

Mining and Petroleum Gateway Panel

Charter

September 2013

This charter is provided for general guidance and information only. The charter is made available on the understanding that the Department of Planning & Infrastructure ('DP&I') is not providing legal advice. DP&I has compiled the charter in good faith, exercising all due care and attention.

The charter does not affect or replace relevant statutory requirements. Where an inconsistency arises between the provisions of the charter and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. The charter is not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the charter.

It should be noted that the charter may be affected by changes to legislation at any time and / or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the charter and the statutory requirements applying to Mining and Petroleum Gateway Panel under Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Mining and Petroleum Gateway Panel Charter
© State of New South Wales through the NSW Department of Planning & Infrastructure
September 2013
NSW Department of Planning & Infrastructure
23-33 Bridge Street Sydney NSW Australia
www.planning.nsw.gov.au

ISBN
Publication no. DOP

Contents

1. Legislation	1
2. Membership of Gateway Panel	1
3. Functions	1
4. Guiding Documents	1
5. Administration	2
6. Monitoring, Review and Reporting	2
7. Liability and Indemnification	2
8. Government Information (Public Access) Act 2009	3

1. Legislation

The Mining and Petroleum Gateway Panel (the Gateway Panel) is constituted under Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (the Mining SEPP).

2. Membership of Gateway Panel

The Gateway Panel is to consist of not less than 3 members appointed by the Minister for Planning & Infrastructure.

Membership is based on expertise in one or more of agriculture and soil science, hydrogeology, mining or petroleum development. Expertise may be demonstrated by having formal qualifications in the nominated fields, or by having relevant skills. Each panel is to include a mix of relevant expertise.

The chairperson, appointed by the Minister, is to chair meetings of the Gateway Panel.

If the appointed chairperson is, for any reason, unable to chair a meeting, the chair is to appoint an acting chairperson.

From time to time the Minister may appoint additional members to the pool of panel members to ensure that sufficient members with suitable expertise are available at any one time to enable determination of gateway certificate applications in accordance with set timeframes.

3. Functions

The principal function of the Gateway Panel is to determine gateway certificate applications in accordance with, and within the timeframes specified in, Part 4AA of the Mining SEPP.

The types of development considered by the Gateway Panel are “mining or petroleum development” as defined in clause 17A of the Mining SEPP, that is located on mapped strategic agricultural land (SAL), or verified (via a Site Verification Certificate) to be located on SAL.

Additionally, the Gateway Panel is to provide advice upon request to the Minister or the Director-General on certain mining or petroleum proposals located on SAL which are being assessed under the State significant development regime.

A range of other matters, including instances where the Minister or Director-General of Planning & Infrastructure must consult the Gateway Panel, are contained in the *Environmental Planning & Assessment Regulation 2000*.

4. Guiding Documents

The Gateway Panel's guiding documents consist of this Charter, the Code of Conduct, the Operational Procedures and the Complaints Handling Policy.

The Code of Conduct applies to all members and outlines the standards of conduct expected of Panel members. The Operational Procedures explain the operations of the Gateway Panel. The Complaints Handling Policy explains how the Gateway Panel and the Gateway Panel Secretariat deal with complaints.

Members should also be familiar with the NSW Government Boards and Committees Guidelines (July 2013).

5. Administration

Administration and support for the Gateway Panel is provided by the Gateway Panel Secretariat.

Secretariat functions include:

- online lodgement facilities for Gateway certificate applications
- provision of relevant background material
- scheduling of meetings
- preparation and issue of meeting papers
- recording meeting minutes
- co-ordinating referrals, requests for advice and information from other stakeholders and government agencies
- arrangements for travel to meetings and accommodation (if required)

The Gateway Panel Secretariat is the first point of contact for all Gateway Panel matters. Contact via phone (02) 9228 2060 or email mpgpenquiry@mpgp.nsw.gov.au.

6. Monitoring, Review and Reporting

The Secretariat will monitor the progress of Gateway certificate applications under consideration by the Gateway Panel and use its best endeavours to ensure that mandatory timeframes for processing and determination are met.

Following the experience of the operation of the Gateway Panel and taking into account the results of any complaint investigations, changes to relevant legislation and any additional roles conferred on the Gateway Panel, the secretariat will, in conjunction with the Gateway Panel, undertake periodic reviews of the Gateway Panel's guiding documents including the Charter, Code of Conduct, Complaints Handling Policy and Operational Procedures in order to ensure their continued relevance.

The performance of the Gateway Panel in relation to their handling of Gateway certificate applications and other matters will be monitored and reported on in the Department of Planning and Infrastructure's annual report.

The annual summary report will include information on:

- outcomes achieved and key results for the period
- meetings held during the period and attendance
- current membership and any changes that have occurred during the period
- results of any reviews undertaken
- complaints received and their resolution
- ratification of the Charter, Code of Conduct and Operational Procedures and any subsequent amendments
- any other matters requested by the Minister or Director-General

7. Liability and Indemnification

As officers of a NSW Government agency, Panel members are covered by the NSW Treasury Managed Fund (TMF). The TMF provides self-insurance for worker's

compensation, public liability, motor vehicles and property for member agencies. Members subject to the TMF must at all times act honestly and in good faith in the performance of their responsibilities. Requests for indemnity will be considered on a case by case basis. For further information consult the *Treasury Managed Fund – Statement of Cover including the Scheme Structure*¹.

8. Government Information (Public Access) Act 2009

The Secretariat will manage any applications under the *Government Information (Public Access) Act 2009*.

¹ *NSW Treasury Management Fund- Statement of Cover including the Scheme Structure* available at www.treasury.nsw.gov.au