Report

Assessment Timeframes for Mining Environmental Applications 2023–24 Analysis

August 2024

Resource and Environmental Compliance Division

Contents

1. Executive Summary

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has undertaken a detailed analysis of assessment processes and timeframes relating to mining applications received and processed by DEMIRS in 2023–24. This annual analysis provides a summary of DEMIRS' performance against its key performance targets, including a time series analysis.

The report provides transparency on the total processing time and trend analysis of this data to identify improvements for the overall user experience and to reduce total timeframes. This report presents an analysis of DEMIRS' performance, stop the clock events, and end-to-end timeframes.

A summary of this year's analysis finding is below.

- DEMIRS received a total of 2,868 Mining Environmental Approval (MEA) applications in 2023–24 (down 17.18 per cent in 2022–23) and finalised a total of 2,651 applications (down 24.32 per cent on 2022–23).

- DEMIRS received 2,439 Programme of Work (PoW) applications and finalised a total of 2,285 applications in 2023–24. Of the PoWs finalised, 53 per cent were finalised within the target timeframe of 15 business days. On average, PoWs took 16 business days to be processed by DEMIRS with an average end-to-end timeframe of 26 business days, up from 11 and 23 days respectively in 2022–23.

- DEMIRS received 326 Mining Proposals (MP) and finalised a total of 250. Of the MPs finalised, 42.4 per cent were finalised within the target timeframe of 30 business days. On average, MPs took 46 days to be processed by DEMIRS with an average end-to-end timeframe of 123 days, down from 51 and 136 days respectively in 2022–23.

- DEMIRS received 123 Native Vegetation Clearing Permits (NVCP) and finalised a total of 117. Of the NVCPs finalised, 67.5 per cent were finalised within the target timeframe of 60 business days. On average, NVCPs took 65.4 business days to be processed by DEMIRS with an average end-to-end timeframe of 149 business days.

DEMIRS is currently pursuing several reforms to improve efficiencies in the approval process and improve processing timeframes, including policy and legislative reform, digital transformation and resourcing changes. These are detailed at Section 7.

2. Purpose

This document details DEMIRS' performance with regards to the processing of MEAs within the Western Australian mining industry.

a. **Overview of the MEA process:** an outline of the approval process and DEMIRS' target timeframes for finalising MEA applications.

b. **2023−24 MEA timeframes analysis − Overall performance:** a detailed trend analysis of DEMIRS' MEA processing data to provide an overview of DEMIRS' performance.

c. **2023−24 MEA timeframes analysis − 'Stop the clock' events:** understanding the performance for those workflow components for on-hold or 'stop the clock' events that occur outside of DEMIRS' key performance target timeframes.

d. **10−year trends on end-to-end timeframes:** a trend analysis of end-to-end timeframes over the past years to provide a holistic overview of the approval journey for transparency of end-to-end timeframes.

e. **2023−24 policy and regulation reform:** an overview highlighting the current and future reform that will assist in reducing the total processing time for MEAs.

f. **Digital Transformation:** an overview of the digital reforms DEMIRS is currently progressing in relation to MEAs and how these will assist the resources industry and reduce assessment timeframes.

3. Overview of the Mining Environmental Approvals Process

3.1 Mining environmental approvals

A brief summary of the approvals which form part of this report is below.

a. **Programme of Work:** required by explorers and prospectors in order to undertake ground disturbing activities with mechanised equipment on a mining tenement under the *Mining Act 1978* (Mining Act).

b. **Mining Proposal:** required before undertaking mining operations and includes a mine closure plan.

c. **Native Vegetation Clearing Permit:** required for the clearing of native vegetation where the proponent is not exempt under the *Environmental Protection Act 1986* or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. DEMIRS has delegation to assess these under section 20 of the *Environmental Protection Act 1986*.

3.2 Target timeframes

DEMIRS aims to finalise mining applications in line with the key performance target timeframes identified in Table 1. In 2023–24, DEMIRS changed the target timeframe for NVCPs from 60 calendar days to 60 business days to align with the Department of Water and Environmental Regulation (DWER).

Table 1 – Mining environmental approval target timeframes

Application type	Approval target timeframe
Programme of Work	80% within 15 business days
Mining Proposal	80% within 30 business days
Native Vegetation Clearing Permit	80% within 60 business days

These timeframes refer only to the agency's performance metrics. That is, they exclude the time taken by workflow events and processes that occur outside of the agency's direct line of control. This includes, but is not limited to, awaiting further information from a proponent or awaiting advice from other agencies such as DWER, the Department of Biodiversity, Conservation and Attractions (DBCA) and Department of Planning, Lands and Heritage (DPLH).

When a workflow event is outside DEMIRS' direct control, the time taken during these periods is not included when calculating the agency's approval performance. In effect, the 'clock is stopped' then started again when DEMIRS receives agency advice or further information from a proponent. As such, the publicly reported quarterly performance against target timeframes does not provide the complete view of the time taken for an application to be finalised from lodgement to decision. This report expands upon the quarterly performance reports published by DEMIRS, providing a more detailed analysis of mining environmental assessments administered by DEMIRS.

4. 2023−24 Mining Environmental Approval Analysis − Overall Performance

4.1 Applications received

From 1 July 2023 to 30 June 2024, the Resource and Environmental Compliance (REC) Division received a total of 2868 applications, comprising of PoWs, MPs and NVCPs. This is a decrease of 595 (17.18 per cent) applications received on the 2022−23 financial year.

Table 2 − Applications received in 2022−23 and 2023−24

Application type	2022−23	2023−24	Difference	% Change
Programme of Work	3,022	2,439	−583	−19.29%
Mining Proposal	298	326	28	9.40%
Native Vegetation Clearing Permit	143	123	−20	−13.99%

4.2 Applications finalised

From 1 July 2023 to 30 June 2024, the REC Division finalised a total of 2,651 applications comprising of PoWs, MPs and NVCPs.

**Table 3 − Applications finalised in 2022−23 and 2023−24**

Application type	2022−23	2023−24	Difference	% Change
Programme of Work	3,126	2,285	−841	−26.90%
Mining Proposal	242	250	8	3.31%
Native Vegetation Clearing Permit	135	117	−18	−13.33%

4.3 PoWs

Throughout the 2023−24 financial year, DEMIRS received a total of 2439 PoW applications. This is a considerable decrease of 583 applications (19.29 per cent) on the 2022−23 financial year and a decrease of 265 (9.80 per cent) from the 2019−20 financial year five years ago.

As depicted in Figure 1, the amount of PoWs received has a slight seasonal trend with volumes increasing to reach peaks in the middle of the year before decreasing to lows around November/ December. It can therefore be assumed that the assessment queue is largest from May to August when there are large volumes received.

Figure 1 – PoWs received in 2019−20 and 2023−24
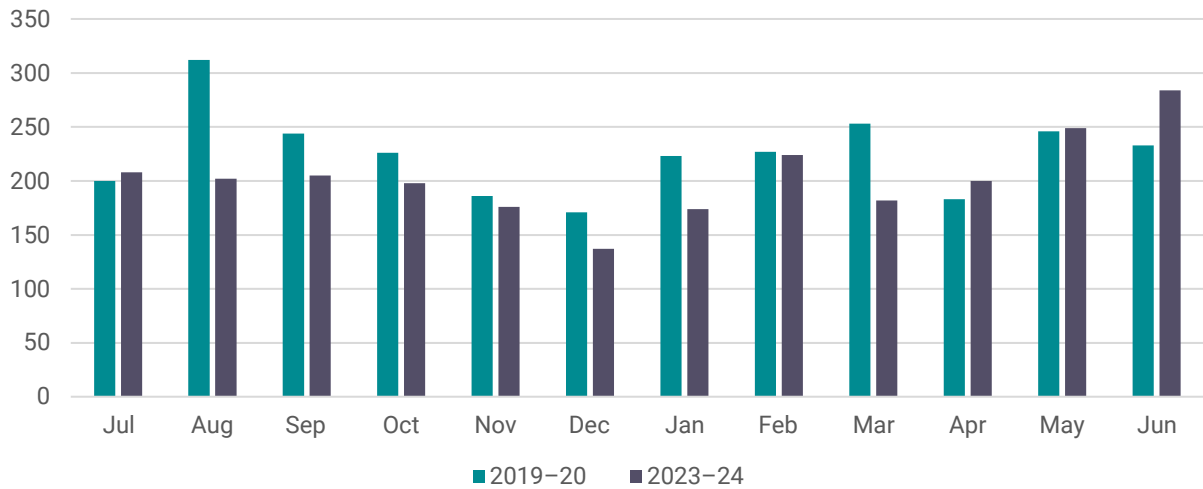
DEMIRS' completion rate has increased from 0.94 in 2019−20 to 1.07 in 2023−24 where for every application received, 1.07 programmes of work are finalised.

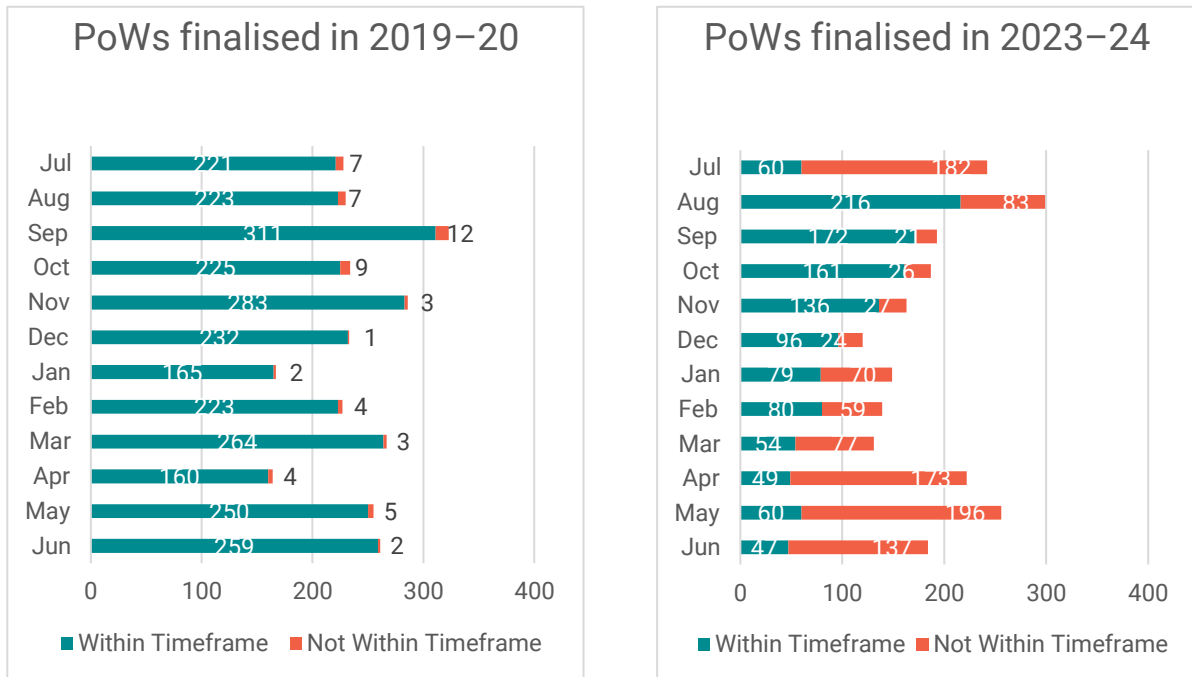**Figure 2 – PoWs finalised in 2019−20 and 2023−24**
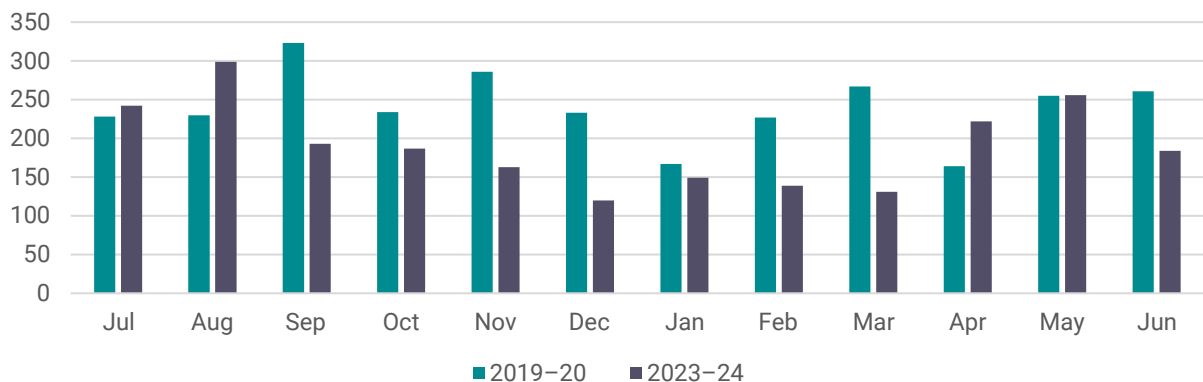
Of the PoWs finalised in 2023−24, 53 per cent were finalised within the target timeframe of 15 business days with applications taking an average of 16 business days to be processed by DEMIRS. This is below DEMIRS' target to complete 80 per cent of all applications within the timeframe and is a decrease from 2022−23 where 77.1 per cent of PoWs were finalised within the timeframe[1].

These timeframes reflect a combination of resourcing constraints, staff turnover and training, and the need to balance workloads across teams and across the approvals and compliance portfolios. The introduction of an Eligible Mining Activity framework in late 2024 (see Section 7) is anticipated to assist in reducing the pressure on PoW timeframes and freeing up assessor time for the more complex applications.

[1] In July 2024 productivity and timeframes have returned to expected levels. DEMIRS is confident that this continued work effort will see approval timeframes return to targets in the near future.

Figures 3 and 4 – PoWs finalised within the target in 2019-20 and 2023-24

PoWs finalised in 2019−20

Month	Within Timeframe	Not Within Timeframe
Jul	221	7
Aug	223	7
Sep	311	12
Oct	225	9
Nov	283	3
Dec	232	1
Jan	165	2
Feb	223	4
Mar	264	3
Apr	160	4
May	250	5
Jun	259	2

PoWs finalised in 2023−24

Month	Within Timeframe	Not Within Timeframe
Jul	60	182
Aug	216	83
Sep	172	21
Oct	161	26
Nov	136	27
Dec	96	24
Jan	79	70
Feb	80	59
Mar	54	77
Apr	49	173
May	60	196
Jun	47	137

4.4 MPs

From July 1 2023 to June 30 2024, DEMIRS received a total of 326 MP applications. This is an increase of 28 applications (9.40 per cent) from the previous financial year and an increase of four (1.24 per cent) from the 2019−20 financial year five years ago.
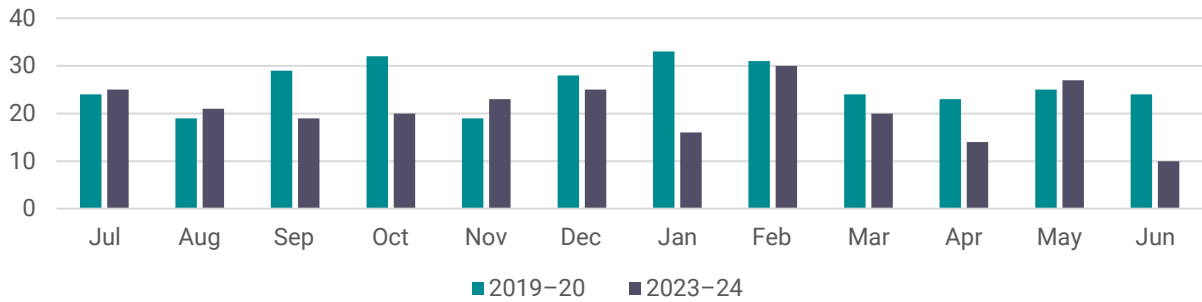
Figure 5 – MPs received in 2019−24 and 2023−24
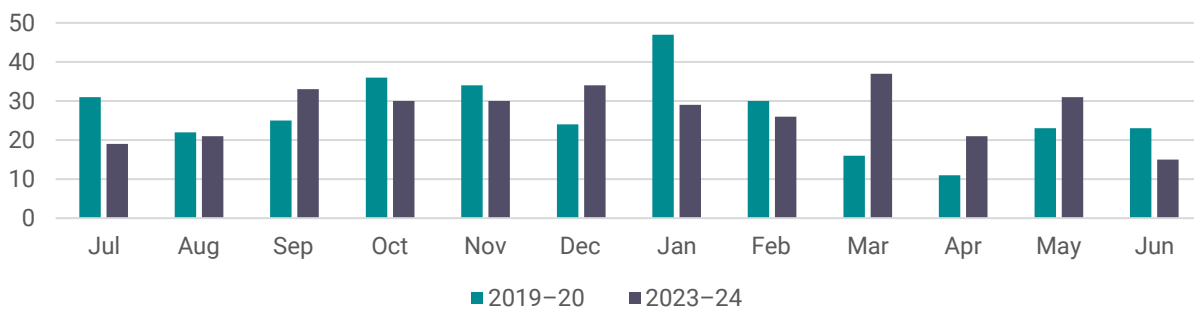
Despite there being an increase in MPs received, there has also been an increase in the completion rate from 1.04 in 2019−20 to 1.30 in 2023−24.
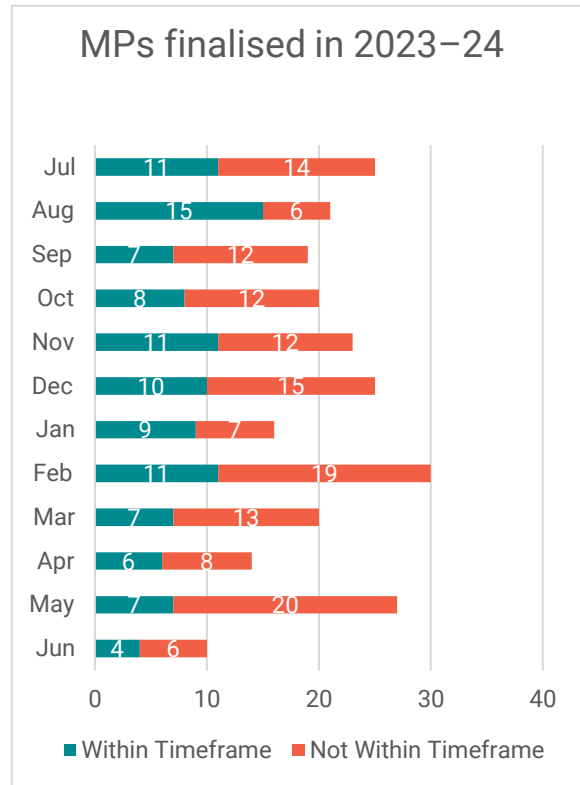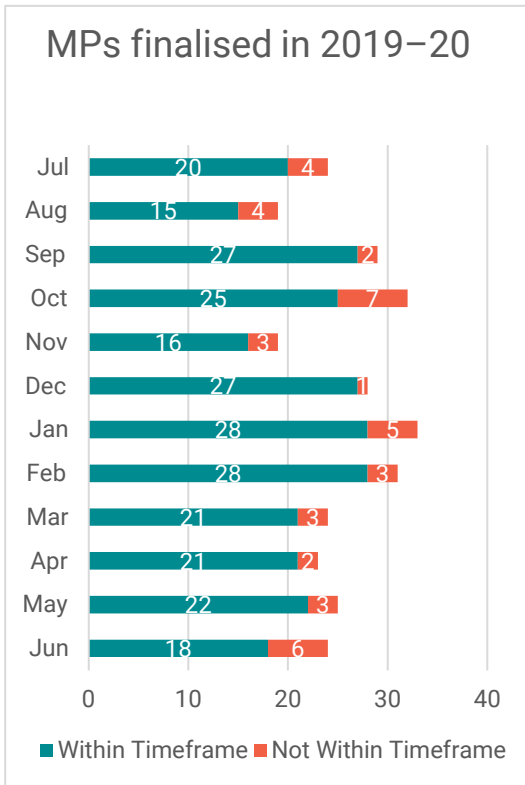
Figure 6 – MPs finalised in 2019−20 and 2023−24

Of the MPs finalised in 2023−24, 42.4 per cent were finalised within the target timeframe of 30 business days with applications taking an average of 46 days to be processed by DEMIRS. Similar to PoWs, this is below DEMIRS' target to complete 80 per cent of all applications within the timeframe.

In a similar manner to PoWs, resourcing constraints, staff turnover and training, and the need to balance workloads across teams and across the approvals and compliance portfolios is creating a strain on progressing applications within the target timeframes.

The introduction of Mining Development and Closure Proposals (MDCPs) in late 2024 (see Section 7) is anticipated to assist in improving MP approval timeframes. The most notable change will be that applicants will no longer have to submit both and MP and Mine Closure Plan (MCP) together, with the applications being rolled into one singular document, reducing duplication and removing the need for assessing officers to review two documents.
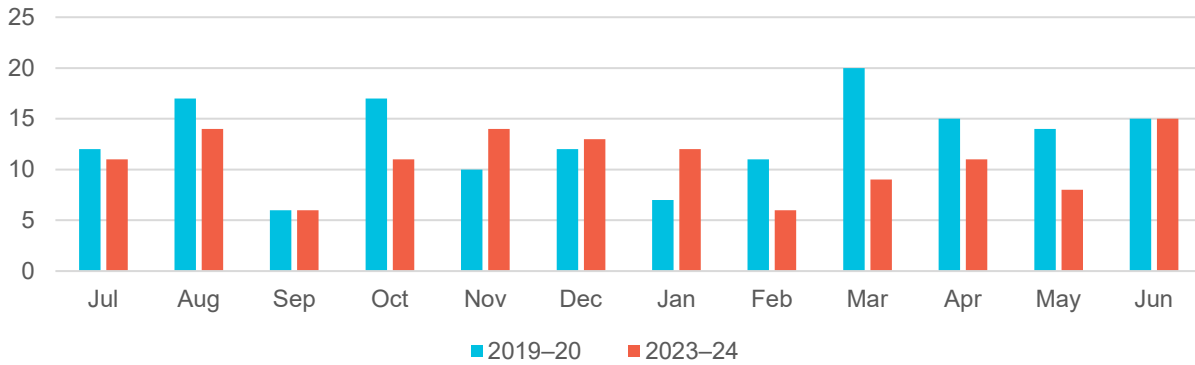
Figures 7 and 8 – MPs finalised within the target in 2019−20 and 2023−24

4.5   NVCPs

In the 2023–24 financial year DEMIRS received a total of 123 NVCPs. This is a decrease of 20 applications (13.99% per cent), and 33 applications (21.15 per cent) from the 2022–23 and 2019–20 financial years respectively.

**Figure 9 – NVCPs received in 2019–20 and 2023–24**

The completion rate for NVCP applications has remained relatively steady, with an increase from 0.94 in 2022–23 to 0.95 for 2023–24. This is likely due to the fact that the change in applications received has also been minimal.

Figure 10 – NVCPs finalised in 2019–20 and 2023–24
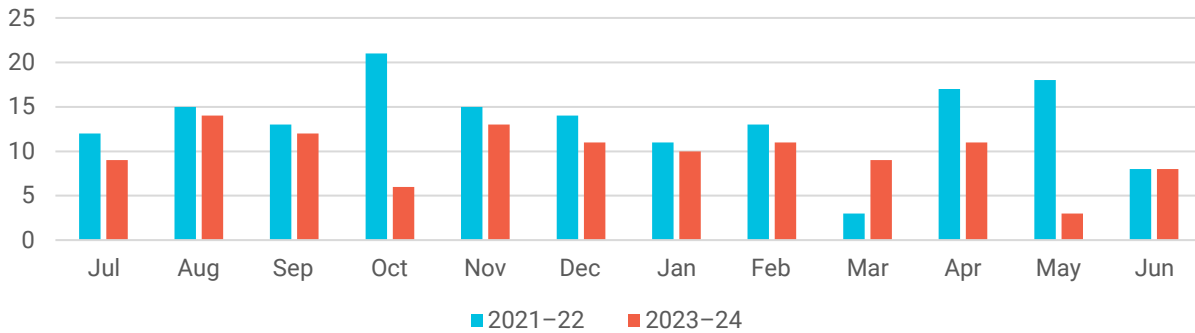
Of the NVCPs finalised in 2023–24, 70 per cent were finalised within the target timeframe of 60 business days with applications taking an average of 65.4 business days to be processed by DEMIRS. While this is below DEMIRS' target to complete 80 per cent of all applications within the target timeframe, it is an improvement on 2022–23 where 66 per cent of NVCP applications were finalised.

Figures 11 and 12 − NVCPs finalised within the target in 2019−20 and 2023−24
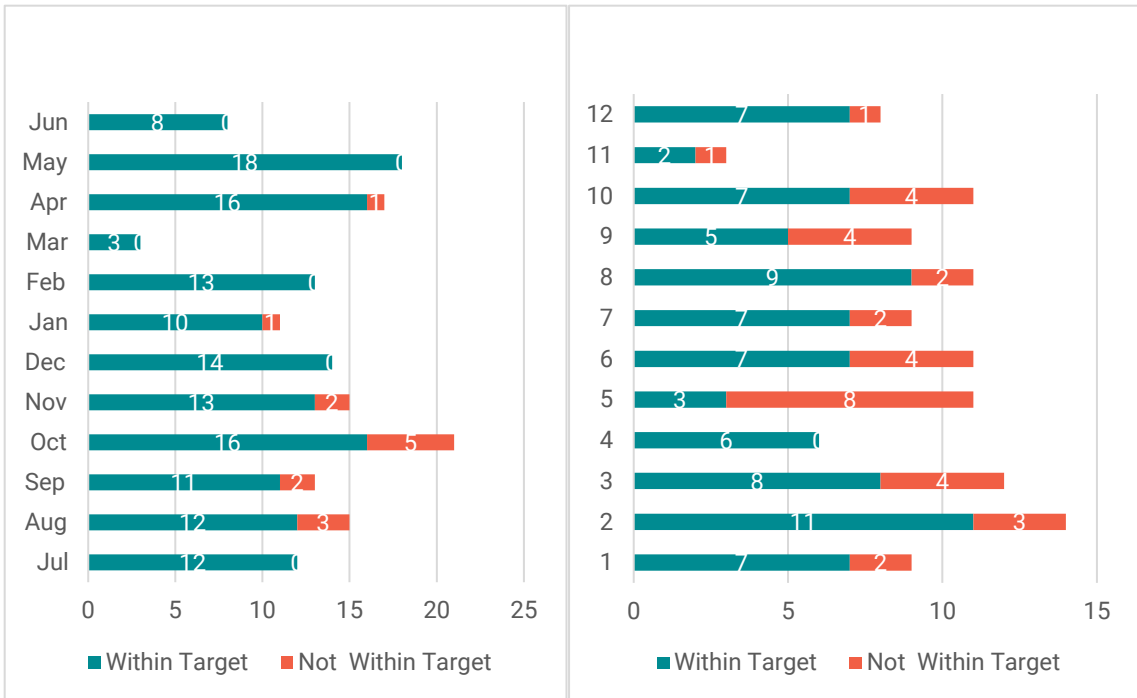
5. 2023–24 Mining Environmental Approvals Analysis – 'Stop the clock' events

When events occur outside of the direct control of DEMIRS, the 'clock is stopped' and the processing time is put on hold. That is, the time taken for these events, which are processes outside of DEMIRS, to be completed is not counted in the department's processing time for assessment against the target timeframes.

'Stop the clock' (or on-hold) events include, but are not limited to:

- requesting further information from the proponent;
- referring applications to other agencies for advice in accordance with administrative agreements or legislative obligations; and/or
- awaiting grant of tenure.

An application may experience none, one or multiple of these events, depending on the nature of the application. For further information see DEMIRS' Environmental Applications Administrative Procedures.

5.1 PoW

In 2023–24, 1,045 (43 per cent) of the finalised PoWs were subject to on-hold events at an average of 1.55 events per finalised PoW.

PoWs may be subject to any of the on-hold events as outlined in Table 4. The most common of these in 2023–24 were Information Requested from Proponent with 876 (38.34 per cent) of the finalised applications subject to this event. On average, this event would take 16.1 business days to be finalised. Applications referred to DPLH typically have the longest event of 34 business days.

Table 4 – 2023–24 timeframes for POW on-hold workflow events

Workflow event	Percentage of applications subject to workflow event (%)	Average business days for event
Information Requested from Proponent	38.34%	16.1
Awaited for Excess Tonnage Approval	9.50%	20.9
Referred to DBCA	5.34%	31.3
Referred to DWER – Water	3.28%	15.3
Referred to DWER – EPA	0.22%	15.8
Referred to Other Agency	0.18%	8.8
Referred to DPLH	0.04%	34.0

5.2 MPs

In 2023–24, 213 (65 per cent) of the finalised MPs were subject to on-hold events at an average of 2.55 events per finalised MP.

MPs may be subject to any of the on-hold events as outlined in Table 5. The most common of these was Information Requested from Proponent with 1,947 (85.20 per cent) of the finalised applications being subject to this event. On average, this event would take 69.4 business days to complete. MP applications referred to DWER – EPA would typically have the longest timeframe of an average 130.7 business days.

Table 5 – 2023–24 timeframes for MP on-hold workflow events

Workflow event	Percentage of applications subject to workflow event (%)	Average calendar days for event
Information Requested from Proponent	85.20%	69.4
Referred to DWER – Water	9.60%	87.6
Referred to DBCA	5.60%	40.7
Referred to DWER – EPA	4.80%	130.7
Referred to Other Agency	2.00%	25.0

5.3 NVCP

In 2023–24, 90 (87.37 per cent) of the finalised NVCPs were subject to on-hold events at an average of 1.77 events per finalised NVCP.

NVCPs may be subject to any of the on-hold events as outlined in Table 6. The most common of these was information requested from the proponent at the application stage. There were 82 applications (56 per cent) subject to this event, with the event taking an average of 27 calendar days to be completed. Typically, pending tenure would be subject to the longest time delay of an average 322 calendar days, however only one application (0.9 per cent) was subject to this event.

Table 6 – 2023–24 timeframes for NVCP on-hold workflow events

| Workflow event	Percentage of applications subject to workflow event (%)	Average calendar days for event
Assessment Stage – Information requested from the proponent	32.80%	30
Application Stage – Information requested from the proponent	56.0%	27
Notice of Intent to Amend Sent	31.0%	7
EPA Referral	0.90%	158
EPA Constrained	0.90%	277
Pending Tenure	0.90%	322

6. 10-year trends on end-to-end timeframes

DEMIRS has analysed the average end-to-end timeframes, which is a measure of how many business days have passed from the date an application was received to the date it was finalised. It is inclusive of both DEMIRS' processing time and all 'stop the clock' events.

6.1 PoWs

In 2022–23 DEMIRS, was able to bring PoW timeframes back on track with significant decreases in both the end-to-end timeframe and DEMIRS' processing timeframe. In 2023–24, the average total end-to-end timeframe had increased slightly by three days to 26 business days and DEMIRS' average processing times increased by five days to 16 business days.

Figure 13 – Average end-to-end and DEMIRS' timeframe for PoWs finalised from 2014−15 to 2023−24
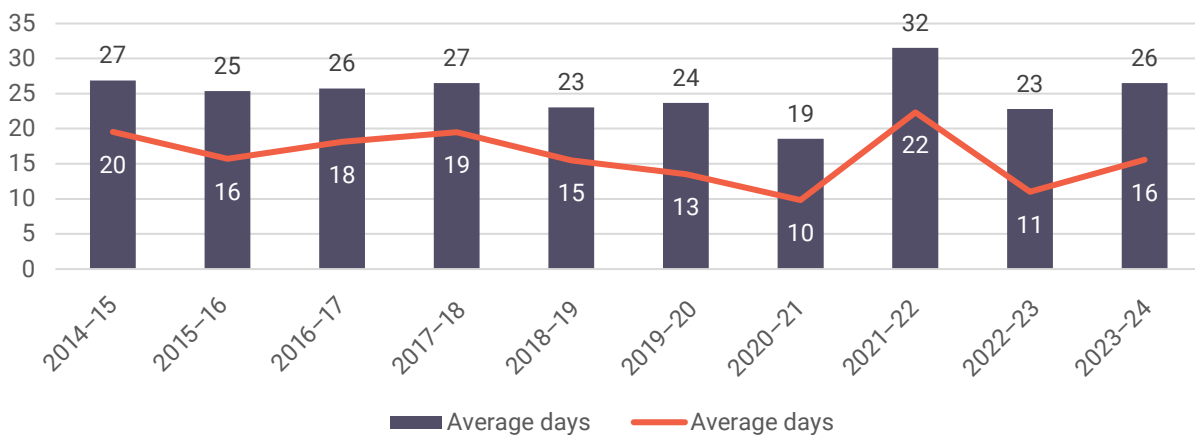
6.2 MPs

Historically, the total end-to-end timeframe for MP applications has been significantly higher than DEMIRS' processing time due to the nature and complexity of the applications. The average total end-to-end timeframe for MPs decreased to 123 days, and DEMIRS processing time decreased to 46 business days. DEMIRS aims for this number to continue to fall over the coming financial year, aided by the introduction of the MDCP framework.

Figure 14 – Average end-to-end and DEMIRS' timeframe for MPs finalised from 2014−15 to 2023−24
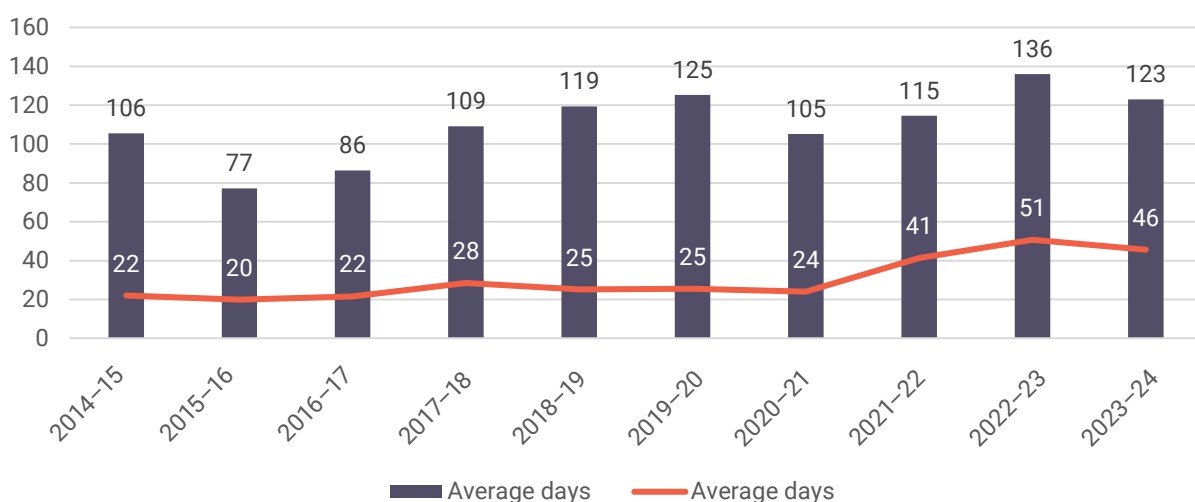
7. 2023−2024 Policy and Regulatory Reform

DEMIRS recognises the factors that are impacting MEA assessment and approval timeframes and is subsequently pursuing a number of reforms which will directly and indirectly ease pressure on the approval process and improve processing timeframes for industry.

7.1 *Mining Amendment Act 2022*

On September 21 2022 the *Mining Amendment Act 2022* (formally the Mining Amendment Bill 2021) (Amendment Act) was passed through Parliament. The new laws will simplify the activity approval processes for the mining sector and deliver a number of benefits in reducing timeframes.

a. Mining Development and Closure Proposal (MDCP)

One of the key features of the Amendment Act is the introduction of the MDCP framework. Under this framework, a MDCP will replace the existing requirement for submission of a MP inclusive of a MCP at the project approval stage, meaning only a single document will be required to seek approval for mining operations.

A MDCP will be a single application document that only captures information required for assessment of a proposed mining activity. MDCPs will streamline information requirements and reduce administrative burden by removing duplicate sections that currently exist across MPs and MCPs, and tailor the information requirements of the MDCP so it is a fit for purpose approval document. This will assist in streamlining the assessment of mining approvals as DEMIRS will only consider and assess one document at the project approval stage. This change is also expected to reduce the frequency of further information requests and on hold events during the mining assessment.

MDCPs will include a number of standardised elements (i.e. risk assessment framework, environmental and closure outcomes), which is expected to reduce the frequency of further information requests and further streamline assessment timeframes of mining assessments.

As part of implementation of the MDCP framework DEMIRS is continuing to work with other agencies to ensure duplication with other regulatory frameworks is reduced as far as practicable which will further assist with streamlining of the mining assessments.

b. Eligible Mining Activities (EMA)

The volume of applications received is the key factor affecting length of assessment timeframes for PoWs. The *Mining Amendment Act 2022* introduces an EMA approval which is anticipated to alleviate the pressure sustained from receiving high volumes of PoW applications. An EMA will be an alternative pathway of authorisation for certain eligible activities that would otherwise require assessment via a PoW. The new amendments will allow the authorisation of certain eligible mining activities to be automated and will remove these activities from the assessment queue.

From analyses it is anticipated that up to 30 per cent of PoW applications submitted in 2022−23 could have been eligible for authorisation under the EMA framework. A 30 per cent decline in PoW applications would be a significant reduction of the assessment queue and, due to greater availability of assessment capacity, would correlate to a reduction in assessment timeframes.

DEMIRS is currently in the process of developing regulations that will support the legislative amendments to introduce MDCPs and EMAs. Draft EMA regulations were released for stakeholder consultation in May 2024 with the MDCP regulations currently under development.

7.2 Digital Transformation

The Fast Track Mining Approvals digital program (the program) has been established to significantly expand and improve the digital and spatial capability of all mining and petroleum environmental lodgement to DEMIRS and to support fast track multiple assessment timeframes. A key feature of the program is development and implementation of Resources Online, a new and secure digital solution to improve the efficiency of environmental applications under the *Mining Act 1978* and State petroleum legislation. Key mining lodgements (for assessment) within Resources Online include PoWs, MPs and MCPs and (once the Amendment Act has commenced), EMAs and MDCPs. Resources Online is expected to deliver a number of benefits including improved assessment timeframe and efficiency, customer experience, data collection and business intelligence.

Resources Online will simplify the approval process by providing live guidance at the time of lodgement to ensure applications contain all required information and the time of submissions, thereby reducing requests for information during the assessment stage. In addition, planned system integration between DEMIRS and DWER via Resources Online and Environment Online will greatly improve parallel processing between agencies and enabling for easier data sharing when referring an application to external agencies for advice.

Resources Online will also improve the transparency of the assessment process by allowing applicants to track their applications from submission to decision. It is expected this will assist with approval timeframes by reallocating officers' time from administrative queries relating to the stage of the application, to assessment work.

Open and consistent communication is critical to the success of the program and change management. Regular status updates will be provided to key stakeholders and industry representations. Regular engagement sessions are being held with an industry working group to ensure key stakeholders and potential end users are aware and prepared for the changes post implementation.

The first release of Resources Online is scheduled for 2024. This release will enable proponents to lodge PoWs via the Resources Online portal. Whilst the EMA system won't yet be implemented, PoWs which are deemed to be the equivalent of an EMA will be able to be fast–tracked through the system with the aim of being approved within one day of submission. All other PoWs will be subjected to the standard assessment process and timeframe.

The second release of Resources Online, which is scheduled for early 2025, will enable the lodgement of EMAs and MDCPs. Two subsequent releases will occur throughout 2025 for NVCPs and petroleum applications.