

Report on Public Comments on the Draft South Australian Assessment Bilateral Agreement

Overview

As required by section 49A of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**), a draft assessment bilateral agreement between the Commonwealth and the State of South Australia (the **draft agreement**) was published on 14 February 2014 with an invitation for any person to comment by 17 March 2014.

A number of the submissions received provided comments that were out of scope for the public consultation process on the draft assessment bilateral agreement. These comments primarily related to the approval bilateral agreement which constitutes the third step in implementing the one stop shop policy. While such comments are recorded and considered more broadly by the Department of the Environment in relation to the one stop shop policy, they have not been included as part of this report on public comments.

This report provides a summary of issues across all submissions, which will be published in full on the Department of the Environment's website after the agreement is finalised, except where the author has marked the submission, or parts of the submission, as confidential.

Public submissions

12 submissions were received on the draft assessment bilateral agreement.

1. South Australian Chamber of Mines and Energy (SACOME)
2. JBS&G
3. The Wilderness Society (South Australia) Inc.
4. Australian Network of Environmental Defender's Offices Inc.
5. Indigenous Advisory Committee
6. BHP Billiton
7. Minerals Council of Australia
8. Property Council of Australia
9. Primary Producers SA
10. Conservation Council SA
11. Southern Fleurieu Landholders Group
12. Nature Conservation Society of South Australia

'One stop shop' policy

All submissions made comment on the implementation of the Australian Government's 'one stop shop' policy. Submissions were both supportive and unsupportive of the policy and contained suggestions on improvements that could be implemented to better deliver the outcomes of the policy.

A number of submissions were broadly in support of the one stop shop policy as a means of generating greater streamlining for environmental assessment and approvals to reduce cost to industry, while at the same time recognising that high environmental standards will be maintained. Submissions in support of the policy welcomed the broadening of scope of the draft assessment bilateral agreement to include processes regulated under the *Mining Act 1971 (SA)*.

Some submissions also made suggestions to further extend the scope of the draft agreement, to include assessment processes under the:

- *Petroleum and Geothermal Energy Act 2000* (SA);
- *Natural Resources Management Act 2004* (SA);
- *Native Vegetation Act 1991* (SA); and
- *Environment Protection Act 1993* (SA).

In contrast, some submissions were not supportive of the one stop shop policy on the basis that environmental regulatory standards would be diminished under the policy. Some submissions commented that:

- a. the federal government is the appropriate body to retain oversight of the regulation of national environmental matters;
- b. there is scope for potential conflicts of interest for the South Australian Government where the State is both the proponent for the assessment of a proposed action and the decision-maker for the approval of the proposed action;
- c. the South Australian Government has limited resources to manage the increased scope of the agreement;
- d. EPBC Act requirements are inadequately reflected in the draft agreement; and
- e. false and misleading offence provisions of the EPBC Act do not apply for activity that would be covered by the draft agreement.

Response:

The scope of the draft agreement would include the majority of developments declared 'major projects' in SA under the *Development Act 1993* (SA) and *Mining Act 1971* (SA) which may require an assessment for their impacts on matters of national environmental significance (MNES). Additional state processes will be considered in developing an approvals bilateral agreement.

Environmental standards will be maintained under the proposed agreement. The proposed agreement relates to the process for environmental assessment of matters under the EPBC Act, as contained within accredited state legislation. The proposed agreement reflects the relevant statutory requirements of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* (**EPBC Regulations**) in relation to assessment bilateral agreements (including under Part 5 of the EPBC Act and Part 3 of the EPBC Regulations). The proposed agreement is not an approval bilateral agreement for the purpose of s 46 of the EPBC Act.

The proposed agreement will not reduce the Commonwealth's responsibilities under the EPBC Act with respect to MNES. Under the proposed agreement, the Commonwealth Environment Minister will still be required to make a decision on whether to approve a proposal that has or will have, or is likely to have a significant impact on MNES under the EPBC Act. This decision remains subject to the standing provisions for judicial review and offence provisions relating to the provision of false or misleading information contained within the EPBC Act. The proposed agreement also provides for close cooperation between the parties to ensure high environmental standards are being maintained and preserves the requirements contained in Subdivision B of Division 1 of Part 9 of the EPBC Act for the Commonwealth Environment Minister to have regard to certain matters, and to not act inconsistently with applicable plans, principles and conventions, when making a decision.

Clause 14 of the draft agreement refers to the scope to make minor amendments to the assessment bilateral agreement to facilitate improved efficiencies under the one stop shop

policy. Clause 14.1 would also provide for the parties to the assessment bilateral agreement to make improvements to the operation of the agreement over time.

The implementation of the assessment bilateral agreement would be overseen by a Senior Officers' Committee, representing both parties, established under draft clause 9.2. The administrative arrangements made under the proposed agreement will detail and provide for the establishment, operation and terms of reference of the Senior Officers' Committee. In addition assurance arrangements will be put in place to ensure ongoing compliance with the proposed agreement.

Potential conflicts of interest are unlikely to arise under the proposed bilateral agreement. In relation to actions where the State of South Australia is both the proponent and the decision-maker, the Commonwealth Environment Minister retains an obligation to make a decision on an action assessed under the agreement. The proposed agreement also contains obligations for South Australia to undertake an assessment of all relevant impacts of proposed actions to which the bilateral agreement applies.

The proposed agreement will replace the existing assessment bilateral agreement between the Commonwealth and the State of South Australia (the **existing agreement**). The existing agreement accredits specific classes of actions under the *Development Act 1993* (SA). This proposed agreement will increase the scope to accredit specific classes of actions assessed under the *Mining Act 1971* (SA) (Schedule 1 of the agreement). The Commonwealth is satisfied that the proposed agreement meets the relevant requirements of the EPBC Act.

Assessment of certain impacts

Some submissions expressed concern regarding inclusion of state assessment processes in relation to certain matters, including:

- a. meeting national or international obligations;
- b. assessing impacts of actions on matters of national significance, for example:
 - i. nuclear actions;
 - ii. actions impacting on Commonwealth marine areas;
 - iii. actions impacting on water resources, including cumulative impacts, particularly in relation to coal seam gas or large coal mining actions;
 - iv. actions impacting indigenous heritage; or
- c. assessing actions that cross jurisdictional boundaries.

Response:

The Commonwealth is satisfied that the proposed agreement would allow for an adequate assessment of relevant impacts on MNES. The proposed agreement includes South Australian environmental assessment processes which meet the relevant requirements of the EPBC Act and Regulations for an agreement to be made.

Should the Commonwealth Environment Minister not be satisfied that:

- the agreement is being complied with, or
- assessment processes included under the agreement give effect to the agreement in a way which accords with the objects of the EPBC Act and Australia's international obligations,

sections 57-64 of the EPBC Act provide a mechanism by which the agreement can be cancelled or suspended. This is reflected in clause 13 of the proposed agreement. Section 65 of the EPBC Act also requires a review of the agreement at least once every five years

while the bilateral agreement is in effect. In addition, under clause 4.3, the Minister can also determine that an action is not within the scope of the proposed agreement.

To ensure the objectives of the proposed agreement are met in relation to integrated environmental assessment, the proposed agreement allows for actions on state land or in state waters that impact on Commonwealth land or the Commonwealth marine environment to be subject to assessment. The existing agreement also allows for such indirect impacts to be the subject of a bilateral assessment. The proposed agreement would not affect the Commonwealth's responsibility for the assessment and decision on approval of actions occurring wholly within Commonwealth marine areas, on Commonwealth land or by Commonwealth agencies.

The proposed agreement only applies to actions wholly within South Australia, including its coastal waters (clause 4.2(a)).

The EPBC Act provides that coal seam gas or large coal mining development that may have a significant impact on a water resource may be the subject of an assessment bilateral agreement. Clause 6.4(d) of the proposed development requires that South Australia obtain advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development in preparing an assessment report for such a development.

The proposed agreement recognises the important role of Indigenous people in promoting conservation and the ecologically sustainable use of natural resources. In particular, clause 7.2(c)(ii) specifies that the views of Indigenous peoples will be treated as the primary source of information on the value of Indigenous cultural heritage. In response to a submission from the Indigenous Advisory Committee, clause 6.7(b) of the proposed agreement provides that the final assessment report will provide additional information on social, *cultural* and economic matters. This recognises that cultural matters may also be a relevant consideration for the Commonwealth Minister in making a decision under Part 9 of the EPBC Act.

Bilateral assessment processes

Submissions expressed either support for or concern about South Australia's assessment processes, and the ability to maintain high environmental standards under those processes. In particular, some submissions included comments relating to:

- a. the processes to be accredited including:
 - i. the ability of certain processes under the *Mining Act 1971(SA)* to deliver the required environmental outcomes;
 - ii. the capacity of the state department to conduct adequate assessment under the *Mining Act 1971 (SA)*;
 - iii. ensuring *Mining Act 1971 (SA)* processes are correctly correlated to EPBC Act assessment approaches;
 - iv. the environmental impact assessment (EIA) process under the *Development Act 1993 (SA)*;
 - v. inclusion of section 47 of the *Development Act 1993 (SA)* in relation to amendment of EIS, PER or DR under the draft bilateral agreement; and
 - vi. review options under the *Development Act 1993 (SA)* and *Mining Act 1971 (SA)*.
- b. SA capacity to provide adequate assessment documentation, in particular:
 - i. capacity to prepare the assessment report;
 - ii. ability for SA to proceed to finalising assessment report without responding to a request for further information from the Commonwealth Minister;

- c. public comment requirements satisfying EPBC Act requirements for nation-wide consultation;
- d. inclusion of legislation lacking reference to ecologically sustainable development; and
- e. interaction of other South Australian legislation with the draft agreement, including the *Roxby Downs (Indenture Ratification) Act 1982 (SA)*.

Response:

Accredited processes

Retention Leases (RLs) under the *Mining Act 1971 (SA)* are granted mostly in cases where, in the opinion of the Minister, economic or other reasons justify not proceeding immediately to mining activity.

RLs may be granted for a range of activities, including:

- desk top studies;
- further market analysis;
- advanced exploratory activities seeking additional information on an ore body (e.g. to better determine methods of mining).

If activities on a RL may trigger the EPBC Act, then under the proposed agreement the activity would need to be assessed in accordance with the requirements in Item 4 of Schedule 1. These requirements reflect EPBC Act requirements and would ensure that the appropriate level of rigor for environmental impact assessment is achieved.

The *Mining Regulations 2011 (SA)* require inclusion of an environmental assessment in an Exploration Program for Environment Protection and Rehabilitation (PEPR), which is to be submitted and approved by the Minister before mining may commence under a condition of lease. The Exploration PEPR process would therefore maintain the quality of assessment of impacts on matters of national environmental significance (MNES). The Production PEPR process however is not an environmental assessment process. Rather it describes the criteria that will be used to demonstrate achievement of the environmental outcomes developed through the Mining Lease Proposal (MLP) process, and the associated monitoring program. Accordingly, a minor amendment has been made to Schedule 1, Item 2.1(d)(iv) of the draft agreement, to clarify that it relates to Exploration PEPRs only and not to Production PEPRs.

The draft agreement will apply to any developments declared ‘major projects’ under the *Development Act 1993 (SA)* and *Mining Act 1971 (SA)* and as such it will trigger the requirement for an Environmental Impact Statement (EIS), Public Environment Report (PER) or Development Report (DR) under Part 4 Division 2 of the *Development Act 1993 (SA)*. Division 2 of Part 4 of the *Development Act 1993 (SA)* includes sections 46 to 48E inclusive, under which the Minister declares a major development or project, and decides on assessment by either EIS, PER or DR and states how that assessment will be undertaken.

Any major development or project assessment would be made under Division 2 of Part 4 of the *Development Act 1993 (SA)*, as modified by the *Roxby Downs (Indenture Ratification) Act 1982* where applicable. The draft agreement allows for the process to be undertaken by South Australia in accordance with the *Development Act 1993 (SA)* and the draft agreement. Relevant parts of the *Roxby Downs (Indenture Ratification) Act 1982 (SA)* (clauses 7, 28, and 48) are covered by the draft agreement.

A minor amendment to Item 3 of Schedule 1 (Class of actions under the *Development Act 1993* (SA)) has been made to clarify that where the assessment of a controlled action under an assessment approach described at Item 2.1(b) of Schedule 1 is on the basis of an application made to the Minister responsible for the administration of the *Roxby Downs (Indenture Ratification) Act 1982* (South Australian Indenture Minister), then the activities that are required to be taken by either or both of the Development Assessment Commission and the SA Minister under Item 3 of Schedule 1, may instead be taken by the South Australian Indenture Minister.

Environmental assessments under the draft agreement

The EPBC Act and Regulations set out requirements and standards relating to assessment bilateral agreements. The draft agreement includes South Australian environmental assessment processes that meet the requirements of the EPBC Act and Regulations.

A thorough analysis of the South Australian legislation included under the draft agreement against the requirements of the EPBC Act and Regulations was undertaken. For each class of actions, the analysis confirmed that the relevant South Australian process, in conjunction with the specified manner of assessment set out in Schedule 1 to the draft agreement, met these requirements.

Under the proposed agreement, the Commonwealth Environment Minister will still decide whether to approve a proposal that affects MNES under the EPBC Act. This decision remains subject to judicial review.

The proposed agreement also provides for close cooperation between the parties to ensure high environmental standards are being maintained. These include the following:

- Detailed requirements for content of assessment reports, to ensure adequate assessment of impacts, under clause 6.4 of the proposed agreement.
- Under clause 6.6 of the proposed agreement, the Commonwealth Minister may provide comment on a draft assessment report.
- Detailed administrative arrangements and the establishment of a senior officers committee, under clause 9.1 and 9.2 of the proposed agreement.
- Detailed review and audit provisions to ensure the effectiveness of the operation of the proposed agreement under clauses 10 and 11.
- Under clause 14.1 of the proposed agreement, both parties will notify and consult each other on matters that come to their attention that may improve the operation of the proposed agreement to ensure continuous improvement of the operation of the agreement by both parties.

Under the proposed agreement, SA is required to provide the Commonwealth Minister with sufficient information about the relevant impacts of the action to allow the Minister to make a properly informed decision under Part 9 of the EPBC Act. The Commonwealth Environment Minister is satisfied that the processes in Schedule 1 will further the objects of the proposed agreement and meet the requirements for accreditation under Part 5 of the EPBC Act.

Further comments

- 1(a).** A number of submissions suggested changes to specific clauses in the draft agreement, in particular clause 6:
- a. Clause 6.4(b): clarification on nature of ‘statement’ to be provided by proponent;
 - b. Clause 6.4(e): optional provision of advice between SA and Commonwealth agencies;
 - c. Clause 6.5(b): concern over the use of generic terms of reference;
 - d. Clause 6.6(a): clarification of the Commonwealth’s role in condition setting;
 - e. Clause 6.6(d)(ii): ability of the state to proceed to a final assessment report without consideration of Commonwealth advice; and
 - f. Clause 6.9: relevant plans and policies to be considered in preparing an assessment report.
- 1(b).** Additional comments in relation to other clauses of the draft agreement included:
- g. Clause 4.2(c): the agreement should be extended to cover the assessment of actions in Commonwealth areas;
 - h. Clause 4.3(b): inability of Commonwealth Minister to exercise discretion under Clause 4.3(a) once a notice has been given by the State Minister under Clause 5.3(a);
 - i. Clause 5.1: SA to ensure a proponent refers appropriate actions for assessment under the draft agreement to SA;
 - j. Clause 7.2: standards for engaging Indigenous peoples under assessment processes;
 - k. Clause 8.1(c): approach to minimisation of duplication of condition setting;
 - l. Schedule 1 – Item 2.1(e): assessment methods under the *Mining Act 1971* being correctly referenced;
 - m. Schedule 1– Item 3.4: improvement of access to public comment.

Response:

In response to public comments, some changes have been made, in particular:

- a change to clause 6.7(b) of the draft agreement in response to comments from the Indigenous Advisory Committee;
- a change to clause 6.4(b) of the draft agreement to clarify the reference to a ‘statement’ in that clause;
- a change to Item 2.1(d)(iv) of Schedule 1 to specify that actions assessed under Part 10A of the *Mining Act 1971* (SA), which includes a program under section 70B of the *Mining Act 1971* (SA) relates to Exploration Programs for Environment Protection and Rehabilitation only and not to Production Programs for Environment Protection and Rehabilitation;
- a change to Item 2.1 of Schedule 1 (class of actions under the *Development Act 1993* (SA)) to clarify that certain functions otherwise performed by the South Australian Planning Minister, the South Australian Major Developments Panel, or the South Australian Development Assessments Commission in relation to the *Roxby Downs (Indenture Ratification) Act 1982*, will instead be performed by the South Australian Indenture Minister; and

- Minor technical correction to the definition of Matter of NES.

Responses to other comments on specific clauses where changes to the agreement were not made are outlined below.

The proposed agreement only applies to controlled actions for the purposes of the EPBC Act (clauses 6.1 and 7.1). Such actions are confined to actions that have or will have, or are likely to have a significant impact on MNES. Projects that will not have such impacts are out of scope of the proposed agreement.

Clause 6.4(e) of the proposed agreement is supported by clause 9 relating to cooperation between the parties, including in relation to the exchange of information. Clause 6.4(e) will be further supported by administrative arrangements which will further detail the roles and responsibilities of each of the parties and may include guidelines for the exchange of information (clauses 9.1(a) and (c)).

Clause 6.5(b) notes that the parties' endeavours to improve the efficiency and effectiveness of their own administrative processes will include, but are not limited to, the use of common streamlined generic terms of reference for assessments. It is not intended that this will preclude the implementation of project specific terms of reference, where required.

Under clause 6.6 of the draft agreement, the Commonwealth Minister has the opportunity to provide comment on the report at its draft stage, prior to finalisation. The Commonwealth Minister is aware of the timeframes involved in providing comment on assessment reports and conditions (clause 6.6(c)) as well as the requirements for continued co-operation between the Commonwealth and SA in the preparation of assessment reports and, overall, ensuring the effective operation of the agreement (clauses 6.6(a) and 9).

Clause 6.9(b) is intended to ensure recovery plans, as prepared by the Commonwealth in accordance with the EPBC Act, are considered by SA in the preparation of assessment reports on relevant impacts under the proposed agreement. Clause 6.9 only applies where a proposed action is a 'controlled action' for the purposes of the EPBC Act.

Clause 4.2(c) is consistent with the requirements of section 49 of the EPBC Act. The proposed agreement allows for actions on State land or in State waters that impact on Commonwealth land or the Commonwealth marine environment to be assessed bilaterally. The Commonwealth will retain an assessment and approval role for actions occurring wholly within Commonwealth waters and marine areas, on Commonwealth land or by Commonwealth agencies.

In the event that contention arises over clause 4.3(b), clauses 12 and 13 of the proposed agreement can apply. Further, an assurance framework is being prepared which will set out how the Commonwealth will satisfy itself that the one stop shop policy is implemented appropriately by the States and Territories.

Clause 5.1(a) requires the Commonwealth to work in co-operation with SA to ensure proponents are aware of requirements of the EPBC Act in relation to the referral of actions. The requirements of clause 5.1(a) will be supported by transitional arrangements, under clause 2(c) and the administrative arrangements which will facilitate the operation and outcomes of the proposed agreement (clause 9).

The proposed agreement recognises the important role of Indigenous people in promoting the conservation and the ecologically sustainable use of natural resources. Consultation

with statutory bodies under the EPBC Act will continue to occur in line with specified legislative requirements.

Clause 7.2 of the proposed agreement provides for consideration of Indigenous peoples in the preparation of assessment reports (clause 7.2(c)). In addition, any actions assessed under the *Mining Act 1971* (SA) that are within the scope of the assessment bilateral agreement will trigger Part 9B of the *Mining Act 1971* (SA) which contains requirements in relation to negotiations on native title land (clause 7.2(d)).

Clause 8.1(c) of the proposed agreement proposes an approach to the minimisation of duplication in condition setting such that the Commonwealth will work with SA to address any gaps in MNES conditions set under the EPBC Act, resulting in a single set of conditions. It is intended that this clause be exercised in instances where projects may fall outside of model conditions, as developed jointly by the Commonwealth and SA to address MNES. As the agreement is not a legally binding instrument (clause 2(b)), section 134 of the EPBC Act will continue to apply to provide the Commonwealth Minister the requisite statutory discretion, where required. In addition, clause 8.2 contains requirements for both parties to monitor compliance with conditions to ensure high environmental standards are being maintained.

Item 3.4 of Schedule 1 satisfies the requirements of the EPBC Regulations and is to be read in conjunction with the requirements of clause 7, which accounts for particular communication needs.

2. Some submissions made further comment on the coverage of MNES under the draft agreement, either suggesting an increase or decrease in scope of coverage. The treatment of the following MNES matters were raised:
 - i) nuclear actions: some submissions raised concerns about the inclusion of this matter for state assessment;
 - ii) Ramsar wetlands: ability of South Australia to manage Ramsar wetlands in accordance with Ramsar principles;
 - iii) threatened species and ecological communities: concerns over the protection and improvement of listed species and communities;
 - iv) listed migratory species: concerns over protection of conservation status; and
 - v) World Heritage: management of world heritage properties within SA.

Response:

The expanded scope of the proposed agreement does include nuclear actions.

In addition, the EPBC Act contains penalty provisions for nuclear actions that have, will have or are likely to have significant impacts on the environment.

Clause 6.4 of the proposed agreement contains detailed requirements, in accordance with the requirements of the EPBC Act and Regulations, to ensure that there is an adequate assessment of the impacts of actions on MNES.

Clause 9.5(a) of the proposed agreement commits the Commonwealth and SA to jointly develop guidance documents relating to the assessment of MNES under the agreement. Clause 9.5(b) specifies that guidance documents may include:

- referral and application guidelines relating to significant impacts on MNES;
- guidance documents for listed threatened species and ecological communities; and

- other relevant documents relating to MNES prepared by the Commonwealth under the EPBC Act that falls within the scope of the proposed agreement.

It remains the responsibility of the Commonwealth Minister under the proposed agreement to ensure that Australia's international obligations are being met. Should the Commonwealth Minister not be satisfied that the agreement is being complied with, or that assessment processes included under the draft agreement give effect to the agreement in a way which accords with the objects of the EPBC Act and Australia's international obligations (e.g. Ramsar Convention and world heritage principles), sections 57-64 of the EPBC Act provide a mechanism by which the agreement can be cancelled or suspended. This is reflected in clause 13 of the proposed agreement. Section 65 of the EPBC Act also requires a review of the agreement at least once every five years while the bilateral agreement is in effect, as reflected in clause 10 of the proposed agreement.

3. Some submissions raised further opportunities in relation to streamlining in the draft bilateral agreement. In particular:
 - a. specification of timeframes for the preparation of assessment reports and determination of approval decisions; and
 - b. consideration of strategic assessments under the draft assessment bilateral.

Additional suggestions for improved operation of the assessment bilateral included expanded public access to information.

Response:

The Australian and SA Governments will continue to work collaboratively to further streamline environmental regulation, as permitted under national environmental law. The administrative arrangements between the parties will establish procedures to ensure assessments under a bilateral agreement are conducted in an efficient and timely manner (clause 9).

Clause 7.3 notes that documentation about assessments will be made available to the public. Timeframes on public comment periods for accredited processes are specified in Item 3.4 of Schedule 1 of the proposed agreement. In addition, clause 9 supports the administration of the proposed agreement and also establishes improved information sharing arrangements between parties.

The proposed agreement relates to assessments under Part 8 (assessing impacts of controlled actions) of the EPBC Act. It is not intended to include assessments under Part 10 (strategic assessments) of the EPBC Act.

4. Additional measures to support the one stop shop policy were suggested or commented on by a number of submissions. These included:
 - a. administrative arrangements to facilitate and assist SA to manage the single assessment process;
 - b. aligning of SA and Commonwealth offsets policies; and
 - c. appropriate resourcing.

Response:

Clause 6.4(c) of the proposed agreement outlines detailed criteria that SA will ensure are included in the assessment report to ensure that a single assessment can be relied upon by

the Commonwealth Minister in making a decision under Part 9 of the EPBC Act. In addition, the administrative arrangements will support the ability of SA to deliver a single assessment approach.

Clause 6.9(a) of the proposed agreement notes that the Commonwealth EPBC Act Environmental Offsets Policy is to be considered by SA in the preparation of assessment reports. In relation to SA offset outcomes that do not align with the Commonwealth Offsets Policy, parties are to consult to produce appropriate recommendations in the assessment report (clause 6.9(a)).

The Commonwealth will consider provision of transitional and ongoing support to SA, to be further detailed in the administrative arrangements, to facilitate the operation and outcomes of the agreement.

Changes made to the draft agreement:

Minor technical amendments were made to the agreement in response to the submissions, outlined further above.