legislation in December 2016 have meant that elements of the current bilateral assessment agreement are no longer functioning.
 - Around half of all Western Australian projects referred under the EPBC Act would benefit from a renewed bilateral assessment agreement. A work around, also known as an 'accredited assessment', has been used by the Department to achieve a similar outcome since the changes to the WA legislation.
 - The Department is currently well progressed in its negotiations with WA officials to renew the bilateral assessment agreement. In January 2020, however, WA indicated that it does not intend any further work on this matter until the Commonwealth has responded to Premier McGowan's request (Attachment B) to the Prime Minister for the development of an approval bilateral agreement.
- Approval bilateral agreement
 - The development of approval bilateral agreements has been government policy since initial development of the One Stop Shop agenda.
 - The development of approval bilateral agreements has not been progressed due to opposition by certain states and difficulties securing the passage of legislative amendments to the EPBC Act required to support their robust operation.
 - Without legislative amendments to the EPBC Act proponents may still be required to refer projects to the Commonwealth even if covered by an approval bilateral agreement. Failure to achieve this and other administrative legislative amendments would expose projects relying on state issued approvals to significant legal risk..
 - Approval bilateral agreements are also likely to provide only limited coverage for projects requiring EPBC approval. This is because not all state processes satisfy the standards for accreditation in the EPBC Act.
 - Any change to endorsed state or territory processes in the future would require approval bilateral agreements to re-accredit the new state or territory process including via disallowance processes in Parliament.

Pilbara Offsets

- Securing offsets in the Pilbara region of WA has long been problematic for companies operating in that region. This is primarily because of land tenure arrangements and the difficulty in obtaining land for conservation purposes.
- Due to these difficulties, CME along with proponents including Rio Tinto, BHP and Fortescue Metals Group have been strong advocates for the development of state

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operated offsets fund to which they would contribute funds in order to acquit their offset liabilities.

- The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Pilbara Environmental Offset Fund is consistent with the provisions of the EPBC Act and that it satisfies the Government's offset policy requirements. The main obstacle includes addressing tenure security issues to ensure offset projects are able to deliver benefits for the period of impact of a project.
- In anticipation of resolving outstanding issues, recently approved projects in the Pilbara region provide an option for approval holders to transition to the PEOF once it has been assessed as meeting EPBC Act requirements.

s47F

From: s47F
Sent: Wednesday, 9 October 2019 4:39 PM
To: s47F
Cc: s47F
Subject: FW: Requesting INPUT: Words to include in meeting briefs [SEC=OFFICIAL]
Attachments: 1007 AMEC Federal Policy Platform 2019 FINAL.PDF

Hi s47F

Please see below for points on the review of the EPBC Act for Dean's meetings with AMEC and the Chamber of Minerals and Energy WA. We will provide updated TPs should the Review be announced prior to the meetings.

I also received the AMEC Federal Policy Platform today – I've attached it for you here so as to inform the rest of the meeting brief.

s47F

Executive Officer to James Tregurtha
First Assistant Secretary, Environment Protection Reform Taskforce
Department of the Environment and Energy
GPO Box 787, Canberra ACT 2601
s47F

Review of the EPBC Act [EPBC Act Review Taskforce to provide updated TPs if the review has been announced]

- The independent review is expected to commence this month and the full process is likely to take up to 12 months to complete.
- The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy, and that it is becoming increasingly unwieldy to administer.
- The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.
- The independent reviewer will ultimately decide the detailed approach and timing for the review, including approaches to stakeholder engagement.
- The Department is in the process of setting up a website for the review, where key information such as the terms of reference, reports and engagement opportunities will be published.
- Anyone interested in the review will be able to subscribe via the website to be kept updated on the review.

Background

AMEC

In 2017 AMEC made submissions to the Senate Inquiry into *Rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities* and the Senate Select Committee on Red Tape, raising the following areas of concern regarding the current operation of the EPBC Act:

- Duplication of state and territory regulatory regimes. AMEC considers that the role of the Commonwealth should be one of oversight only, and that approval bilateral agreements with states and territories should be resolved and implemented. Want to see the 'one stop shop' implemented immediately.
- Removal of the water trigger. AMEC views it as duplicative, and consider management of water resources is a matter for state and territory governments, not the Commonwealth. Concern there is potential for expansion of the trigger to other parts of the resource industry, leading to uncertainty for investment and decision making.
- Concern with what AMEC describes as 'vexatious appeals' by third parties under section 487 of the Act. Want to see section 487 amended accordingly.
- Want to see "mining or milling uranium ore" removed from the requirement for assessment under the 'nuclear action' provisions of the Act.

Chamber of Minerals and Energy WA

- View the water trigger as duplicative of state and territory regulatory regimes.

From: s47F
Sent: Tuesday, 8 October 2019 1:07 PM
To: s47F
Cc: s47F
Subject: FW: Requesting INPUT: Words to include in meeting briefs [SEC=OFFICIAL]

Hi s47F and s47F

See below re request for TPs for meetings with AMEC and Chamber of Minerals and Energy of WA

Can you please draft a response.

Note that I'm away Wednesday, but s47F can assist with clearance in my absence.

s47F

Director
EPBC Act Review Taskforce
Department of the Environment and Energy
GPO Box 787, Canberra ACT 2601
s47F

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F
Sent: Tuesday, 8 October 2019 1:04 PM
To: s47F
Cc: Bruce Edwards <Bruce.Edwards@environment.gov.au>
Subject: FW: Requesting INPUT: Words to include in meeting briefs [SEC=OFFICIAL]

Hi s47F

This seems to fit in your external engagement area. However, if your team need assistance during the handover period, we can assist.

Regards

s47G(1)

From: s47F
Sent: Friday, 4 October 2019 2:46 PM
To: s47F
Cc: Bruce Edwards <Bruce.Edwards@environment.gov.au>; s47F
Subject: Requesting INPUT: Words to include in meeting briefs [SEC=OFFICIAL]

Hi s47F

Welcome back from leave.

When you're settled could I was hoping to get some updated words on the Review to assist in developing the following two meeting briefs

1. Meeting between Warren Pearce, Association of Mining and Exploration Companies (AMEC) and Dean Knudson on Thursday 17 October. AMEC wish to discuss a number of public policy issues contained in their updated Federal Policy Platform, which we haven't seen as yet. While the conversation can be expected to be primarily focussed on that, they have also requested an update on the EPBC Act review and red tape reduction during the meeting.
2. Meeting between Chamber of Minerals and Energy of WA, the Secretary and Dean Knudson on Wednesday 23 October. CME has not indicated what they would like to discuss so we have assumed the key areas to include the Review.

Some key points and talking points are needed and if you could please provide some text to s47F and myself by **COB Thursday 10 October** that would be much appreciated.

I am on leave myself until Thursday. If you need to discuss or clarify the request we should have plenty of time to do the briefs if we chat about it when I get back.

Happy to discuss

s47F

s47F

Assistant Director

Environment Protection - Regulatory Policy
Policy Reform Branch
Department of the Environment and Energy
s47F



The Department of the Environment and Energy acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to Elders both past and present.

s47F

From: Gregory Manning
Sent: Thursday, 1 October 2020 11:08 AM
To: [REDACTED]
Subject: FW: Trip to Canberra [SEC=OFFICIAL]

Missed this one...

From: Gregory Manning
Sent: Monday, 4 November 2019 12:26 PM
To: s47F
Subject: RE: Trip to Canberra [SEC=OFFICIAL]

Hello s47F

And apologies. I have just gotten back through emails and discovered this now. Clearly well after the fact! I am sorry I missed you and would be pleased to catch-up when we can.

Regards

Greg.

Greg Manning
Assistant Secretary, Assessments (WA, SA and NT) and Post Approvals
Department of the Environment and Energy
51 Allara Street, CANBERRA CITY ACT 2600
T 02 6274 1400 M s47F gregory.manning@environment.gov.au

From: s47F
Sent: Friday, 18 October 2019 7:04 PM
To: Gregory Manning <Gregory.Manning@environment.gov.au>
Subject: Trip to Canberra

Hi Greg,
Appreciate it's very short notice but I'm going to be in Canberra on Mon 21st - Wed 23rd October and I will have lots of gaps on Monday as well as either early or late on Wed.
Will you be there an available for a meeting to discuss WA-related matters including EPBC Act review, offsets, WA EP Act review etc?
Thanks for your help.
Hope all is well.
Regards,
s47F

s47F

Manager Policy – Natural Resources



The Chamber of Minerals & Energy
of Western Australia

s47F

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s47G(1)(a)

From: s47F
Sent: Wednesday, 29 January 2020 10:55 AM
To: Michelle Croker
Subject: FW: Incoming Mail Letter for David Fredericks [SEC=UNCLASSIFIED]
Attachments: Incoming Mail Letter from CME 23Dec2019.pdf

FYI

-----Original Message-----

From: s47F
Sent: Wednesday, 29 January 2020 10:28 AM
To: s47F
Cc: s47F
Subject: FW: Incoming Mail Letter for David Fredericks [SEC=UNCLASSIFIED]

s47F a heads up that David has received attached congratulations letter from the Chamber of Minerals and Energy of WA. We'll get our Resources Division working on a response to be ready for David to consider next week (thanks s47F

Kind regards

s47F

Chief of Staff to the Secretary Dr Heather Smith PSM
s47F

Department of Industry, Innovation and Science | www.industry.gov.au

UNCLASSIFIED

-----Original Message-----

From: Mailroom
Sent: Tuesday, 24 December 2019 10:08 AM
To: s47F
Subject: Incoming Mail Letter for David Fredericks [SEC=UNCLASSIFIED]

Please find attached incoming mail for your further actions, received 23 December 2019

Should you require the physical document or a re-scan of this mail item, please contact the Mail Services Centre mailroom@industry.gov.au

Kind regards

Mail Services Centre
Industry House
Department of Industry, Innovation and Science UNCLASSIFIED

16 December 2019

23 DEC 2019

Mr David Fredericks
Secretary
Department of Industry, Science, Energy and Resources
GPO 2013,
Canberra, ACT, 2601.

Dear Mr Fredericks

I write to pass on the congratulations of the Chamber of Minerals and Energy of Western Australia (CME) following your recent appointment as the Secretary of the newly formed Department of Industry, Science, Energy and Resources.

The Chamber of Minerals and Energy of Western Australia is the peak resources sector representative body in Western Australia. CME is funded by member companies responsible for over 90 per cent of the State's mineral and energy production and workforce employment.

In 2018-19, the Western Australia's mineral and petroleum industry reported a record value of \$145 billion.¹ Iron ore is currently the State's most valuable commodity at \$78 billion. Petroleum products (including crude oil, condensate, liquefied natural gas, liquefied petroleum gas and natural gas) followed at \$38 billion, with gold third at \$12 billion.

The value of state royalties received from the sector in 2018-19 totalled \$6.2 billion, accounting for 21 per cent of the Western Australian government's revenue.^{2,3} The sector is a key driver of growth in local, State and Australian economies, contributing to 40 per cent of Australia's exports in value.

Our industry appreciates the Morrison Government's ongoing support and we look forward to working closely with you and your Department on shared priorities in the national interest. In particular, CME is committed to continued involvement to:

- the Government's deregulation agenda, including streamlining approval processes through progression of an approvals bi-lateral environmental agreement between the Commonwealth and Western Australian Government;
- implementation of the Government's Critical Minerals Strategy, noting WA hosts vast mineral resources and stands to play an integral role;
- research and development and provision of appropriate incentives in support of opportunities in the use of hydrogen and electrification;
- unlocking economic growth in regional and remote WA through new job creation, regional productivity and diversification, and skilled labour mobility; and
- ongoing engagement in planning, investment and delivery of critical infrastructure, including strategic infrastructure through the Northern Australia Infrastructure Facility.

¹ Government of Western Australia, *Latest statistics release: Mineral sector highlights*, Department of Mines, Industry Regulation and Safety, September 2019: <http://dmp.wa.gov.au/About-Us-Careers/Latest-Statistics-Release-4081.aspx>

² Excludes monetary contributions via North West Shelf grants, State taxes and fund levies.

³ Government of Western Australia, *Budget Paper No. 3: 2019-20 Economic and Fiscal Outlook*, Western Australian State Budget 2019-20, Department of Treasury, May 2019, p. 68.

I wish you every success in your new and expanded position, and look forward to the opportunity to engage with you in due course. If CME can be of any assistance, please do not hesitate to contact me directly on s47F

s47F

Paul Everingham
Chief Executive

s22

From: s47F
Sent: Thursday, 6 February 2020 6:32 PM
To: s47F)
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

I have forwarded to them for you.

Regards

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F



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From: s47F
Sent: Thursday, 6 February 2020 3:20 PM
To: s47F
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Thanks s47F

I've sent a calendar invitation to your email. If you let me know Paul and Rob's email addresses I'll resend.

Kind regards

s47F
Executive Assistant to Andrew Metcalfe AO

Secretary
Department of Agriculture, Water and the Environment
GPO Box 858
Canberra ACT 2601
s47F

From: s47F
Sent: Thursday, 6 February 2020 6:18 PM
To: s47F Metcalfe, Andrew <Andrew.Metcalfe@agriculture.gov.au>
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Hi s47F

Can we please secure 330pm on 12 February.
Paul Everingham and Director, Rob Carruthers will attend.

regards

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F



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From: s47F
Sent: Thursday, 6 February 2020 3:09 PM
To: s47F Metcalfe, Andrew <Andrew.Metcalfe@agriculture.gov.au>
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Good afternoon s47F

Apologies for the delay in getting back to you.

Andrew would be very pleased to meet with Paul and Rob while they are in Canberra. He is available on Wednesday 12 February at 2pm for 30 minutes for a meeting at the department, John Gorton Building, King Edward Terrace, Parkes.

Please let me know if that time is suitable.

Kind regards

s47F

Executive Assistant to Andrew Metcalfe AO
Secretary
Department of Agriculture, Water and the Environment
GPO Box 858
Canberra ACT 2601

s47F

From: s47F
Sent: Wednesday, 29 January 2020 3:46 PM
To: Metcalfe, Andrew <Andrew.Metcalfe@agriculture.gov.au>
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Good afternoon Andrew

CME would like to follow up on the below request, please let me know if you require any further information.

Kind regards
s47F

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F



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From: s47F
Sent: Monday, 20 January 2020 10:48 AM
To: andrew.metcalf@agriculture.gov.au
Subject: Meeting Request - CME - Canberra

Good morning Andrew

On behalf of our CEO, Paul Everingham and Director, Rob Carruthers I would like to request a meeting.

We will be travelling to Canberra next month and would like to seek your availability to meet on either Wednesday 12 February or the morning of Thursday 13 February.

The purpose of the meeting to discuss CME policy priorities for 2020.

We look forward to receiving your availability for this meeting to occur.

Kind regards

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F





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s22

From: s22
Sent: Friday, 7 February 2020 1:01 PM
To: s22
Subject: FW: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]
Attachments: MB19-000093.docx; MB18-000463.docx

FYI this is some of the older briefs. After lunch I'll check for the more recent one.

From: s22
Sent: Thursday, 5 September 2019 2:27 PM
To: s22
Cc: s22
Subject: FW: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

Hi s22

We've got a bit of time with this, but can you please coordinate the brief below. Attached are some similar briefs and as you'll see below, s47F will provide additional information next week.

Thanks
s47F

From: s47F
Sent: Thursday, 5 September 2019 9:25 AM
To: Gregory Manning ; s47F
Cc: Andrew McNee
Subject: RE: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

Yep. We'll provide updated words on timeframes once the Rio Tinto brief has gone up (next week).

s47F

s47F
Director
Regulatory Practice and Engagement Section
Department of the Environment and Energy

s47F

From: Gregory Manning
Sent: Thursday, 5 September 2019 9:21 AM
To: s47F
Cc: Andrew McNee <Andrew.McNee@environment.gov.au>
Subject: RE: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

Thanks All

I don't think the brief sits neatly in anyone's court so I'm going to propose that s47F coordinates pulling together input from relevant folk

- EPBC Act Review, s47F could you get updates words from Bruce.

- EPBC Act Assessment timeframes, s47F do you have words on this even just updating those from recent briefs
- Offsets in the Pilbarra / PEOF, s47F
- Climate Change Policy, s47F and s47F

Words on all of this seem to be floating around so hopefully just a case of dusting off and updating.

Thanks

Greg.

From: s47F
Sent: Wednesday, 4 September 2019 5:38 PM
To: s47F; Gregory Manning <Gregory.Manning@environment.gov.au>; s47F
Cc: Andrew McNee <Andrew.McNee@environment.gov.au>
Subject: RE: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

This is also a more recent brief when then Minister Price met with CME WA in February this year – topics included the EPBC Act review, assessment timeframes, climate change policy and offsets in the Pilbara.

From: s47F
Sent: Wednesday, 4 September 2019 2:17 PM
To: s47F; Gregory Manning <Gregory.Manning@environment.gov.au>; s47F
Cc: Andrew McNee <Andrew.McNee@environment.gov.au>
Subject: RE: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

The brief we're preparing for the Minister's meeting with Rio Tinto later this month may be of use, as it will cover some generic matters such as time frames. I came across the attached brief for CME which might also be of use.

s47F

s47F
Director
Regulatory Practice and Engagement Section
Department of the Environment and Energy

s47F

From: s47F
Sent: Wednesday, 4 September 2019 11:24 AM
To: Gregory Manning <Gregory.Manning@environment.gov.au>; s47F
Cc: s47F; Andrew McNee <Andrew.McNee@environment.gov.au>
Subject: RE: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

We've got a good window at least, so this gives us the opportunity to come up with discussion points on more strategic elements that we are or have been trying to progress in the mining sphere.

Something first off to discuss in our Directors and then bring s47F /Andrew in?

s47F

From: Gregory Manning

Sent: Wednesday, 4 September 2019 11:17 AM

To: s47F

Cc: s47F

Andrew McNee

<Andrew.McNee@environment.gov.au>

Subject: FW: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

See below.

Given this is Chamber of Minerals and Energy of Western Australia I assume we are the logical lead. Not a lot is offered in terms of what they want to discuss so will probably need a grab bag of points in prep – GHG handling, offsets... bottle necks in approvals...

Welcome your thoughts.

From: s47F

Sent: Tuesday, 3 September 2019 11:34 AM

To: Gregory Manning <Gregory.Manning@environment.gov.au>

Cc: Dean Knudson <Dean.Knudson@environment.gov.au>; EA.DeanKnudson

<EA.DeanKnudson@environment.gov.au>; s47F

Michelle Croker <Michelle.Croker@environment.gov.au>

Subject: Request for meeting brief - Chamber of Minerals & Energy WA [SEC=OFFICIAL]

Hi Greg,

Finn and Dean will be meeting with Paul Everingham and Rob Carruthers from the Chamber of Minerals and Energy of Western Australia from 10.30 – 11.15am on Wednesday 23 October 2019.

Can you please organise for briefing to be prepared, to be provided by COB Friday 18th October 2019. If you think another part of the Department would be better placed to prepare this brief please let me know.

The email below is the extent of information I have so would also appreciate your guidance on what the brief should cover.

Some general guidance on format:

- Please ask the team to ensure they use the current template in PDMS.
- Please provide it to the Office of the Secretary in PDMS and provide tabbed hard copies for Finn and Dean. Please print the meeting brief single-sided and in colour and do not staple. Attachments can be printed double-sided, and in black and white if they only include text and no graphs or graphics. Please use appropriate tabs for the attachments.
- The meeting brief should be two pages maximum, including short biographies and photos. All other information can be provided in attachments.

Thank you,

s47F

From: s47F

Sent: Thursday, 29 August 2019 5:26 PM

To: dean.knudson@envrionment.gov.au; Finn Pratt <Finn.Pratt@environment.gov.au>

Subject: Meeting Request - CME - Canberra

Good afternoon Finn and Dean

On behalf of our CEO, Paul Everingham and Director, Rob Carruthers, I would like to request a meeting with yourself.

CME will be in Canberra on 22 and 23 October and hope to meet with you during this time.

The purpose of the meeting being an opportunity to discuss CME current topics and activities.

We look forward to receiving your availability for this meeting to occur.

Kind regards
s47F

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F



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s47F

From: s47F
Sent: Friday, 7 February 2020 1:57 PM
To: s47F
Subject: EC19-000649.docx Chamber of Minerals and Energy of WA [SEC=OFFICIAL]
Attachments: EC19-000649.docx; EC19-000717.docx

Here's two recent Secretary's brief that may be helpful.

Cheers
s47F

s47F

From: s47F
Sent: Friday, 7 February 2020 6:43 PM
To: s47F
Subject: CME meeting brief [SEC=OFFICIAL]
Attachments: EC20-000055.docx

Hi All,

The timeframes have shortened with Dean now needing this 4pm Monday to clear before the meeting Wednesday. You'll also need to clear this through Greg and Michelle. I've done what I can by pulling together previously available information but have run out of time to finalise this.

Please check the attached and send comments back to s47F. Not sure if all of these need additional information in the attachment. At the moment I've just kept in additional dot points that didn't fit in the brief. I was working on PDMS in this – not yet saved in SPIRE.

Also s47F you'll need to chat to Kylie Galway or s47F about the digital transformation and you'll need to put in more background on the OSS.

The following may also be useful of CME's views.

<https://cmewa.com.au/wp-content/uploads/2020/01/2020-21-State-Pre-Budget-Submission.pdf>

Thanks,

s47F

Director
Assessments Policy & Reform Section
Assessments (WA, SA, NT), Post Approvals and Policy Branch
Environment Approvals Division

Department of Agriculture, Water and the Environment | awe.gov.au

John Gorton Building, King Edward Terrace, Parkes, ACT
PO Box 787, CANBERRA CITY ACT 2601

s47F

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present



**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
XXXXam on Wednesday 12 February 2020
with Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)**

EC: EG20-000055

CME regularly engages with the Department on EPBC Act reform and other initiatives and met with the Department in October 2019 to discuss EPBC Act Review; EPBC Act assessment delays; and the development of the Pilbara Environmental Offset Fund. CME also met with the previous Minister for the Environment in February 2019 and September 2018.

[include information about previous meetings between Secretary and XX, and whether XX has recently met with either Minister, and what the meetings were about – this should be short. E.g. You last met with XX on ZZ and discussed YY. XX met with Minister F/P in April 2018 and they discussed VV].....

[Meeting brief is not to exceed two pages, including biography, unless there are more than two biographies. All biographies to include photos]

Key points

- CME has expressed concern on regulatory burden and duplication with state and territory regulatory regimes and is seeking Government delivery on streamlining, bilateral approval agreements under the EPBC Act and the digital environmental assessment program.

What we want

- To understand CME's policy priorities for 2020.

What they want

- CME wish to discuss its policy priorities for 2020 which is likely to include regulatory reforms such as the review of the EPBC Act, progression of One-Stop Shop, digital transformation and the Pilbara Offsets Fund.

Talking points

- The Australian Government is committed to reducing regulatory burden to support growth and jobs.
- A key focus for this work will be the statutory review of the EPBC Act led by Professor Graeme Samuel AC.
 - I understand that Professor Samuel's first round of stakeholder engagement late last year was focused on national-level environmental, industry, legal and science organisations, as well as state and territory government departments, statutory committees and joint boards of management established under the Act.
 - Professor Samuel has indicated to me that ahead of the release of his draft report mid-year, he intends to engage with those stakeholders that provide substantive submissions to explore in-depth possible solutions to priorities areas of reform. I encourage CME to provide a submission as early as you possibly can to enable your views to be considered by the review.

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- We remain committed to streamlining environmental assessment and approval processes and are investing an extra \$25 million over the next two years to help speed up the assessment process for projects currently awaiting environmental approval, while continuing to ensure our environment is protected.
- The Department is working to identify major projects that are important to the Australian community and will ensure that the assessment of these projects can be completed efficiently and thoroughly in accordance with national environmental law.
- The Australian Government's package to support the digital transformation of environmental assessments, to be developed jointly with the Western Australian Government, will enable the establishment of a single online portal for proponents to engage with the environmental approval process, streamline assessment processes for proponents and assessors and provide a biodiversity data repository to store and share information collected by proponents.
- Work is also underway between my Department and WA Government officials to renew the assessment bilateral agreement with Western Australia under the EPBC Act.
 - Approval bilateral agreements require legislative amendments to enable the durable operation of delegated approval powers and to prevent bilateral agreements ceasing to apply where a state makes minor amendments to their processes.
- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
 - The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
 - In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.

	<p>Paul Everingham</p> <p>Chief Executive Officer since June 2018. Prior to joining CME, Paul held numerous senior and executive roles, including Chief Executive of Marketforce Australia; Founding Principal and Managing Director of GRA Everingham Advisory; State Director of the Liberal Party of Australia (WA) and Senior Adviser for the Commonwealth Treasury.</p>
	<p>Rob Carruthers</p> <p>Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.</p>

Bilateral Assessment

- Following changes to administrative procedures under WA legislation in December 2016, there are elements of the current bilateral agreement that are no longer functioning. Around half of all Western Australian projects referred under the EPBC Act would have benefitted from a renewed bilateral assessment agreement and the Government is keen to complete the renewal of this agreement with your Government by the first quarter of 2020.

Congestion Busting

- This funding will go towards a range of improvements, including more specialist assessment staff to begin the process of clearing the backlog, and better information for business to help them meet their environmental obligations.
- To provide the community with more information about the status of environmental assessments and how it is tracking against statutory timeframes, the Department has created a dashboard to increase transparency and track its performance as a regulator over time (see <http://www.environment.gov.au/protection/environment-assessments/quarterly-performance-report>).
- Additionally, anyone will be able to visit the website and see where a project is in the approval and assessment stage (see <http://epbcnotices.environment.gov.au/referralslist/>).

One-Stop Shop

Digital transformation of environmental assessments

??

Offsets in the Pilbara

- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
- The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Fund is consistent with the provisions of the EPBC Act and that it meets the Department's offset policy requirements.
- The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
- In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.

s47F

From: s47F
Sent: Friday, 7 February 2020 6:46 PM
To: s47F
Subject: FW: CME Brief TPs [SEC=OFFICIAL]

FYI – I've added these into the brief already. Cheers.

From: s47F
Sent: Friday, 7 February 2020 5:29 PM
To: s47F
Cc: Bruce Edwards
Subject: CME Brief TPs [SEC=OFFICIAL]

Hi s47F

Thanks for dropping around.

Some TPs for the CME brief

- I understand that Professor Samuel's first round of stakeholder engagement late last year was focused on national-level environmental, industry, and legal organisations with an interest in the Act, as well as state and territory government departments, statutory committees and joint boards of management established under the Act, national science organisations and programs.
- Professor Samuel has indicated to me that ahead of the release of his draft report mid-year, he intends to engage with those stakeholders that provide substantive submissions to explore in-depth possible solutions to priorities areas of reform. I encourage CME to provide a submission as early as you possibly can to enable your views to be considered by the review.

s47F

EPBC Act Review Secretariat
Department of Agriculture, Water and the Environment
s47F

Monday-Wednesday, Friday

The review acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

s47F

From: s47F
Sent: Sunday, 9 February 2020 12:06 PM
To: s47F
Cc: s47F
Subject: RE: CME meeting brief [SEC=OFFICIAL]
Attachments: EC20-000055.docx

Hi s47F and s47F

Further to s47F earlier email, please find the latest (slightly updated) version of the secretary's brief for his meeting with WA CME. It would be great if you could provide your comments and suggestions back to me as early as possible on Monday to enable collation, finalisation and sending off to Greg and Michelle for their clearance.

If you have any questions, please feel free to contact me (noting I will be working remotely on Monday but can be contacted either via email or on my mobile on s47F

Thanks

s47F
Assistant Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

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From: s47F
Sent: Friday, 7 February 2020 6:43 PM
To: s47F
Subject: CME meeting brief [SEC=OFFICIAL]

Hi All,

The timeframes have shortened with Dean now needing this 4pm Monday to clear before the meeting Wednesday. You'll also need to clear this through Greg and Michelle. I've done what I can by pulling together previously available information but have run out of time to finalise this.

Please check the attached and send comments back to s47F. Not sure if all of these need additional information in the attachment. At the moment I've just kept in additional dot points that didn't fit in the brief. I was working on PDMS in this – not yet saved in SPIRE.

Also s47F you'll need to chat to Kylie Galway or s47F about the digital transformation and you'll need to put in more background on the OSS.

The following may also be useful of CME's views.

<https://cmewa.com.au/wp-content/uploads/2020/01/2020-21-State-Pre-Budget-Submission.pdf>

Thanks,

s47F

Director

Assessments Policy & Reform Section

Assessments (WA, SA, NT), Post Approvals and Policy Branch

Environment Approvals Division

Department of Agriculture, Water and the Environment | awe.gov.au

John Gorton Building, King Edward Terrace, Parkes, ACT

PO Box 787, CANBERRA CITY ACT 2601

s47F

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**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
XXXXam on Wednesday 12 February 2020
with Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)**

EC: EG20-000055

CME regularly engages with the Department on EPBC Act reform and other initiatives and met with the Department in October 2019 to discuss EPBC Act Review; EPBC Act assessment delays; and the development of the Pilbara Environmental Offset Fund. CME also met with the previous Minister for the Environment in February 2019 and September 2018.

Key points

- CME has expressed concern on regulatory burden and duplication with state and territory regulatory regimes and is seeking Government delivery on streamlining, bilateral approval agreements under the EPBC Act and the digital environmental assessment program.

What we want

- To understand CME's policy priorities for 2020.

What they want

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- The Australian Government is committed to reducing regulatory burden to support growth and jobs.
- A key focus for this work will be the statutory review of the EPBC Act led by Professor Graeme Samuel AC.
 - I understand that Professor Samuel's first round of stakeholder engagement late last year was focused on national-level environmental, industry, legal and science organisations, as well as state and territory government departments, statutory committees and joint boards of management established under the Act.
 - Professor Samuel has indicated to me that ahead of the release of his draft report mid-year, he intends to engage with those stakeholders that provide substantive submissions to explore in-depth possible solutions to priorities areas of reform. I encourage CME to provide a submission as early as you possibly can to enable your views to be considered by the review.
- We remain committed to streamlining environmental assessment and approval processes and are investing an extra \$25 million over the next two years to help speed up the assessment process for projects currently awaiting environmental approval, while continuing to ensure our environment is protected.
 - As part of these activities, the Department is working to identify major projects that are important to the Australian community and will focus on ensuring that the assessment

OFFICIAL

of these projects can be completed efficiently and thoroughly in accordance with national environmental law.

- We are working closely with the WA Government on a range of initiatives to reduce regulatory burden and streamline the environmental assessment and approval process.
 - The Australian Government's package to support the digital transformation of environmental assessments, to be developed jointly with the Western Australian Government, will enable the establishment of a single online portal for proponents to engage with the environmental approval process. It will streamline assessment processes for proponents and assessors and provide a biodiversity data repository to store and share information collected by proponents.
 - Work is also underway between my Department and WA Government officials to renew the assessment bilateral agreement with Western Australia under the EPBC Act.
 - Approval bilateral agreements require legislative amendments to enable the durable operation of delegated approval powers and to prevent bilateral agreements ceasing to apply where a state makes minor amendments to their processes.
 - The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
 - The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
 - In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.

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	<p>Rob Carruthers</p> <p>Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.</p>

Further background on likely policy priorities of CME

EPBC Act Review

- The independent review commenced in October 2019 and the full process is likely to take up to 12 months to complete.
- The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy, and that it is becoming increasingly unwieldy to administer.
- The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.

Congestion Busting

- The additional \$25m of funding will go towards a range of improvements to streamline and speed up assessment and approval processes. These include more specialist assessment staff to begin the process of clearing the current backlog of assessments, and better information for business to help them meet their environmental obligations.
- To provide the community with more information about the status of environmental assessments and how it is tracking against statutory timeframes, the Department has created a dashboard to increase transparency and track its performance as a regulator over time (see <http://www.environment.gov.au/protection/environment-assessments/quarterly-performance-report>).
- Additionally, anyone will be able to visit the website and see where a project is in the approval and assessment stage (see <http://epbcnotices.environment.gov.au/referralslist/>).

Digital transformation of environmental assessments

- [To confirm with Kylie Galway and s47F] ??

Bilateral Agreements and One Stop Shop

- Assessment bilateral agreement
 - Following changes to administrative procedures under WA legislation in December 2016, there are elements of the current bilateral assessment agreement that are no longer functioning.
 - Around half of all Western Australian projects referred under the EPBC Act would have benefitted from a renewed bilateral assessment agreement and the Government is keen to complete the renewal of this agreement with your Government by the first quarter of 2020.
- Approval bilateral agreement
 - Approval bilateral agreements require legislative amendments to the EPBC Act. Without these amendments, proponents may still be required to refer projects to the Commonwealth even if covered by an approval bilateral. Failure to achieve these

legislative amendments to the EPBC Act would also open projects relying on those approvals to significant legal risk and challenge in court.

- Approval bilateral agreements provide limited coverage of state processes due to the scope and nature of state processes and the standards for accreditation in the EPBC Act. As an indication, around 30% of projects are currently assessed under Assessment Bilateral agreements.
- Any change to endorsed state or territory processes in the future would require approval bilateral agreements to re-accredit the new state or territory process.

Offsets in the Pilbara

- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
- The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Fund is consistent with the provisions of the EPBC Act and that it meets the Department's offset policy requirements.
- The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
- In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.

s47F

From: s47F
Sent: Sunday, 9 February 2020 2:25 PM
To: s47F
Subject: Re: BRIEFING REQUEST - CME - Canberra [SEC=OFFICIAL]

Hi s47F

The meeting at this stage is at 3.30pm on Wednesday.

I will let you know if timings change

Many thanks
s47F

Sent from my iPhone

On 9 Feb 2020, at 12:08 pm, s47F wrote:

Hi s47F

Further to your email below, would you be able to advise what time Dean and Andrew will be meeting with WA CME on Wednesday? We require this information to prepare Dean/Andrew's meeting brief.

Thanks

s47F
Assistant Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F
Sent: Friday, 7 February 2020 3:19 PM
To: s47F
Subject: FW: BRIEFING REQUEST - CME - Canberra [SEC=OFFICIAL]

FYI

From: Gregory Manning <Gregory.Manning@environment.gov.au>
Sent: Friday, 7 February 2020 3:18 PM
To: s47F

Cc: s47F

Subject: FW: BRIEFING REQUEST - CME - Canberra [SEC=OFFICIAL]

FYI

From: Michelle Croker <Michelle.Croker@environment.gov.au>

Sent: Friday, 7 February 2020 6:27 AM

To: s47F

Cc: Gregory Manning <Gregory.Manning@environment.gov.au>; Dean Knudson <Dean.Knudson@environment.gov.au>; s47F

Subject: Re: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

Thanks - confirming it is for us.

Michelle Croker
A/g First Assistant Secretary
Environment Approvals Division
Department of Agriculture, Water and the Environment
P +61 2 6275 9031

On 6 Feb 2020, at 21:46, s47F wrote:

Michelle

Andrew and Dean are meeting with CME CEO and Director on Wednesday 12 February. As below, the meeting purpose is to discuss CME policy priorities for 2020.

Can you please arrange a briefing for Andrew and Dean and provide it to me for review through Dean **by 4pm Monday 10 February**.

If I have incorrectly assigned the request or if it needs to go to others as well, please let me know.

Many thanks

s47F

Executive Assistant to Dean Knudson, Deputy Secretary
Environment Protection Group

Department of Agriculture, Water and the Environment

s47F

John Gorton Building, King Edward Terrace, Parkes ACT 2600

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F

Sent: Monday, 20 January 2020 10:48 AM

To: andrew.metcalfe@agriculture.gov.au
Subject: Meeting Request - CME - Canberra

Good morning Andrew

On behalf of our CEO, Paul Everingham and Director, Rob Carruthers I would like to request a meeting.

We will be travelling to Canberra next month and would like to seek your availability to meet on either Wednesday 12 February or the morning of Thursday 13 February.

The purpose of the meeting to discuss CME policy priorities for 2020.

We look forward to receiving your availability for this meeting to occur.

Kind regards

s47F

Office Manager

<image001.png>

The Chamber of Minerals & Energy
of Western Australia

s47F

<image002.png>

FOLLOW

US:

<image008.jpg>

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email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

s47F

From: s47F
Sent: Sunday, 9 February 2020 9:04 PM
To: s47F
Cc: s47F
Subject: Re: CME meeting brief [SEC=OFFICIAL]

Looks good s47F Pretty spot on for our stuff. I'll just tweak a couple of paras in the morn. s47F might also want to add to the PEOF section re handling of variation requests

s47F

Sent from my iPhone

On 9 Feb 2020, at 12:06 pm, s47F wrote:

Hi s47F and s47F

Further to s47F earlier email, please find the latest (slightly updated) version of the secretary's brief for his meeting with WA CME. It would be great if you could provide your comments and suggestions back to me as early as possible on Monday to enable collation, finalisation and sending off to Greg and Michelle for their clearance.

If you have any questions, please feel free to contact me (noting I will be working remotely on Monday but can be contacted either via email or on my mobile on s47F

Thanks

s47F
Assistant Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F
Sent: Friday, 7 February 2020 6:43 PM
To: s47F
Subject: CME meeting brief [SEC=OFFICIAL]

Hi All,

The timeframes have shortened with Dean now needing this 4pm Monday to clear before the meeting Wednesday. You'll also need to clear this through Greg and Michelle. I've done what I can by pulling together previously available information but have run out of time to finalise this.

Please check the attached and send comments back to Rommel. Not sure if all of these need additional information in the attachment. At the moment I've just kept in additional dot points that didn't fit in the brief. I was working on PDMS in this – not yet saved in SPIRE.

Also s47F you'll need to chat to Kylie Galway or s47F about the digital transformation and you'll need to put in more background on the OSS.

The following may also be useful of CME's views.

<https://cmewa.com.au/wp-content/uploads/2020/01/2020-21-State-Pre-Budget-Submission.pdf>

Thanks,

s47F

Director

Assessments Policy & Reform Section

Assessments (WA, SA, NT), Post Approvals and Policy Branch

Environment Approvals Division

Department of Agriculture, Water and the Environment | awe.gov.au

John Gorton Building, King Edward Terrace, Parkes, ACT

PO Box 787, CANBERRA CITY ACT 2601

s47F

<image001.jpg>

<EC20-000055.docx>

s47F

From: Gregory Manning
Sent: Monday, 10 February 2020 10:02 AM
To: s47F
Subject: FW: BRIEFING REQUEST - CME - Canberra [SEC=OFFICIAL]

Scratch that... I have it.

From: Gregory Manning
Sent: Monday, 10 February 2020 10:01 AM
To: s47F
Subject: FW: BRIEFING REQUEST - CME - Canberra [SEC=OFFICIAL]

Do you have a phone number for s47F

From: Michelle Croker <Michelle.Croker@environment.gov.au>
Sent: Friday, 7 February 2020 6:26 AM
To: Gregory Manning <Gregory.Manning@environment.gov.au>
Subject: Fwd: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

I am guessing this will be about bilateral approvals, but suggest calling them to see what they intend to raise. I'm keen to see a draft before it goes to Dean. Note short timeframe.

Thanks

Michelle

Michelle Croker
A/g First Assistant Secretary
Environment Approvals Division
Department of Agriculture, Water and the Environment
P +61 2 6275 9031

Begin forwarded message:

From: s47F
Date: 6 February 2020 at 21:46:18 AEDT
To: Michelle Croker <Michelle.Croker@environment.gov.au>
Cc: Gregory Manning <Gregory.Manning@environment.gov.au>, Dean Knudson <Dean.Knudson@environment.gov.au>, s47F
Subject: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

Michelle

Andrew and Dean are meeting with CME CEO and Director on Wednesday 12 February. As below, the meeting purpose is to discuss CME policy priorities for 2020.

Can you please arrange a briefing for Andrew and Dean and provide it to me for review through Dean **by 4pm Monday 10 February**.

If I have incorrectly assigned the request or if it needs to go to others as well, please let me know.

Many thanks

s47F

Executive Assistant to Dean Knudson, Deputy Secretary
Environment Protection Group

Department of Agriculture, Water and the Environment

s47F

John Gorton Building, King Edward Terrace, Parkes ACT 2600

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F

Sent: Monday, 20 January 2020 10:48 AM

To: andrew.metcalfe@agriculture.gov.au

Subject: Meeting Request - CME - Canberra

Good morning Andrew

On behalf of our CEO, Paul Everingham and Director, Rob Carruthers I would like to request a meeting.

We will be travelling to Canberra next month and would like to seek your availability to meet on either Wednesday 12 February or the morning of Thursday 13 February.

The purpose of the meeting to discuss CME policy priorities for 2020.

We look forward to receiving your availability for this meeting to occur.

Kind regards

s47F

Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F

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s47F

From: s47F
Sent: Monday, 10 February 2020 10:28 AM
To: s47F
Cc: s47F
Subject: FW: CME meeting brief [SEC=OFFICIAL]
Attachments: EC20-000055.docx

Hi s47F

Thanks again. Here are my edits to the version that s47F updated earlier this morning

Thanks
s47F

From: s47F
Sent: Monday, 10 February 2020 8:26 AM
To: s47F
Cc: s47F
Subject: FW: CME meeting brief [SEC=OFFICIAL]

Hi s47F

Looks great. I've added text into the talking points and the background re. existing approvals and the PEOF.

Cheers
s47F

From: s47F
Sent: Sunday, 9 February 2020 12:06 PM
To: s47F
Cc: s47F
Subject: RE: CME meeting brief [SEC=OFFICIAL]

Hi s47F and s47F

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If you have any questions, please feel free to contact me (noting I will be working remotely on Monday but can be contacted either via email or on my mobile on s47F)

Thanks

s47F
Assistant Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

s47F

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From: s47F

Sent: Friday, 7 February 2020 6:43 PM

To: s47F

Subject: CME meeting brief [SEC=OFFICIAL]

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The following may also be useful of CME's views.

<https://cmewa.com.au/wp-content/uploads/2020/01/2020-21-State-Pre-Budget-Submission.pdf>

Thanks,

s47F

Director

Assessments Policy & Reform Section

Assessments (WA, SA, NT), Post Approvals and Policy Branch

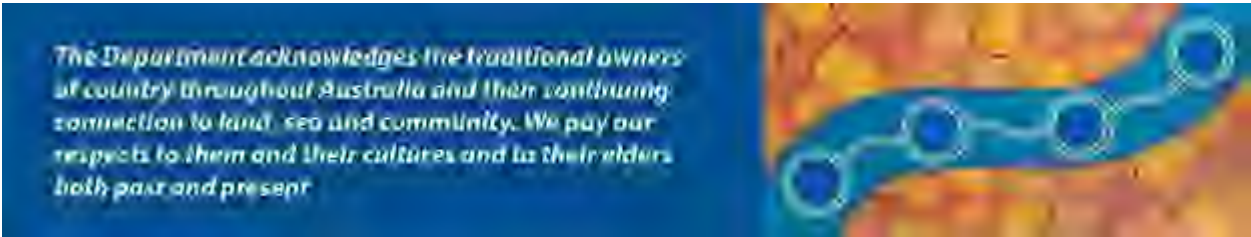
Environment Approvals Division

Department of Agriculture, Water and the Environment | awe.gov.au

John Gorton Building, King Edward Terrace, Parkes, ACT

PO Box 787 CANBERRA CITY ACT 2601

s47F



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**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
XXXXam on Wednesday 12 February 2020
with Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)**

EC: EG20-000055

CME regularly engages with the Department on EPBC Act reform and other initiatives and met with the Department in October 2019 to discuss EPBC Act Review; EPBC Act assessment delays; and the development of the Pilbara Environmental Offset Fund. CME also met with the previous Minister for the Environment in February 2019 and September 2018.

Key points

- CME has expressed concern on regulatory burden and duplication with state and territory regulatory regimes and is seeking Government delivery on streamlining, bilateral approval agreements under the EPBC Act and the digital environmental assessment program.

What we want

- To understand CME's policy priorities for 2020.

What they want

- CME wish to discuss its policy priorities for 2020 which is likely to include regulatory reforms such as the review of the EPBC Act, progression of One-Stop Shop, digital transformation and the Pilbara Offsets Fund.

Talking points

- The Australian Government is committed to reducing regulatory burden to support growth and jobs.
- A key focus for this work will be the statutory review of the EPBC Act led by Professor Graeme Samuel AC.
 - I understand that Professor Samuel's first round of stakeholder engagement late last year was focused on national-level environmental, industry, legal and science organisations, as well as state and territory government departments, statutory committees and joint boards of management established under the Act.
 - Professor Samuel has indicated to me that ahead of the release of his draft report mid-year, he intends to engage with those stakeholders that provide substantive submissions to explore in-depth possible solutions to priorities areas of reform. I encourage CME to provide a submission as early as you possibly can to enable your views to be considered by the review.
- We remain committed to streamlining environmental assessment and approval processes and are investing an extra \$25 million over the next two years to help speed up the assessment process for projects currently awaiting environmental approval, while continuing to ensure our environment is protected.
 - As part of these activities, the Department is working to identify major projects that are important to the Australian community and will focus on ensuring that the assessment

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of these projects can be completed efficiently and thoroughly in accordance with national environmental law.

- We are working closely with the WA Government on a range of initiatives to reduce regulatory burden and streamline the environmental assessment and approval process.
 - The Australian Government's package to support the digital transformation of environmental assessments, to be developed jointly with the Western Australian Government, will enable the establishment of a single online portal for proponents to engage with the environmental approval process. It will streamline assessment processes for proponents and assessors and provide a biodiversity data repository to store and share information collected by proponents.
 - Work is also underway between my Department and WA Government officials to renew the assessment bilateral agreement with Western Australia under the EPBC Act.
 - Approval bilateral agreements require legislative amendments to enable the durable operation of delegated approval powers and to prevent bilateral agreements ceasing to apply where a state makes minor amendments to their processes.
 - The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
 - The Department remains committed to supporting the effective implementation of the Fund in order to achieve a more strategic approach to administering offsets in the Pilbara.
 - The Department is working closely with the WA Government to assist them with addressing EPBC Act requirements through the design and operation of the Fund. The Department is aiming to formally endorse the Fund for the purposes of receiving EPBC offset contributions as soon as possible after the legislative requirements have been met.
 - In anticipation of the Fund becoming available to proponents with approvals under the EPBC Act in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.
 - For those projects recently approved, the Department continues to work with approval holders to ensure they have the option to enter the fund to meet their offset requirements.



Paul Everingham

Chief Executive Officer since June 2018. Prior to joining CME, Paul held numerous senior and executive roles, including Chief Executive of Marketforce Australia; Founding Principal and Managing Director of GRA Everingham Advisory; State Director of the Liberal Party of Australia (WA) and Senior Adviser for the Commonwealth Treasury.

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Rob Carruthers

Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.

Further background on likely policy priorities of CME

EPBC Act Review

- The independent review commenced in October 2019 and the full process is likely to take up to 12 months to complete.
- The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy, and that it is becoming increasingly unwieldy to administer.
- The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.

Congestion Busting

- The additional \$25m of funding will go towards a range of improvements to streamline and speed up assessment and approval processes. These include more specialist assessment staff to begin the process of clearing the current backlog of assessments, and better information for business to help them meet their environmental obligations.
- To provide the community with more information about the status of environmental assessments and how it is tracking against statutory timeframes, the Department has created a dashboard to increase transparency and track its performance as a regulator over time (see <http://www.environment.gov.au/protection/environment-assessments/quarterly-performance-report>).
- Additionally, anyone will be able to visit the website and see where a project is in the approval and assessment stage (see <http://epbcnotices.environment.gov.au/referralslist/>).

Digital transformation of environmental assessments

- [To confirm with Kylie Galway and S47F ??]

Bilateral Agreements and One Stop Shop

- Assessment bilateral agreement
 - Following changes to administrative procedures under WA legislation in December 2016, there are elements of the current bilateral assessment agreement that are no longer functioning.
 - Around half of all Western Australian projects referred under the EPBC Act would have benefitted from a renewed bilateral assessment agreement and the Government is keen to complete the renewal of this agreement with your Government by the first quarter of 2020.
- Approval bilateral agreement
 - Approval bilateral agreements require legislative amendments to the EPBC Act. Without these amendments, proponents may still be required to refer projects to the Commonwealth even if covered by an approval bilateral. Failure to achieve these

legislative amendments to the EPBC Act would also open projects relying on those approvals to significant legal risk and challenge in court.

- Approval bilateral agreements provide limited coverage of state processes due to the scope and nature of state processes and the standards for accreditation in the EPBC Act. As an indication, around 30% of projects are currently assessed under Assessment Bilateral agreements.
- Any change to endorsed state or territory processes in the future would require approval bilateral agreements to re-accredit the new state or territory process.

Offsets in the Pilbara

- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
- The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Fund is consistent with the provisions of the EPBC Act and that it meets the Department's offset policy requirements.
- A number of projects have been approved in the Pilbara over the last 12 months which provide the option for approval holders to contribute to the fund to meet their offset requirements, including projects from Rio Tinto and Fortescue Metals Group. The Department is continuing to work with approval holders to ensure they understand their approval conditions in order to utilise the Pilbara Environmental Offset Fund.

s47F

From: Kylie Galway
Sent: Monday, 10 February 2020 11:22 AM
To: Beth Brunoro; s47F
Subject: FW: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]
Attachments: EC20-000055.docx
Importance: High

FYI – Once s47F has added in our part and I have endorsed – will send to you as FYI

Kylie Galway

Acting Assistant Secretary and Chief Data Officer
Department of Agriculture, Water and Environment
ERIN | Knowledge and Technology Division
Tel: 02 6274 2210 | Mob: s47F

From: s47F
Sent: Monday, 10 February 2020 8:51 AM
To: Kylie Galway ; s47F
Subject: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]
Importance: High

Hi Kylie and s47F

By way of introduction, I am the acting director of the Assessment Policy and Reform section of the Environment Approvals Division. We are currently preparing a briefing for the Secretary for his upcoming meeting with the WA Chamber of Minerals and Energy (CME) (see attached) and require your input on a key aspect of this brief.

The meeting with CME will likely cover a range of topics including the WA digital transformation project and how the Federal Government is engaging with this project. Would you be able to provide your input on this topic to the brief, in the areas highlighted in yellow in the attached draft brief? We have been asked to provide this brief to Dean (cleared by our AS and FAS) by COB today, so we would be grateful if you could provide your input as soon as possible this morning.

Thanks

s47F
A/g Director
Assessments Policy & Reform
Environment Approvals Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

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**MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS
FROM THE CHAMBER OF MINERALS AND ENERGY OF
WESTERN AUSTRALIA (CME)
3:30pm on Wednesday 12 February 2020
with Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)**

EC: EG20-000055

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	<p>Rob Carruthers</p> <p>Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.</p>

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- Additionally, anyone will be able to visit the website and see where a project is in the approval and assessment stage (see <http://epbcnotices.environment.gov.au/referralslist/>).

WA digital transformation of environmental assessments

- [Kylie Galway and s47F] to provide input]

Bilateral Agreements and One Stop Shop

- Assessment bilateral agreement
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s47F

From: s47F
Sent: Monday, 10 February 2020 11:31 AM
To: Kylie Galway
Subject: RE: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]
Attachments: EC20-000055_erin_edits.docx

Hi Kylie,

Attached is the draft for your approval.

Cheers,
s47F

From: s47F
Sent: Monday, 10 February 2020 11:01 AM
To: s47F
Cc: Kylie Galway
Subject: RE: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]

Thanks s47F Please let me know if you have any questions or clarifications.

Cheers

s47F
A/g Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

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From: s47F
Sent: Monday, 10 February 2020 10:29 AM
To: s47F
Cc: Kylie Galway <Kylie.Galway@environment.gov.au>
Subject: RE: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]

Hi s47F

I will get onto this one for you. There are also other briefings doing the rounds in EAD last week with s47F and s47F so I will make this briefing consistent with those.

Cheers,
s47F

From: s47F

Sent: Monday, 10 February 2020 8:51 AM

To: Kylie Galway <Kylie.Galway@environment.gov.au>; s47F

Subject: Input request on WA digital transformation for secretary's briefing - URGENT [SEC=OFFICIAL]

Importance: High

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s47F

A/g Director

Assessments Policy & Reform

Environment Approvals Division

Department of the Environment and Energy

GPO Box 787 Canberra ACT 2601

s47F

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<p>MEETING WITH PAUL EVERINGHAM AND ROB CARRUTHERS FROM THE CHAMBER OF MINERALS AND ENERGY OF WESTERN AUSTRALIA (CME) 3:30pm on Wednesday 12 February 2020 <i>With Andrew Metcalfe (Sec) and Dean Knudson (Dep Sec)</i></p>	<p>EC: EC20-000055</p>
--	------------------------

CME regularly engages with the Department on EPBC Act reform and other initiatives and met with the Department in October 2019 to discuss EPBC Act Review, EPBC Act assessment delays, and the development of the Pilbara Environmental Offset Fund. CME also met with the previous Minister for the Environment in February 2019 and September 2018.

Key points

- CME has expressed concern on regulatory burden and duplication with state and territory regulatory regimes and is seeking Government delivery on streamlining, bilateral approval agreements under the EPBC Act and the digital environmental assessment program.

What we want

- To understand CME's policy priorities for 2020.

What they want

- CME wish to discuss its policy priorities for 2020 which is likely to include regulatory reforms such as the review of the EPBC Act, progression of One-Stop Shop, digital transformation and the Pilbara Offsets Fund.

Talking points

- The Australian Government is committed to reducing regulatory burden to support growth and jobs.
- A key focus for this work will be the statutory review of the EPBC Act led by Professor Graeme Samuel AC.
 - I understand that Professor Samuel's first round of stakeholder engagement late last year was focused on national-level environmental, industry, legal and science organisations, as well as state and territory government departments, statutory committees and joint boards of management established under the Act.
 - Professor Samuel has indicated to me that ahead of the release of his draft report mid-year, he intends to engage with those stakeholders that provide substantive submissions to explore in-depth possible solutions to priority areas of reform. I encourage CME to provide a submission as early as you possibly can to enable your views to be considered by the review.
- We remain committed to streamlining environmental assessment and approval processes and are investing an extra \$25 million over the next two years to help speed up the assessment process for projects currently awaiting environmental approval, while continuing to ensure our environment is protected.
 - As part of these activities, the Department is working to identify major projects that are important to the Australian community and will focus on ensuring that the assessment

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of these projects can be completed efficiently and thoroughly in accordance with national environmental law.

- We are working closely with the WA Government on a range of initiatives to reduce regulatory burden and streamline the environmental assessment and approval process.

- The Australian Government's package to support the digital transformation of environmental assessments, to be developed jointly with the Western Australian Government, will enable the establishment of a single online portal for proponents to engage with the environmental approval process. It will streamline assessment processes for proponents and assessors and provide a biodiversity data repository to store and share information collected by proponents.

- Work is also underway between my Department and WA Government officials to renew the assessment bilateral agreement with Western Australia under the EPBC Act.
 - o Approval bilateral agreements require legislative amendments to enable the durable operation of delegated approval powers and to prevent bilateral agreements ceasing to apply where a state makes minor amendments to their processes.
- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
 - o The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
 - o In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pilbara or transition to the Fund.
 - o For those projects recently approved, the Department continues to work with approval holders to ensure they have the option to enter the fund to meet their offset requirements.

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Paul Everingham

Chief Executive Officer since June 2018. Prior to joining CME, Paul held numerous senior and executive roles, including Chief Executive of Marketforce Australia; Founding Principal and Managing Director of GRA Everingham Advisory; State Director of the Liberal Party of Australia (WA) and Senior Adviser for the Commonwealth Treasury.

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Rob Carruthers

Director of Policy and Advocacy since March 2019. Prior to joining CME, Rob was WA State Manager of Government Relations at BHP. Experience across minerals and oil and gas.

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Attachment A

Further background on likely policy priorities of CME

EPBC Act Review

- The independent review commenced in October 2019 and the full process is likely to take up to 12 months to complete.
- The Department is aware of concerns that the EPBC Act is not delivering the best outcomes for the environment or the economy, and that it is becoming increasingly unwieldy to administer.
- The review provides an opportunity to engage with stakeholders on the future of national environmental law. The review will seek to engage broadly across all sectors and levels of government to enable consideration of all views.

Congestion Busting

- The additional \$25m of funding will go towards a range of improvements to streamline and speed up assessment and approval processes. These include more specialist assessment staff to begin the process of clearing the current backlog of assessments, and better information for business to help them meet their environmental obligations.
- To provide the community with more information about the status of environmental assessments and how it is tracking against statutory timeframes, the Department has created a dashboard to increase transparency and track its performance as a regulator over time (see <http://www.environment.gov.au/protection/environment-assessments/quarterly-performance-report>).
- Additionally, anyone will be able to visit the website and see where a project is in the approval and assessment stage (see <http://epbcnotices.environment.gov.au/referralslist/>).

DWA digital transformation of environmental Assessment Program

- The program's goal is to speed up the delivery of major projects by upgrading systems used for environmental assessments and approvals under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and parallel legislation in Western Australia. The program includes the following two projects:
 - o A digital environmental assessment system developed in partnership with Western Australia. This will provide a single online portal to submit environmental assessment applications and an end-to-end workflow system to enable proponents to track progress of their projects through the approvals processes.
- A Biodiversity Data Repository to store and share environmental information such as wildlife surveys between proponents, regulators and the community.
- Work on these projects commenced in January 2020, once the funding was received.
- [Kylie Galway and s47F to provide input]

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Bilateral Agreements and One Stop Shop

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- Assessment bilateral agreement
 - Following changes to administrative procedures under WA legislation in December 2016, there are elements of the current bilateral assessment agreement that are no longer functioning.
 - Around half of all Western Australian projects referred under the EPBC Act would have benefitted from a renewed bilateral assessment agreement and the Government is keen to complete the renewal of this agreement with your Government by the first quarter of 2020.
- Approval bilateral agreement
 - Approval bilateral agreements require legislative amendments to the EPBC Act. Without these amendments, proponents may still be required to refer projects to the Commonwealth even if covered by an approval bilateral. Failure to achieve these legislative amendments to the EPBC Act would also open projects relying on those approvals to significant legal risk and challenge in court.
 - Approval bilateral agreements provide limited coverage of state processes due to the scope and nature of state processes and the standards for accreditation in the EPBC Act. As an indication, around 30% of projects are currently assessed under Assessment Bilateral agreements.
 - Any change to endorsed state or territory processes in the future would require approval bilateral agreements to re-accredit the new state or territory process.

Offsets in the Pilbara

- The Australian Government understands the value that the Western Australian Government's Pilbara Environmental Offset Fund could provide.
- The Department is working closely with the WA Department of Water and Environmental Regulation to ensure that implementation of the Fund is consistent with the provisions of the EPBC Act and that it meets the Department's offset policy requirements.
- The Department remains committed to supporting the establishment and implementation of the Fund in order to achieve a more streamlined approach to administering strategic offsets in the Pilbara bioregion for the better protection of matters of national environmental significance.
- In anticipation of the Fund becoming available to proponents in the future, the Department is currently building offset options into conditions of approval that will allow them to implement their own offset projects in the Pi bara or transition to the Fund.
- A number of projects have been approved in the Pi bara over the last 12 months which provide the option of for approval holders to enter the fund to meet their offset requirements, including projects from Rio Tinto and Fortescue Metals Group. The Department is continuing to work with approval holders to ensure they understand their approval conditions in order to utilise the Pilbara Environmental Offset Fund.

s47F

From: Kylie Galway
Sent: Monday, 10 February 2020 1:18 PM
To: s47F
Cc: s47F Beth Brunoro
Subject: EC20-000055_erin_edits.docx [SEC=OFFICIAL]
Attachments: EC20-000055_erin_edits.docx

Hi s47F

Attached is the brief with our component added (yellow highlights).

Kylie

Kylie Galway

Acting Assistant Secretary and Chief Data Officer
Department of Agriculture, Water and Environment
ERIN | Knowledge and Technology Division
Tel: 02 6274 2210 | Mob: s47F

s47F

From: s47F
Sent: Tuesday, 11 February 2020 11:09 AM
To: Gregory Manning
Cc: s47F Michelle Croker
Subject: RE: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]
Attachments: EC20-000055.docx

Good morning Greg,

Just advising that Dean has cleared this brief with no changes.

I will provide a soft and hard copy to Andrews EA now.

Regards,

s47F

Executive Assistant to Stephen Oxley

First Assistant Secretary | Heritage, Reef and Marine Division | Department of Agriculture, Water and the Environment

s47F

From: Gregory Manning <Gregory.Manning@environment.gov.au>

Sent: Monday, 10 February 2020 5:11 PM

To: Michelle Croker <Michelle.Croker@environment.gov.au>; s47F

Cc: Dean Knudson <Dean.Knudson@environment.gov.au>; s47F

Subject: RE: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

s47F

CME brief attached for Dean's review. I won't send through PDMS until Dean has had a chance to review. Thanks

Greg.

From: Michelle Croker <Michelle.Croker@environment.gov.au>

Sent: Friday, 7 February 2020 6:27 AM

To: s47F

Cc: Gregory Manning <Gregory.Manning@environment.gov.au>; Dean Knudson <Dean.Knudson@environment.gov.au>; s47F

Subject: Re: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

Thanks - confirming it is for us.

Michelle Croker
A/g First Assistant Secretary
Environment Approvals Division
Department of Agriculture, Water and the Environment
P +61 2 6275 9031

On 6 Feb 2020, at 21:46, s47F wrote:

Michelle

Andrew and Dean are meeting with CME CEO and Director on Wednesday 12 February. As below, the meeting purpose is to discuss CME policy priorities for 2020.

Can you please arrange a briefing for Andrew and Dean and provide it to me for review through Dean **by 4pm Monday 10 February**.

If I have incorrectly assigned the request or if it needs to go to others as well, please let me know.

Many thanks

s47F

s47F

Executive Assistant to Dean Knudson, Deputy Secretary
Environment Protection Group

Department of Agriculture, Water and the Environment

s47F

John Gorton Building, King Edward Terrace, Parkes ACT 2600

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F

Sent: Monday, 20 January 2020 10:48 AM

To: andrew.metcalfe@agriculture.gov.au

Subject: Meeting Request - CME - Canberra

Good morning Andrew

On behalf of our CEO, Paul Everingham and Director, Rob Carruthers I would like to request a meeting.

We will be travelling to Canberra next month and would like to seek your availability to meet on either Wednesday 12 February or the morning of Thursday 13 February.

The purpose of the meeting to discuss CME policy priorities for 2020.

We look forward to receiving your availability for this meeting to occur.

Kind regards

s47F

Office Manager

<image001.png>

The Chamber of Minerals & Energy
of Western Australia

s47F

547F

<image002.png>

FOLLOW

US:

<image008.jpg>

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s47F

From: s47F
Sent: Tuesday, 11 February 2020 11:13 AM
To: s47F
Cc: s47F
Subject: BRIEFING - CME - tomorrow 3.30pm [SEC=UNCLASSIFIED]
Attachments: EC20-000055.docx

Good morning s47F

Please see the attached brief for tomorrow's meeting with CME.

Regards,

s47F

Executive Assistant to Stephen Oxley

First Assistant Secretary | Heritage, Reef and Marine Division | Department of Agriculture, Water and the Environment

s47F

From: Gregory Manning
Sent: Monday, 10 February 2020 5:11 PM
To: Michelle Croker ; s47F
Cc: Dean Knudson ; s47F
Subject: RE: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

s47F

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Sent: Friday, 7 February 2020 6:27 AM
To: s47F
Cc: Gregory Manning <Gregory.Manning@environment.gov.au>; Dean Knudson <Dean.Knudson@environment.gov.au>; s47F
Subject: Re: BRIEFING REQUEST - CME - Canberra [SEC=UNCLASSIFIED]

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Michelle Croker
A/g First Assistant Secretary
Environment Approvals Division
Department of Agriculture, Water and the Environment
P +61 2 6275 9031

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Many thanks

s47F

Executive Assistant to Dean Knudson, Deputy Secretary
Environment Protection Group

Department of Agriculture, Water and the Environment

s47F

John Gorton Building, King Edward Terrace, Parkes ACT 2600

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From: **s47F**

Sent: Monday, 20 January 2020 10:48 AM

To: andrew.metcalfe@agriculture.gov.au

Subject: Meeting Request - CME - Canberra

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Kind regards

s47F

Office Manager

The Chamber of Minerals & Energy
of Western Australia

s47F

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s47F

From: s47F
Sent: Tuesday, 11 February 2020 11:47 AM
To: s47F
Cc:
Subject: RE: CME meeting brief [SEC=OFFICIAL]
Attachments: EC20-000055.docx

Hi s47F

All good, here's the latest version of the brief (which has been cleared by Greg and possibly Michelle) that went up to Dean last night.

Thanks

s47F
Assistant Director | Assessments Policy & Reform

Department of Agriculture, Water and the Environment
Assessments, Post Approvals and Policy Branch | Environment Approval Division
John Gorton Building, King Edward Terrace, Parkes ACT 2600

s47F

awe.gov.au

From: s47F
Sent: Tuesday, 11 February 2020 11:38 AM
To: s47F
Cc:
Subject: RE: CME meeting brief [SEC=OFFICIAL]

Hi s47F

Thanks for coordinating this

Can you send me a copy of the final brief please ?

Thanks

s47F

s47F
Assistant Director – Major Projects West Section
Department of the Environment and Energy

s47F | GPO BOX 787 Canberra ACT 2600 | s47F

From: s47F
Sent: Monday, 10 February 2020 2:21 PM
To: s47F
Cc: s47F
Subject: RE: CME meeting brief [SEC=OFFICIAL]

Thanks all, the brief is now with Greg for his review and clearance.

Cheers

s47F

A/g Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s47F

Sent: Monday, 10 February 2020 10:28 AM

To: s47F

Cc: s47F

Subject: FW: CME meeting brief [SEC=OFFICIAL]

Hi s47F

Thanks again. Here are my edits to the version that s47F updated earlier this morning

Thanks

s47F

From: s47F

Sent: Monday, 10 February 2020 8:26 AM

To: s47F

Cc: s47F

Subject: FW: CME meeting brief [SEC=OFFICIAL]

Hi s47F

Looks great. I've added text into the talking points and the background re. existing approvals and the PEOF.

Cheers

s47F

From: s47F

Sent: Sunday, 9 February 2020 12:06 PM

To: s47F

Cc: s47F

Subject: RE: CME meeting brief [SEC=OFFICIAL]

Hi s47F and s47F

Further to s47F earlier email, please find the latest (slightly updated) version of the secretary's brief for his meeting with WA CME. It would be great if you could provide your comments and suggestions back to me as early as possible on Monday to enable collation, finalisation and sending off to Greg and Michelle for their clearance.

If you have any questions, please feel free to contact me (noting I will be working remotely on Monday but can be contacted either via email or on my mobile on s47F

Thanks

s47F

Assistant Director
Assessments Policy & Reform
Environment Approval Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601

s47F

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From: s47F

Sent: Friday, 7 February 2020 6:43 PM

To: s47F

Subject: CME meeting brief [SEC=OFFICIAL]

Hi All,

The timeframes have shortened with Dean now needing this 4pm Monday to clear before the meeting Wednesday. You'll also need to clear this through Greg and Michelle. I've done what I can by pulling together previously available information but have run out of time to finalise this.

Please check the attached and send comments back to s47F. Not sure if all of these need additional information in the attachment. At the moment I've just kept in additional dot points that didn't fit in the brief. I was working on PDMS in this – not yet saved in SPIRE.

Also s47F you'll need to chat to Kylie Galway or s47F about the digital transformation and you'll need to put in more background on the OSS.

The following may also be useful of CME's views.

<https://cmewa.com.au/wp-content/uploads/2020/01/2020-21-State-Pre-Budget-Submission.pdf>

Thanks,

s47F

Director
Assessments Policy & Reform Section
Assessments (WA, SA, NT), Post Approvals and Policy Branch
Environment Approvals Division

Department of Agriculture, Water and the Environment | awe.gov.au

John Gorton Building, King Edward Terrace, Parkes, ACT
PO Box 787, CANBERRA CITY ACT 2601

s47F

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s47F

From: s47F
Sent: Wednesday, 12 February 2020 10:19 AM
To: s47F
Subject: FW: BRIEFING - CME - tomorrow 3.30pm [SEC=UNCLASSIFIED]
Attachments: EC20-000055.docx

s47F

This is the briefing for this afternoon. I have emailed s47F to check its ok that James attend and to send the invite.

I should get confirmation shortly.

s47F

Executive Assistant to Dean Knudson, Deputy Secretary
Environment Protection Group

Department of Agriculture, Water and the Environment

s47F

John Gorton Building, King Edward Terrace, Parkes ACT 2600

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

s47F

Subject: CME CEO Paul Everingham & Rob Carruthers - Dean/Finn [SEC=UNOFFICIAL]
Location: Secretary's office, Level 1, John Gorton Building, King Edward Terrace, Parkes ACT

Start: Wed 23/10/2019 10:30 AM
End: Wed 23/10/2019 11:15 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Finn Pratt
Required Attendees: p.everingham@cmewa.com; r.carruthers@cmewa.com; Dean Knudson;
s47F

Contacts:

CME – s47F
DoEE – s47F

s47F

Subject: Secretary meeting with Paul Everingham, CEO CME and Rob Carruthers, Director CME [SEC=UNCLASSIFIED]
Location: Secretary's meeting room, 18 Marcus Clarke Street Canberra City
Start: Wed 12/02/2020 3:30 PM
End: Wed 12/02/2020 4:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Metcalfe, Andrew

s47F

From: s47F
Sent: Thursday, 6 February 2020 6:16 PM
To: Dean Knudson
Cc: s47F
Subject: FW: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Good afternoon Dean

Andrew will be meeting with CME CEO and Director on Wednesday 12 February at 3.30pm. He has asked you to attend please, and he will also require a written briefing ahead of the meeting. Can you assist with commissioning that so that it is provided to me by 2pm on Tuesday 11 February please?

Kind regards

s47F
Executive Assistant to Andrew Metcalfe AO
Secretary
Department of Agriculture, Water and the Environment
GPO Box 858
Canberra ACT 2601
s47F

From: s47F
Sent: Wednesday, 29 January 2020 3:46 PM
To: Metcalfe, Andrew <Andrew.Metcalfe@agriculture.gov.au>
Subject: RE: Meeting Request - CME - Canberra [SEC=UNCLASSIFIED]

Good afternoon Andrew

CME would like to follow up on the below request, please let me know if you require any further information.

Kind regards
s47F

s47F
Office Manager



The Chamber of Minerals & Energy
of Western Australia

s47F

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From: s47F

Sent: Monday, 20 January 2020 10:48 AM

To: andrew.metcalfe@agriculture.gov.au

Subject: Meeting Request - CME - Canberra

Good morning Andrew

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Kind regards

s47F

Office Manager



**The Chamber of Minerals & Energy
of Western Australia**

s47F

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Chamber of Minerals and Energy Western Australia

Wednesday, 12 February 2020
1:14 PM

(Note - First meeting of WA CME with new Department of Agriculture Water and Environment)

Secretary Metcalfe; Paul Everingham WA CME; §47F (need surname) WA CME; James Tregurtha FAS
EPRT DAWE

Secretary and Mr Everingham introduced themselves.

Mr Everingham provided an overview of WA CME's operations and membership including that their industry coverage of commodity production in WA was now around 95 per cent.

Mr Everingham noted that recent years constituted an effective period of operations and growth for WA CME and that they were looking to continue to play an effective role for their members.

Mr Everingham raised correspondence from Premier McGowan to the Prime Minister of late 2019 seeking to enter an Approval Bilateral Agreement under the EPBC Act. He reflected his understanding that the Western Australian Government was very keen to progress this matter with the Commonwealth and that the WA CME was also very supportive of this approach.

Mr Everingham and the Secretary also discussed the potential for savings (which WA CME considered to be in the order of six to twelve months less time to get an approval) that could arise from a reduction in duplication through an Approval Bilateral agreement and other associated initiatives such as digital environmental impact assessment. Mr Everingham also noted that Western Australia considered that an Approval Bilateral Agreement could be implemented within four months of a decision to proceed.

Mr Everingham noted that WA CME had not yet had an opportunity to speak directly with Professor Samuel but was continuing to seek opportunities to engage in the Review. He also noted WA CME's view that should the Commonwealth and WA Governments agree to develop an Approval Bilateral Agreement that this could be done in parallel with Professor Samuel's review and that this would not stymie the progress of the Review.

Mr Tregurtha noted the range of consultations undertaken by Professor Samuel in the Independent Review of the EPBC Act in late 2019 and the potential for further discussions as Professor Samuel progressed towards the delivery of his interim report around mid-year.