

Options for reform – Participation (Part 1) – Online portal

Note to the Commissioners:

The purpose of this options paper is to provide the Commission with relevant information about the proposal to establish a central online portal to facilitate public notice and give up-to-date information about mining proposals.

This options paper contains a single draft recommendation to establish an online portal.

Further options relevant to notification and information-sharing will be presented at the March Commission meeting.

Key topics

1. A central online portal

Draft recommendation: Establish a central online portal to facilitate public notice and give up-to-date information about mining proposals.

Key considerations (and relevant implications)

Overview

- In our [Consultation papers](#), we proposed establishing a central online portal to facilitate public notice and provide up-to-date information about mining proposals. The Government would maintain the online portal and it would require interdepartmental collaboration and resourcing.
- The difficulty in accessing relevant information about mining proposals was a key theme of our research and consultations. It has been flagged by Transparency International as a vulnerability and risk of the current process. Key reasons cited for this include the broad scope of responsibilities of the Resources Department and the dissemination of information across different websites, which can make information difficult to find. This in turn reduces transparency and the ability to access comprehensive information ([Transparency International: Corruption Risks: Mining Approvals in Australia, 2017, p 28](#)).
- Draft recommendation 1 is designed to increase awareness of mining proposals and provide up-to-date information as a mining proposal progresses through the participation and decision-making processes. It is intended to provide a more efficient, effective and contemporary way to give notice and share information in one centralised place. This would better support effective participation, increase transparency and accountability, increase efficiency, improve decision-making, instil greater community trust and confidence in decisions and assist policy and industry development. It is consistent with the 'push model' of information release, which requires the proactive release of key documents by Government agencies unless there is a good reason not to (see [Right to Information Act 2009](#)).
- Our proposal was widely endorsed by stakeholders.
- Comparative examples include:
 - **Permitting Dashboard (US)** for FAST-41 covered projects and other federal infrastructure projects. This Dashboard is hosted by a coordinating federal agency (the Permitting Council) which is composed of representatives from 13 federal agencies. The Permitting Council has legislative directives to coordinate permitting activities, track timelines, improve transparency, resolve conflicts (including dispute resolution) and increase efficiency. 'Sponsors' that volunteer to be covered by the Permitting

Options paper: Participation – Online Portal

Dashboard receive a project advisor, assistance coordinating and reporting on timelines, visibility with senior federal agencies, improved coordination with other agencies, access to the convening power of the Permitting Council and access to the public facing Permitting Dashboard. The Council reports [routinely on the performance of federal agencies](#) and how their involvement meets transparency, efficiency and effectiveness goals. The Council is also tasked to [prepare best practice reports](#) to improve environmental review and permitting processes for projects. [Link to the Permitting Dashboard project portal.](#) [Link to a completed project example \(Alaska LNG Project\).](#)

- **Other portals considered include:** [British Columbia's Environmental Assessment portal](#), the [Queensland Government's EIS assessment portal page](#), [DETSI's Environment Authority portal](#), [NSW Planning portal](#) and the [EPBC Public portal](#).

Information and portal features

- Drawing on comparative examples, to ensure the portal meets the principles of an efficient, fair, effective and contemporary platform, it could include:
 - Project details
 - Contact details for best point of contact (Department and Proponent)
 - A project timeline schedule (detailing project timeline, including all relevant authorisations and key participation dates)
 - All relevant information requests
 - All relevant information before the relevant decision maker (including expert advice, technical information)
 - Project specific updates
 - Region specific updates
 - Any archived documents
 - Reasons for final decision.
- Consideration should be given to whether the portal should also include features such as:
 - Interactive maps with project sites
 - A subscription service to be notified of all new information about a) new projects or amendments of projects in a particular region, b) a particular resource company, c) a particular project.

Resourcing and administrative functions

- Implementation considerations include resourcing for establishing and maintaining the portal and determining which Department would host it.

Level of compulsion

- Consideration should also be given to whether the central online portal be voluntary or mandated, with the following considerations noted:
 - If voluntary, is there the potential to incentivise proponents to list their project on the portal except for demonstrating best practice as a 'model proponent' and obtaining social licence? For example, could the decision-maker look to whether the proponent published information on the central online portal when deciding to approve a mining lease or associated environmental authority application?

Options paper: Participation – Online Portal

<ul style="list-style-type: none"> - If mandated, would this be too onerous for smaller proponents? Would it create enforcement and resourcing issues? <p><i>Public engagement and accessibility</i></p> <ul style="list-style-type: none"> • Consideration should be given to whether the portal would support public engagement, for example, whether submissions could be uploaded through the central portal. Alternatively, the portal could refer to separate online and offline engagement platforms. • Noting the digital divide is still present in regional and remote Aboriginal and Torres Strait Islander communities (see Australian Digital Inclusion Index), there remains a need to maintain accessible non-digital forms of information-sharing. • In relation to the design of the portal, for consideration is whether the Commission should: <ul style="list-style-type: none"> - Attempt to identify best practice digital design principles for accessibility and user experience to recommend to government - Identify and recommend accessibility design principles for non-digital information platforms. 	
Arguments in support	Counter-arguments
<ul style="list-style-type: none"> • Stakeholders noted that the current process presents a barrier to participation because information is distributed across several different websites and, in most cases, available very temporarily. • Barriers to participation effect transparency, accountability and good governance. This in turn impacts public trust in decision-making, the quality of decision-making and efficient project development. • Stakeholders have been relying on the Right to Information Act 2009 to access information, which can preclude accessing information in time to make submissions and actively participate in the process. 	<ul style="list-style-type: none"> • Resourcing concerns (both for establishing and maintaining the portal). • Concerns as to which Department would be best placed to host the portal.
Alternatives not proposed	
<ul style="list-style-type: none"> • Retaining the current status quo of specified project information hosted on various department websites. 	
<p><u>The Commission approved of the draft recommendation as proposed.</u></p>	